RESOLUTION TO EXPEL BYELORUSSIA AND THE UKRAINE FROM THE UNITED NATIONS

## HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 1971*

Mr. BROOMFIELD. Mr. Speaker, I lend my full support for the resolution introduced by my distinguished colleague, Mr. BURKE of Florida, asking President Nixon to direct our representatives in the United Nations to take the necessary steps for the expulsion of Byelorussia and the Ukraine from the United Nations.

The Congress and the people of America have been distressed by the recent actions taken by the U.N. to expel the Nationalist Chinese from this world body. If this free, sovereign, and independent state can be expelled, why should two constituent republics, indivisible of the Soviet Union, be allowed to remain.

Byelorussia and the Ukraine are two of the 16 republics that make up the U.S.S.R. They relate to the U.S.S.R. roughly in the same way that Michigan and California relate to the United States. Despite this obvious fact, the Soviets persuaded our war-weary political leaders in 1944 and 1945 that Ukraine and Byelorussia were separate states.

Twenty-six years have passed since then, and Ukraine and Byelorussia, on the contrary, have become more an integral part of the U.S.S.R. They are not allowed to carry on their own sovereign foreign relations, nor have they any semblance of a nation-state which is the criteria for acceptance into the U.N. for all other members.

Any body of nations that expels from its membership an independent nation like Nationalist China, which has defended its borders from intruders for more than 25 years, and at the same time, countenances that retention of Byelorussia and the Ukraine as full-fledged members with an equal vote is practicing the most gross form of hypocrisy. Since Byelorussia and the Ukraine, like Nationalist China, were charter members of the U.N., they too can be expelled by the same method as was used to eliminate the Nationalist Chinese.

The United States has been the primary backer of the U.N. since its inception, paying at least 31.52 percent of the annual U.N. budget. Despite our heavy contributions, the U.N. is virtually in a state of financial collapse. This is quite understandable when one realizes that countries like the Soviet bloc nations owe $118 million alone, while some countries do not pay their dues at all. Two-thirds of the votes in the General Assembly belong to countries which together pay only 4½ percent of the annual U.N. budget.

Mr. Speaker, now is the time to start making the U.N. a truly representative body—a body of independent nations, free and sovereign. I believe that the responsible course is to try to translate the high feelings generated by the China vote into support for national voting procedures and to reform the finances of the U.N.

To conclude, if the U.N. is to be a meaningful and useful body of world states, it must have integrity. The unequal representation of Byelorussia and the Ukraine cannot be tolerated by a group of equal nations.

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# HOUSE OF REPRESENTATIVES—*Monday, November 29, 1971*

The House met at 12 o'clock noon.

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

*Let the peace of God rule in your hearts . . . and be thankful.*—Colossians 3: 15.

At the close of our Thanksgiving recess, our Father, we pause to thank Thee again for Thy goodness to our Nation and to us. Throughout the year Thy presence has attended our ways and Thy spirit has blessed our days and we are grateful.

Now as we enter the Advent season help us to hear and to heed Thy voice endeavoring to lead us in the paths of righteousness, truth, and love. We are disturbed as we face the experiences of these troubled times and we pray that Thou wilt keep us aware of Thy spirit, strengthening us, guiding us, and seeking to establish among us the ways of peace.

Bless our President, our Speaker, our Members of Congress, and our people. Keep us all faithful to the high task of making America great in goodness and good in greatness—to the glory of Thy holy name. 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.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3749. An act for the relief of Richard C. Walker;

H.R. 5419. An act for the relief of Corbie F. Cochran, Jr.;

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes;

H.R. 9727. An act to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes;

H.R. 9961. An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes;

H.R. 10947. An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes;

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 247. An act for the relief of Albert G. Feller and Flora Feller;

S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez;

S. 888. An act for the relief of David J. Crumb;

S. 1089. An act for the relief of Robert Rexroat;

S. 1299. An act for the relief of Dr. Biman K. Khastagir;

S. 1436. An act for the relief of Dr. Alfredo Rivera Soliva;

S. 1466. An act to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii;

S. 1481. An act for the relief of Jose Amaral de Souza;

S. 1675. An act for the relief of Antonio Plameras;

S. 1893. An act to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes;

S. 1923. An act for the relief of Harold Donald Koza;

S. 2048. An act for the relief of Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeeley Yee);

S. 2601. An act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes;

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes;

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year";

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes; and

S. Con. Res. 50. Concurrent resolution authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements

for insurance, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. TOWER, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10947) entitled "An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11731) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. MCCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. SYMINGTON, Mr. YOUNG, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

WASHINGTON, D.C.,
*November 22, 1971.*

The Honorable, the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR SIR: Pursuant to the authority granted by the House on November 19, 1971, the Clerk received today the following messages from the Secretary of the Senate:

That the Senate agreed to the House amendments on S. 1810, An Act for the relief of Dorothy G. McCarty;

That the Senate passed without amendment H.R. 8356, An Act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation; and

H.R. 10203, An Act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS, *Clerk,*
*House of Representatives.*
By W. RAYMOND COLLEY.

## ANNOUNCEMENT BY THE SPEAKER REGARDING SIGNING OF ENROLLED BILLS

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, November 19, 1971, he did, on Monday, November 22, 1971, sign the following enrolled bills of the House:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 1962. An act for the relief of Dah Mi Kim;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 2087. An act for the relief of Park Ok Soo and Noh mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 2408. An act for the relief of Louis A. Gerbert;

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror;

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Tziminadis;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 5422. An act for the relief of The American Journal of Nursing; and

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.;

And on Thursday, November 23, 1971, signed enrolled bills of the House, and an enrolled bill of the Senate as follows:

H.R. 8356. An act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation;

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for Water Resources Research Institutes, and for other purposes; and

S. 1810. An act for the relief of Dorothy G. McCarty.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

WASHINGTON, D.C.,
*November* 23, 1971.

The Honorable the SPEAKER,
*House of Representatives.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:35 p.m. on Tuesday, November 23, 1971, and said to contain a message from the President transmitting the 1970 Annual Report on Health Program of the Federal Coal Mine Health and Safety Act of 1969.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
*Clerk, House of Representatives.*
By W. RAYMOND COLLEY.

## THE 1970 ANNUAL REPORT ON HEALTH PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

*To the Congress of the United States:*

I am pleased to submit to the Congress the first annual report on health matters covered by the Federal Coal Mine Health and Safety Act of 1969.

The report covers the implementation of the health program during its first year of operation under this act. This program has been carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. The report provides a compendium of health standards, medical specifications, research and public health information activities from December 30, 1969, through December 31, 1970.

Highlighted in this document are the health regulations promulgated under the act, the status of the medical and industrial hygiene research projects, specific health standard recommendations to control and eliminate occupational disease, and proposed research for the future.

It is encouraging to note that as of December 31, 1970, the Department of Health, Education and Welfare approved 398 Coal Mine Operator Plans in which the company is providing an opportunity for confidential medical examinations at no cost to the miner. These plans applied to nearly 76,000 underground miners. Concurrently, 440 physicians sought and obtained certification to participate in the reading of chest roentgenograms. Contracts have also been made by the Public Health Service with medical organizations to provide for chest x-rays of coal miners in seven States at the mines where operators have not submitted such plans, and additional contracts are now being obtained for the remaining 14 States which have underground coal mining operations. A comprehensive research program has been established to develop criteria necessary to set optimal health standards. The Department of Health, Education and Welfare is moving rapidly to further refine health and safety standards and to assist the Department of the Interior in the implementation of this act.

I commend this report to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *November 23, 1971.*

## HON. TOM MURRAY

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

Mr. BLANTON. Mr. Speaker, it is my sad duty to inform the House of the death of a distinguished former Member of this body. Former Representative Tom Murray died yesterday in his hometown of Jackson, Tenn. He served for nearly a quarter of a century, until 1966. The funeral will be at 10 a.m., Tuesday in Jackson, Tenn.

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

Mr. BLANTON. I yield to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I am sure that I express the sentiments of the Members on both sides of the aisle when I say that all of us are saddened at the passing of Tom Murray.

Mr. Murray served here for almost a quarter of a century. He was, for years, chairman of one of the most important committees of the House. He gave most of his life in service to this body.

I was glad that he lived to a ripe old age and I hope that his last days were happy days.

Mr. Speaker, I again say that all of us who served here with him shall miss him.

Mr. BLANTON. I thank the distinquished majority leader for his kind remarks.

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

Mr. BLANTON. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I join with the distinguished majority leader and the gentleman from Tennessee (Mr. BLANTON) in noting the unfortunate passing of Tom Murray. He was a very unique individual. He was unique in that his previous Government experience fully qualified him to be chairman of the House Committee on Post Office and Civil Service. He served that committee very well in the capacity as chairman. He was as strong as a rock. He was firm in his convictions. He handled the important matters of that committee with great skill and great dedication. He was a delightful person. We all enjoyed his company and we respected his views.

Mr. Speaker, the country lost a great public servant when Tom Murray left the Congress and we have lost a great citizen with his passing.

Mr. BLANTON. I thank the distinguished minority leader for his remarks.

Mr. FULTON of Tennessee. Mr. Speaker, Tom Murray gave many productive years to the House of Representatives, a body which he loved and in which he served for more than two decades with distinction, from 1943 until 1967.

Prior to his election to the House Mr. Murray was an attorney and a Post Office Department employee.

During his career in the House he always maintained an active interest in that Department and in our Federal employees. In 1947 he was named ranking minority member of the newly formed House Post Office and Civil Service Committee.

Two years later, at the commencement of the 81st Congress, Mr. Murray became chairman of that committee, a position of responsibility which he held until leaving the House two decades later.

In addition to his interest in the welfare of Federal employees he actively supported and sponsored legislation to remove political influence from Federal employment practices.

Mr. Tom was well known and highly regarded in Tennessee, particularly in his west State home region. We all deeply regret his passing and extend our deepest sympathies to his survivors.

Mr. DULSKI. Mr. Speaker, I appreciate this opportunity to pay my respects to the late Tom Murray of Tennessee, for 24 years a Member of the House of Representatives.

Tom Murray long was "Mr. Tennessee" in the House and he served his district and his State well over the years.

He came to Washington in 1933, early in the administration of President Franklin D. Roosevelt, and joined the staff of the Post Office Department. This assignment was to set the pattern of his Federal service in both the executive and legislative branches.

As some Members will recall, a crisis occurred in the postal service early in the Roosevelt administration with regard to airmail service. President Roosevelt ordered the Army Air Corps to fly the mail, a drastic and controversial order.

I am told that it was Tom Murray who played a key role in settling that unfortunate dispute and restoring normal airmail service by the airlines.

He was elected to Congress in 1942, and promptly followed his postal interests by seeking membership on postal committees.

When the House was reorganized, effective in January 1947, Tom Murray became the ranking Democrat on the Post Office and Civil Service Committee, newly created by a merger of separate committees under the old system.

Two years later, in 1949, he became chairman of the full committee and continued at the helm except for the 83d Congress when he again served as ranking minority member.

Tom Murray worked hard for improved postal facilities and service. He made good use of his basic understanding of postal problems gained from his long service downtown.

But his committee concern was not restricted to postal affairs. He also took deep interest in the problems of manpower utilization in the Federal Government.

He gave new status to the Manpower Subcommittee and supported fully the efforts to keep close tabs on Federal employment. He was early to recognize the increasing demand and need for highly skilled and professional talent in the Federal service. But, at the same time, he also was persistent in his efforts to eliminate jobs which became no longer necessary.

In handling legislation, in his committee and in floor debate, Tom Murray was recognized as a master parliamentarian. He studied carefully the intimate details of each bill and fought hard for the issues in which he believed.

Mr. Speaker, it was my privilege to learn this House committee and legislative systems under then chairman, Tom Murray. I recall well his thoughtfulness and courtesy to me as a freshman Member and the encouragement which he gave to me along the way.

The passing of Tom Murray takes from us a dedicated legislator who built a fine record of public service to his country, to his State, and to his district. I join my colleagues in extending my deepest sympathy to his family.

## GENERAL LEAVE

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the life and service of the late Hon. Thomas Murray.

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

There was no objection.

## CONFERENCE REPORT ON S. 1116, PROTECTION OF WILD HORSES AND BURROS (H. REPT. NO. 92–681)

Mr. BARING submitted the following conference report and statement on the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands:

CONFERENCE REPORT (H. REPT. No. 92–681)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands, 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 Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

SEC. 2. As used in this Act—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States;

(c) "range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;

(d) "herd" means one or more stallions and his mares; and

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory

Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

(b) Where an area is found to be overpopulated, the Secretary, after consulting with the Advisory Board, may order old, sick, or lame animals to be destroyed in the most humane manner possible, and he may cause additional excess wild free-roaming horses and burros to be captured and removed for private maintenance under humane conditions and care.

(c) The Secretary may order wild free-roaming horses or burros to be destroyed in the most humane manner possible when he deems such action to be an act of mercy or when in his judgment such action is necessary to preserve and maintain the habitat in a suitable condition for continued use. No wild free-roaming horse or burro shall be ordered to be destroyed because of overpopulation unless in the judgment of the Secretary such action is the only practical way to remove excess animals from the area.

(d) Nothing in this Act shall preclude the customary disposal of the remains of a deceased wild free-roaming horse or burro, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly.

SEC. 4. If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshall or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses or burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. They shall select as advisers persons who are not employees of the Federal or State Governments and whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

SEC. 8. (a) Any person who—

(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to section 4 of this Act, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this Act,

shall be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401, title 18, United States Code.

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act, or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 9. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

SEC. 10. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this Act, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the maximum feasible extent coordinate the activities of their respective departments in the implementation and enforcement of this Act. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this Act.

And the House agree to the same.

WALTER S. BARING,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
JOHN KYL,
*Managers on the Part of the House.*

HENRY M. JACKSON,
FRANK CHURCH,
LEE METCALF,
LEN B. JORDAN,
MARK O. HATFIELD,
*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. 1116) to require the protection, management, and control of wild free-roaming horses and burros on the public lands, 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 several amendments. There were eight points of difference between the Senate version and the House amendment wherein compromise language was agreed upon. These differences and the disposition of them are as follows:

1. The House amendment provided for a definition of the term "range". The Senate version did not. Included in the definition in the House amendment was the phrase "and which need not be fenced". The Committee of Conference agreed to delete this language on the basis that the reference to fencing implies that ranges would or might ordinarily be fenced. The conferees believe that the wild free-roaming horses and burros should be protected and preserved in their natural habitat without undue interference and unnecessary confinement. Reliance on ranges, and particularly fenced ranges, would defeat the purpose of the legislation, i.e., the survival of wild free-roaming horses and burros, and substitute a "zoo-like" concept. The conferees are of the opinion that the confinement of these animals to such ranges, except in unusual circumstances, should be discouraged and that the animals should be considered as integral parts of the public lands, which should be administered on concepts of multiple use. The principal goal of this legislation is to provide for the protection of the animals from death and harassment at the hands of man and not the single-use management of areas for the benefit of the wild free-roaming horses and burros. Hence, the inclusion of the phrase "in keeping with the multiple-use management concept for the public lands".

2. The House amendment included provision for recognition of the role that a state wildlife agency may play in an advisory capacity to the Secretary concerning the management of the wild free-roaming horses and burros. The Senate version did not. The Committee of Conference agreed to modify the language in the House amendment to emphasize "consultation" between state and Federal agencies and also to emphasize the intent as expressed in both the House and Senate versions of the legislation for achievement of an ecological balance on the public lands.

3. The House amendment provided that the remains of a deceased wild free-roaming horse or burro could be disposed of in any customary manner not prohibited by the Act. The Senate version permitted any customary method of disposal so long as the remains, or any part thereof, were not sold for any consideration. The Committee of Conference agreed to the adoption of the Senate language. The conferees recognize the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro and believe that the customary methods of disposal should be permitted, as long as the remains are not sold for any consideration directly, or indirectly.

4. Both the House amendment and the Senate version of S. 1116 allow the mainte-

nance of wild free-roaming horses or burros by individuals. The Senate version would require the individual maintaining such animals to notify the Secretary and report a reasonable approximation of the number of animals so maintained. The House amendment does not include this requirement. The Committee of Conference agreed to the adoption of the Senate language in order to assist the Secretary in the administration of the Act.

5. The Committee of Conference agreed to delete the phrase "except for normal and prudent husbandry needs" from the language contained in the House amendment. The Act carefully establishes a series of safeguards designed to protect the wild free-roaming horses and burros from death and harassment at the hands of man. Permitting individuals to remove or attempt to remove the animals from the public domain on their own authority would negate these safeguards.

6. The Senate version recognizes "harassment" as a prohibited activity under the terms of the Act. The House amendment refers to "substantial harm." The Committee of Conference agreed to the adoption of the Senate terminology in order to widen the scope of prohibited activities. Concern was expressed by the conferees for activities which although not immediately causing substantial harm, would have a cumulatively detrimental effect on the health and welfare of the animals.

7. Both the House amendment and the Senate version contain language with delineates specific acts for which criminal charges can be brought. The Senate version authorizes the Secretary to assess fines for violations. The House amendment does not contain provision for assessment of fines by the Secretary. The conferees recognize the need for prompt and effective enforcement of the Act and note that both versions of the legislation contain language which will permit the Secretary to contribute to the expediency of suspected violators being brought to trial. With respect to the assessment of fines, the Committee of Conference adopted language which provides for trial and sentence by any United States Commissioner or magistrate designated for that purpose by the court by which he was appointed.

8. The Senate version of the bill authorizes and directs the Secretary to undertake studies of the habits of the animals. The House amendment does not. The Committee of Conference agreed to the adoption of the Senate language in light of the apparent lack of adequate knowledge regarding many of the habits of these animals.

It is the opinion of the conferees that the compromise version of this legislation as embodied in the conference report will prove to be an effective measure. It should be pointed out that the Secretaries of Interior and Agriculture are given a high degree of discretionary authority for the purposes of protection, management, and control of wild free-roaming horses and burros on the public lands. The Act provides the administrative tools for protection of the animals from depredation by man. This is the paramount responsibility with which the Secretaries are charged under the terms of the statute.

The Congress has declared that wild free-roaming horses and burros enrich the lives of the American people. The conferees, by recommending the language of the conference report, hope to insure the preservation and protection of the few remaining wild free-roaming horses and burros in order to enhance and enrich the dreams and enjoyment of future generations of Americans.

WALTER S. BARING,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
JOHN KYL,
*Managers on the Part of the House.*

HENRY M. JACKSON,
FRANK CHURCH,
LEE METCALF,
LEN B. JORDAN,
MARK O. HATFIELD,
*Managers on the Part of the Senate.*

## APPOINTMENT OF CONFEREES ON H.R. 11731, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, ANDREWS of Alabama, FLOOD, ADDABBO, MCFALL, MINSHALL, RHODES, DAVIS of Wisconsin, WYMAN, and BOW.

## PERMISSION TO FILE A PRIVILEGED REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia appropriation bill for fiscal year 1972.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

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

There was no objection.

## CONFERENCE REPORT ON S. 2007, ECONOMIC OPPORTUNITIES AMENDMENTS OF 1971 (H. REPT. NO. 92-682)

Mr. PERKINS submitted the following conference report and statement on the Senate bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-682)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Economic Opportunity Amendments of 1971".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) (1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and such amounts as the Congress may determine to be necessary for the fiscal year ending June 30, 1973.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there is further authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972. No State shall receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b) For the purpose of carrying out the Project Headstart program described in section 222(a)(1) of the Economic Opportunity Act of 1964 and the Follow Through program described in section 222(a)(2) of such Act, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972. For the purpose of carrying out the Follow Through program described in section 222(a)(2) of such Act, there is further authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1973.

(c)(1) For the purpose of carrying out titles II, III, VI, VII, VIII, and IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding fiscal year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for each fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under sections 221, 226, and 227 of the Economic Opportunity Act of 1964 and not less than $61,000,000 for Legal Services programs under section 222(a)(3) and title IX of such Act, and the remainder of such amounts shall be allocated and made available, subject to the provisions of section 616 of such Act, in such a manner that for each such fiscal year—

(A) $378,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying out the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a)(5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a)(6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a)(7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a)(8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222(a)(9), $5,000,000 shall be for the purpose of carrying out the Environmental Action program described in section 222(a)(10), $10,000,000 shall be for the purpose of carrying out the Rural Housing Development and Rehabilitation program described in section 222(a)(11), and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to

assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination) and title X (relating to evaluation);

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development); and

(E) $45,000,000 shall be for the purpose of carrying out part A of title VIII (relating to VISTA).

If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation Act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

(3) In addition to the amounts authorized to be appropriated and allocated pursuant to paragraphs (1) and (2) of this subsection, there are further authorized to be appropriated for carrying out the Economic Opportunity Act of 1964 the following sums:

(A) $2,000,000 for the fiscal year ending June 30, 1972, and $62,000,000 for the fiscal year ending June 30, 1973, to be used for the Community Economic Development program under title VII;

(B) $79,000,000 for the fiscal year ending June 30, 1972, and $109,000,000 for the fiscal year ending June 30, 1973, to be used for the Legal Services program under title IX.

(C) $5,000,000 for the fiscal year ending June 30, 1973, to be used for the Rural Housing Development and Rehabilitation program described in section 222(a)(11).

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting "for the fiscal year ending June 30, 1971, and not to exceed 25 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 5. Section 222(a)(4)(A)(ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part of such assistance".

DRUG REHABILITATION PROGRAM

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hard core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process.

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for working on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development, and construction write-downs; rehabilitation or repair of substandard housing; and loans to low-income families. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of this adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly.

COMMUNITY ACTION BOARDS

SEC. 8. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 9. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

TERMINATION OF ASSISTANCE

SEC. 10. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) applies files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall, forthwith, terminate further assistance under this title, to such agency until he has received assurances satisfactory to him that further violations will not occur."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 11. Section 244 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

SEC. 12. Section 312(b)(3) of the Economic Opportunity Act of 1964 is amended by inserting after the word "Government" the words "employment or".

CHILD DEVELOPMENT

SEC. 13. (a) Title V of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE V—CHILD DEVELOPMENT PROGRAMS

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 501. (a) The Congress finds that—

"(1) millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;

"(2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available to children whose parents or legal guardians shall request them regardless of economic, social, and family backgrounds;

"(3) children with special needs must receive full and special consideration in planning any child development programs and, pending the availability of such programs for all children, priority must be given to preschool children with the greatest economic and social need;

"(4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education;

"(5) comprehensive child development programs not only provide a means of delivering a full range of essential services to children but can also furnish meaningful employment opportunities for many individuals, including older persons, parents, young persons, and volunteers from the community; and

"(6) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government.

"(b) It is the purpose of this title to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs, and services designed to assure the sound and coordinated development of these programs, to recognize and build upon the experience and success gained through the Headstart program and similar efforts, to furnish child development services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families, to provide that decisions on the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development, and to establish the legislative framework for child development services.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 502. (a) For the purpose of carrying out this title, there is authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1973. Any amounts appropriated for such fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

"(b) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this title, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972.

"ALLOCATION OF FUNDS

"SEC. 503. (a) The amounts appropriated for carrying out this title for any fiscal year after June 30, 1972, shall be made available in the following manner:

"(1) $500,000,000 shall first be used for the purpose of providing assistance under parts A, B, and E of this title for child development programs focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects;

"(2) not to exceed 10 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out parts B, C, D, and E of this title, as the Secretary deems appropriate; and

"(3) the remainder of such amounts shall be used for the purpose of carrying out part A of this title.

"(b)(1) From the amounts available for carrying out comprehensive child development programs under part A of this title, the Secretary shall reserve the following:

"(A) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

"(B) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis, and to the extent practicable in proportion to the relative numbers of children in each such program;

"(C) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 512(2)(I) of such part (relating to special activities for handicapped children);

"(D) not to exceed 5 per centum of the total amount available for carrying out such part A, which shall be made available under section 513(f)(3) of such part (relating to model programs).

"(2) The Secretary shall allocate the remainder of the amount available for part A of this title (after making the reservations provided for in paragraph (1) of this subsection) among the States so as to provide the following geographical distribution:

"(A) 50 per centum thereof so that the amount allotted for use within each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under clauses (A) and (B) of paragraph (1) of this subsection, bears to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under clauses (A) and (B) of paragraph (1) of this subsection;

"(B) 25 per centum thereof so that the amount allotted for use within each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under clauses (A) and (B) of paragraph (1) of this subsection, bears to the number of children through age 5 in all the States, excluding those children in all the States who are eligible for services funded under clauses (A) and (B) of paragraph (1) of this subsection;

"(C) 25 per centum thereof so that the amount allotted for use within each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under clauses (A) and (B) of paragraph (1) of this subsection, bears to the total number of children of working mothers and single parents in all the States, excluding those children in all the States who are eligible for services funded under clauses (A) and (B) of paragraph (1) of this subsection.

"(c) Not to exceed 5 per centum of the total funds allotted for use within a State pursuant to subsection (b)(2) may be made available for grants to the State to carry out the provisions of section 517 of this title.

"(d) The Secretary shall apportion the remainder of the amount allotted for use within each State (after making allocations under subsection (c)) among the localities in each such State so as to provide the following geographical distribution:

"(1) 50 per centum thereof so that the amount apportioned to each locality bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the locality bears to the number of economically disadvantaged children in the State;

"(2) 25 per centum thereof so that the amount apportioned to each locality bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the locality bears to the number of children through age 5 in the State;

"(3) 25 per centum thereof so that the amount apportioned to each locality bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the locality bears to the number of children of working mothers and single parents in the State.

"(e) The portion of any allotment or apportionment under subsection (b) or (d) for a fiscal year which the Secretary determines will not be required, for the period for which such allotment or apportionment is available, for carrying out programs under this part shall be available for reallotment or reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States in the case of allotments under subsection (b), or to other localities in the case of apportionments under subsection (d), in proportion to the original allotments to such States under subsection (b), or the original apportionments to such localities under subsection (d), for such year, but with such proportionate amount for any of such States or localities being reduced to the extent it exceeds the needs of such State or locality for carrying out activities approved under this part, and the total of such reductions shall be similarly reallotted among the States or reapportioned among the localities whose proportionate amounts are not so reduced. Any amount reallotted to a State or reapportioned to a locality under this subsection during a year shall be deemed part of its allotment or apportionment under subsection (b) or (d) for such year.

"(f) In determining the numbers of children for purposes of allotting and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

"(g) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allotments and apportionments required by this section.

"PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

"FINANCIAL ASSISTANCE

"SEC. 511. The Secretary of Health, Education, and Welfare shall provide financial assistance for carrying out child development programs under this part to prime sponsors and to other public and private agencies and organizations pursuant to plans and applications approved in accordance with the provisions of this part.

"USES OF FUNDS

"SEC. 512. Funds available for this part may be used (in accordance with approved applications) for the following services and activities:

"(1) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(2) establishing, maintaining, and operating child development programs, which may include—

"(A) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(B) food and nutritional services (including family consultation);

"(C) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(D) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and the other language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of minority groups which belong to their communities and the role of members of such minority groups in the history and cultural development of the Nation and of the region in which they reside;

"(E) a program of daily activities designed to develop fully each child's potential;

"(F) other specially designed health, social, and educational programs (including after school, summer, weekend, vacation, and overnight programs);

"(G) medical, dental, psychological, educational, and other appropriate diagnosis, identification, and treatment of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full par-

ticipation in child development programs, including programs for preschool and other children who are emotionally disturbed;

"(H) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and postpartum and other medical services (including family planning information) to such recent mothers;

"(I) incorporation within child development programs of special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities and, where necessary because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children, including emotionally disturbed children;

"(J) preservice and inservice education and other training for professional and paraprofessional personnel;

"(K) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

"(L) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth, and prospective parents;

"(M) use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children;

"(N) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies, including the use of former assistant Headstart teachers or similar early childhood education teachers as instructional aides (in addition to those employed by the schools involved) working closely with classroom teachers in the kindergarten and such early primary grades in which are enrolled children they taught in Headstart or other early childhood education programs, providing for full participation of parents of the children involved in program planning implementation, and decision-making and for career development opportunities and advancement through continuing education and training for the instructional aides involved (including teacher salaries, educational stipends for tuition, books, and tutoring, career counseling, arrangements for academic credit for independent study, fieldwork based on their teaching assignments, and preservice and inservice training) and for the classroom teachers and principals involved; and

"(O) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part; and

"(3) staff and other administrative expenses of Child Development Councils established and operated in accordance with this part.

"PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS

"SEC. 513. (a) In accordance with the provisions of this section, a State, locality, combination of localities, Indian tribal organization, or public or private nonprofit agency or organization, meeting the requirements of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs under this part, upon the approval by the Secretary of a prime sponsorship plan which—

"(1) describes the prime sponsorship area to be served;

"(2) sets forth satisfactory provisions for establishing and maintaining a Child Development Council which meets the requirements of section 514;

"(3) provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan for each fiscal year and any modifications thereof;

"(4) sets forth arrangements under which the Child Development Council will be responsible for planning, supervising, coordinating, monitoring, and evaluating child development programs in the prime sponsorship area;

"(5) in the case of an applicant which is a State, a locality, or a combination of localities, provides for the operation of programs under this part through contracts with public or private agencies or organizations, including but not limited to community action agencies, single-purpose Headstart agencies, community development corporations, parent cooperatives, organizations of Indians, employer and employee organizations, and local public and private educational agencies and institutions, which will serve children in a community or neighborhood or other area possessing a commonality of interest; and

"(6) provides assurances that, where available, the Council will provide itself, or by contract or other arrangement with State, local, or other public agencies or private nonprofit organizations—

"(A) child-related family, social, and rehabilitative services;

"(B) coordination with educational agencies and providers of educational services;

"(C) health (including family planning) and mental health services;

"(D) nutrition services; and

"(E) training of professional and paraprofessional personnel.

"(b) The Secretary shall approve a prime sponsorship plan submitted by a locality which has a population of 5,000 or more persons and is a (1) city, (2) county, or (3) other unit of general local government, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provision for carrying out comprehensive child development programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he detemines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted a plan which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child development programs in such area.

"(c)(1) In the event that the Secretary determines that a locality does not meet the requirements for designation as a prime sponsor under this section, he shall take steps to encourage the submission of a prime sponsorship plan, covering the area of such locality, by a combination of localities which are adjoining and possess a sufficient commonality of interest.

"(2) The Secretary shall approve a prime sponsorship plan submitted by a combination of localities, having a total population of 5,000 or more persons, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area covered by the combination of such localities.

"(d) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area to be served.

"(e) In the event that the Secretary determines, with respect to the area of a particular locality, that a prime sponsorship plan meeting the requirements of this section has not been submitted by a locality or combination of localities covering such area, or by an Indian tribal organization, or in the event that prime sponsorship designation has been disapproved or withdrawn in accordance with subsection (h) of this section, the Secretary may, with respect to the impending fiscal year when no such prime sponsorship designation will be in effect, approve a plan submitted by the State which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in such area.

"(f) The Secretary may approve a prime sponsorship plan submitted by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agriculture workers, organization of Indians, employer organization, labor union, employee or labor-management organization, or public or private educational agency or institution, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes—

"(1) provisions setting forth arrangements for serving children in a neighborhood or other area possessing a commonality of interest in the area of any locality with respect to which there is no prime sponsorship designation in effect or with respect to any portion of an area where the prime sponsor is found not to be satisfactorily implementing child development programs which adequately meet the purposes of this part, or for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children or children of working mothers or single parents; or

"(2) arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers and their families; or

"(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual preschool children.

"(g) The Governor or appropriate State agency shall be given not less than thirty nor more than sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

"(h) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(i)(1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation,

such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(j) When a unit (or combination of units) of general government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or private nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons.

"(k) In the event that a State, a locality, a combination of localities, or an Indian tribal organization has not submitted a comprehensive child development plan under section 515 or the Secretary has not approved a plan so submitted, or where the Secretary has not designated or has withdrawn designation of prime sponsorship under section 513, or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund projects, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

"CHILD DEVELOPMENT COUNCILS

"SEC. 514. (a) Each prime sponsor designated under section 513 shall establish and maintain a Child Development Council composed of not less than 10 members as follows—

"(1) not less than half of the members of such Council shall be parents of children served in child development programs under this part; and

"(2) the remaining members shall be appointed by the chief executive officer or the governing body, whichever is appropriate, of the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as economic opportunity, health, education, welfare, employment and training, business or financial organizations or institutions, labor unions, and employers, and (B) the remaining members, the number of which shall be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served.

At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

"(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 513 shall provide, with respect to the Child Development Council established and maintained by such prime sponsor, that—

"(1) the parent members described in paragraph (1) of subsection (a) of this section shall be chosen by the membership of Headstart policy committees where they exist, and, at the earliest practicable time, by project policy committees established pursuant to section 516(a)(2) of this part;

"(2) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this part;

"(3) such Council shall have responsibility for approving basic goals, policies, actions, and procedures for the prime sponsor, including policies with respect to planning, general supervision and oversight, overall coordination, personnel, budgeting, funding of projects, and monitoring and evaluation of projects; and

"(4) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 515. (a) Financial assistance under this part may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 513 only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this part. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies all child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, including infant care and before and after school programs for children in school with priority to children who have not attained six years of age;

"(3)(A) provides that funds received under section 503(a)(1) will be used for child development programs and services focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects by reserving for such projects from such funds in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies and organizations within the prime sponsorship area for programs during the fiscal year ending June 30, 1972, under section 222(a)(1) of the Economic Opportunity Act of 1964, and (B) provides that programs receiving funds under section 503(d) will give priority to providing services for economically disadvantaged children by reserving not less than 65 per centum of the cost of programs receiving such funds for the purpose of serving children of families having an annual income below the lower living standard budget as determined under paragraph (5) of section 571;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers not covered under paragraph (3);

"(5) provides procedures for the approval of project applications submitted in accordance with section 516;

"(6) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(7) provides that, to the extent feasible, each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(8) provides comprehensive services (A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home and (B) to meet the needs of all children to understand the history and cultural background of minority groups which belong to the communities and the role of members of such minority groups in the history and cultural development of the Nation and the region in which they reside;

"(9) provides equitably for the child development needs of children from each minority group or significant segment of the economically disadvantaged residing within the area served;

"(10) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

"(11) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

"(12) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

"(13) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

"(14) provides that, insofar as possible, persons residing in communities being served by such projects will receive jobs, including in-home and part-time jobs, and opportunities for training in programs under part B of this title, with special consideration for career opportunities for low-income persons;

"(15) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and of delegate agencies;

"(16) assures that procedures and mechanisms for coordination have been developed in cooperation with preschool program administrators and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this part and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965;

"(17) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

"(18) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child Development Council, to public or private agencies, institutions,

or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this part or for planning or evaluation services to be made available with respect to programs under this part;

"(19) contains plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation;

"(20) provides that services for handicapped children, at both the State and local levels, will be used wherever available in programs approved under the plan;

"(21) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

"(22) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

"(23) provides that consideration will be given to project applications submitted by public, private nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that comparative costs of providing services shall be considered along with the quality of such services;

"(24) provides that programs or services under this title shall be provided only for children whose parents or legal guardians have requested them; and

"(25) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (no representing more than 1 per centum of the cost of the project).

"(b) No comprehensive child development plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) the local educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

"(3) the Governor of the State has had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(c) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(d) In order to contribute to the effective administration of this title, the Secretary shall establish appropriate procedures to permit prime sponsors to submit jointly a single comprehensive child development plan for the areas served by such prime sponsors.

"PROJECT APPLICATIONS

"SEC. 516. (a) Financial assistance under this part may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides—

"(1) that funds will be provided for carrying out any child development program under this part only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, employee or labor-management organization, or public or private educational agency or institution;

"(2) for establishing and maintaining project policy committees composed of not less than 10 members as follows—

"(A) not less than half of the members of each such committee shall be parents of children served by such project, and

"(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) at least one person who is particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (ii) where he determines, in accordance with regulations which he shall prescribe, that such person is not available to the area to be served;

"(3) for direct participation of such policy committees in the development and preparation of project applications under this part;

"(4) that adequate provision will be made for training and other administrative expenses of such policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

"(5) that project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, including policies with respect to planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

"(6) that programs assisted under this part will provide for such comprehensive health, nutritional, education, social, and other services, as are necessary for the full cognitive, emotional, and physical development of each participating child;

"(7) that adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(8) that with respect to child development services provided by programs assisted under this part—

"(A) no charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320 with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party (including a public agency); and

"(B) such charges as the Secretary may provide will be made with respect to any child of any other family, in accordance with an appropriate fee schedule established by him, based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget (as determined in accordance with paragraph (5) of section 571) shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds the highest income level at which no charges would be made with respect to children of such family under subparagraph (A) but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and, if more than two children of this part because of their participation additional charges may be made not to exceed the sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each such additional child;

"(9) that children will in no case be excluded from the programs operated pursuant to this part because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(10) that programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child development programs;

"(11) that no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards;

"(12) that programs assisted under this part will provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

"(13) that there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

"(14) that provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

"(b) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's comprehensive child development plan as approved pursuant to section 515.

"(c) A project application from a public or private nonprofit agency which is also a prime sponsor under section 513(f) shall be submitted directly to the Secretary, together with the comprehensive child development plan.

"(d) A project application submitted directly to the Secretary by a public or private agency may be approved by the Secretary upon his determination that it meets the requirements of subsection (a) of this section.

"SPECIAL GRANTS TO STATES

"SEC. 517. Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

"(1) identifying child development goals and needs within the State;

"(2) assisting in the establishment of Child Development Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child development programs;

"(3) encouraging the cooperation and participation of State agencies in providing child development and related services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive child development plans;

"(4) encouraging the full utilization of resources and facilities for child development programs within the State;

"(5) disseminating the results of research on child development programs;

"(6) conducting programs for the exchange of personnel involved in child development programs within the State;

"(7) assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for child development programs;

"(8) assessing State and local licensing codes as they relate to child development programs within the State; and

"(9) developing information useful in reviewing prime sponsorship plans under section 513(g) and of comprehensive child development plans under section 515(b)(3).

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 518. (a) Applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If any facility assisted under this part shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loans shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this part shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

"(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 519. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months after enactment of this title report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

"(b) The Secretary may require, as a condition to the receipt of assistance under this part, that any prime sponsor under this part agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

"PAYMENTS

"SEC. 520. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 503 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this part. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child Development Council not to exceed an amount which is reasonable when compared with such costs for other prime sponsors.

"(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 80 per centum of the cost of carrying out programs, services, and activities under this part. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged children.

"(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families under this part.

"(3) The Secretary shall pay to each prime sponsor approved under section 513(d) an amount equal to 100 per centum of the costs of providing child development programs for children in Indian tribal organizations.

amount equal to 100 per centum of the costs programs assisted under this part may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union or employer contributions. Fees collected for services provided pursuant to section 516(a)(8) shall not be used to make up the non-Federal share, but shall be used by the project applicant for the same purposes as payments under this section, except that, in the case of projects assisted under a comprehensive child development plan, such fees shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allocation under section 515(a)(3).

"(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this part.

"(e) No State or locality shall reduce its expenditures for child development or day-care programs by reason of assistance under this part.

"PART B—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

"PRESERVICE AND INSERVICE TRAINING

"SEC. 531. The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child development programs assisted under this title, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof.

"TECHNICAL ASSSISTANCE AND PLANNING

"SEC. 532. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out child development programs.

"EVALUATION

"SEC. 533. (a) The Secretary shall, through the Office of Child Development unless the Secretary determines otherwise, make an evaluation of Federal involvement in child development activities and services, which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities and services;

"(3) determination of the effectiveness of such activities and services;

"(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this title; and

"(5) such recommendations to the Congress as the Secretary may deem appropriate.

"(b) The results of the evaluation required by subsection (a) of this section shall be reported to the Congress not later than eighteen months after the date of enactment of this title.

"(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child development programs, and shall report the results of each such evaluation to Congress.

"(d) Prime sponsors and project applicants assisted under this title and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

"(e) The Secretary may enter into contracts with public or private agencies, organizations, or individuals to carry out the provisions of this section.

"(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under paragraphs (2) and (3) of section 503(a) of this title for any fiscal year.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 534. (a) Within six months after the enactment of the Economic Opportunity

Amendments of 1971, the Secretary shall, after consultation with other Federal agencies and with the Committee established pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. If the Secretary disapproves the Committee's recommendations, he shall state the reasons therefor.

"(b) Such standards shall be no less comprehensive than the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968.

"(c) The Secretary shall, within sixty days after enactment of this title, appoint a Special Committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, representatives of public and private agencies and organizations administering child development programs, specialists, and others interested in the development of children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under part A of this title and section 222(a)(1) of this Act and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services and modifications thereof as provided in subsection (a).

"DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

"SEC. 535. (a) The Secretary shall, within sixty days after enactment of the Economic Opportunity Amendments of 1971, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 534.

"(b) The special committee appointed under this section shall include parents of children participating in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under part A of this title and section 222(a)(1) of this Act and title IV of the Social Security Act.

"(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this title or in which programs receiving Federal financial assistance under this title are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

"PART C—FACILITIES FOR CHILD DEVELOPMENT PROGRAM

"MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

"SEC. 541. (a) It is the purpose of this part to assist and encourage the provision of urgently needed facilities for child care and child development programs.

"(b) For the purpose of this part—

"(1) The term 'child development facility' means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

"(2) The terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary of Health, Education, and Welfare is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary of Health, Education, and Welfare, who demonstrates ability successfully to operate one or more child care or child development programs. The Secretary of Health, Education, and Welfare may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary of Health, Education, and Welfare may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary of Health, Education, and Welfare under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the child development facility, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary of Health, Education, and Welfare shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary of Health, Education, and Welfare finds necessary to meet the mortgage market.

"(4) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Minimum Code for Facilities approved by the Secretary pursuant to section 535.

"(5) The Secretary of Health, Education, and Welfare shall not insure any mortgage under this section unless he has also received from the prime sponsor designated under part A of this title a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

"(6) In the plans for such child development facility, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary of Health, Education, and Welfare shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary of Health, Education, and Welfare is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary of Health, Education, and Welfare may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary of Health, Education, and Welfare shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary of Health, Education, and Welfare as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

"(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by,

the United States. The Secretary of Health, Education, and Welfare may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary of Health, Education, and Welfare in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"PART D—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAMS

"PROGRAM AUTHORIZED

"SEC. 546. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

"(b) Employees of any Federal agency or group of such agencies employing eighty or more working parents of young children who desire to participate in the grant program under this part shall—

"(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies; and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

"(A) provides that the child development program shall be administered under the direction of the agency commission;

"(B) provides that the program will meet the Federal interagency standards for child development;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not make payments under this section unless he has received approval of the plan from the official in charge of the agency whose employees will be served by the child development program.

"PAYMENTS

"SEC. 547. (a) Not more than 80 per centum of the total cost of child development programs under this part shall be paid from Federal funds available under this title.

"(b) The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, fees collected from parents, or union or employer contributions.

"(c) If, in any fiscal year, a program under this part provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions for the succeeding year.

"(d) In making grants under this part, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

"PART E—RESEARCH AND DEMONSTRATION

"DECLARATION OF PURPOSES

"SEC. 551. The purposes of this part are to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children through the improvement and expansion of child development and related programs.

"RESEARCH AND DEMONSTRATION PROJECTS

"SEC. 552. (a) In order to further the purposes of this part, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

"(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child development personnel, and to determine how child development and related programs conducted in either home or institutional settings affect child development processes;

"(2) research to test alternative methods of providing child development and related services, and to develop and test innovative approaches to achieve maximum development of children and programs for training adolescent youth in child development;

"(3) evaluation of research findings and the development of these findings and the effective application thereof;

"(4) dissemination and application of research and development efforts and demonstration projects to child development and related programs and early childhood education, using regional demonstration centers and advisory services where feasible;

"(5) production of informational systems and other resources necessary to support the activities authorized by this part; and

"(6) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

"(b) In order to carry out the program provided for in subsection (a), the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

"COORDINATION OF RESEARCH

"SEC. 553. (a) Funds available to any Federal department or agency for the purposes stated in section 551 or the activities stated in section 552(a) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

"(b) The Secretary shall coordinate, through the Office of Child Development, established under section 572 of this title, all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

"(c) A Child Development Research Council, consisting of a representative of the Office of Child Development established under section 572 of this title (who shall serve as Chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet at least annually and at such more frequent times as they may deem necessary, in order to assure coordination of child development and related activities under their respective jurisdictions and to carry out the provisions of this part so as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this part; and

"(3) recommendation of priorities for federally funded research and development activities related to the purposes of this part and those stated in section 501.

"ANNUAL REPORT

"SEC. 554. The Secretary shall make an annual report to Congress summarizing his activities and accomplishments during the preceding year under this part; the grants, contracts, or other arrangements entered into during the preceding year under this part, and making such recommendations as he may deem appropriate.

"PART F—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 571. As used in this title, the term—

"(1) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(2) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(3) 'child development programs' means programs provided on a full-day or part-day basis which provide the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential;

"(4) 'children' means individuals who have not attained the age of fifteen;

"(5) 'economically disadvantaged children' means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

"(6) 'handicapped children' includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services;

"(7) 'program' includes any program, service, or activity, which is conducted full or part time, day or night, in child development facilities, in schools, in neighborhood cen-

ters, or in homes, or which provides child development services for children whose parents are working or receiving education or training;

"(8) 'locality' means any city or other municipality or any county or other political subdivision of a State having general governmental powers, or any combination thereof;

"(9) 'parent' means any person who has day-to-day parental responsibility for any child;

"(10) 'single parent' means any person who has sole day-to-day responsibility for any child;

"(11) 'working mother' means any mother who requires child development services under this title in order to undertake or continue full- or part-time work, training, or education outside her home;

"(12) 'minority group' includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, do not have an equal educational opportunity, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

"(13) 'Bilingual' includes, but is not limited to, persons who are Spanish surnamed, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, do not have an equal educational opportunity;

"(14) 'local educational agency' means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

"(15) 'institution of higher education' means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 572. The Secretary shall take all necessary action to coordinate child development programs under his jurisdiction. To this end, he shall establish within the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which shall be the principal agency of the Department for the administration of this title and for the coordination of programs and other activities relating to child development.

"NUTRITION SERVICES

"SEC. 573. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this title. Such services shall make use of the Special Food Service Program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

"SPECIAL PROVISIONS

"SEC. 574. (a) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this title, as he may deem necessary to carry out the provisions of this title, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 575, the Secretary may also withhold funds otherwise payable under this title in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this title or any term or condition of assistance under this title.

"(b) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

"(c) The Secretary shall not provide financial assistance for any program, service, or activity under this title unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

"(d) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be engaged, in any way or to any extent, in the conduct of political activities in contravention of section 603 of this Act.

"(e) The Secretary shall not provide financial assistance for any program under this title unless he determines that no funds will be used for and no person will be employed under the program on the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

"(f) A child participating in a program assisted under this title shall not be required to undergo medical or psychological examination (except to the extent related to learning ability), immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment, if his parent or guardian objects thereto in writing on religious grounds.

"WITHHOLDING OF GRANTS

"SEC. 575. Whenever the Secretary, after reasonable notice and opportunity for a hearing for any prime sponsor or project applicant, finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 515; or

"(2) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 516; or

"(3) that in the operation of any program or project carried out by any such prime sponsor or project applicant under this title there is a failure to comply substantially with any applicable provision of this title or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor or project applicant of his findings and that no further payments may be made to such sponsor or applicant under this title (or in his discretion that any such prime sponsor shall not make further payments under this title to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this title which is being carried out pursuant to such plan or application and which is not involved in the noncompliance.

"ADVANCE FUNDING

"SEC. 576. (a) For the purpose of affording adequate notice of funding available under this title such funding for grants, contracts, or other payments under this title is authorized to be included in the Appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same Appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"PUBLIC INFORMATION

"SEC. 577. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

"FEDERAL CONTROL NOT AUTHORIZED

"SEC. 578. No department, agency, officer, or employee of the United States shall, under authority of this title, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

"NONDISCRIMINATION PROVISIONS

"SEC. 579. (a) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this title. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this title.

"LIMITATION OF RESEARCH AND EXPERIMENTATION

"SEC. 580. The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"PARENTAL RESPONSIBILITY

"SEC. 581. (a) Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law."

(b) In order to achieve, to the greatest degree feasible, the consolidation and coordina-

tion of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this title, the Economic Opportunity Act of 1964 is amended, effective July 1, 1973, as follows:

(1) Section 222(a)(1) of such Act is repealed.

(2) Section 162(b) of such Act is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children but not operation of child development programs for children".

(3) Section 123(a)(6) of such Act is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children".

(4) Section 312(b)(1) of such Act is amended by striking out "day care for children,".

(c) The Secretary of Health, Education, and Welfare shall promulgate regulations to assure that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. The Secretary shall insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(d)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities,", and

(C) by inserting after "public health purposes" in the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'child development facility' means any such facility as defined in 541(b)(1) of the Economic Opportunity Act of 1964."

(e) Section 205(b)(3) of the National Defense Education Act of 1958 is amended (1) by adding after the word "nonprofit" the phrase "child development program or" and (2) by striking out "and (C)" and inserting in lieu thereof "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs assisted under title V of the Economic Opportunity Amendments of 1971, and (D)".

PLAN REPORTING DATE

SEC. 14. Section 632(3) of the Economic Opportunity Act of 1964 is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than March 1, 1972, and the documents updating such plan shall be presented to the Congress no later than January 31 of each succeeding calendar year."

GUIDELINES

SEC. 15. Part B of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 639. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 16. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following new title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at-large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community development corporations and related nonprofit agencies or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; and (3) hold forth the pospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Secretary shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122(e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part, or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or, in the case of the elderly, will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative farming, purchasing, marketing, and processing programs. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives in rural areas eligible for financial assistance under section 722 (b) for business, housing, and community development projects which the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c) (1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made

available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the two succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM AND EVALUATION OF PROGRAMS

SEC. 17. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new titles:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change; and

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designees: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within 30 days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, all lists required to be submitted as provided in section 904(a) for persons to serve on the initial board of directors shall be submitted to the President.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corportation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) Six members shall be appointed from among individuals in the general public, not less than three of whom shall be members of the bar of the highest court of a State.

"(2) Two members shall be appointed from lists of nominees submitted by the Judicial Conference of the United States.

"(3) Two members shall be appointed from among individuals who are eligible for assistance under this title from lists of nominees submitted by the Clients Advisory Council.

"(4) Two members shall be appointed from among former legal services project attorneys from lists of nominees submitted by the Project Attorneys Advisory Council.

"(5) Five members shall be appointed as follows—

"(A) one member from lists of nominees submitted by the American Bar Association;

"(B) one member from lists of nominees submitted by the Association of American Law Schools;

"(C) one member from lists of nominees submitted by the National Bar Association;

"(D) one member from lists of nominees submitted by the National Legal Aid and Defender Association; and

"(E) one member from lists of nominees submitted by the American Trial Lawyers Association.

Each initial list and any subsequent list shall include at least three and not more than ten names for each position to be filled.

"(b) The directors appointed under subsection (a) shall be appointed for terms of three years except that—

"(1) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971;

"(2) the terms of the directors first taking office shall expire, as designated by the President at the time of appointment, as follows—

"(A) in the case of directors appointed under paragraph (1) of section 904(a), two at the end of three years, two at the end of two years, and two at the end of one year;

"(B) in the case of directors appointed under paragraph (2) of section 904(a), one at the end of two years, and one at the end of one year;

"(C) in the case of directors appointed under paragraph (3) of section 904(a), one at the end of three years and one at the end of one year;

"(D) in the case of directors appointed under paragraph (4) of section 904(a), one

at the end of three years and one at the end of two years; and

"(E) in the case of directors appointed under paragraph (5) of section 904(a), (i) the term of the director appointed under clause (A) shall expire at the end of three years, (ii) the term of the director appointed under clause (B) shall expire at the end of three years, (iii) the term of the director appointed under clause (C) shall expire at the end of two years, (iv) the term of the director appointed under clause (D) shall expire at the end of one year, and (v) the term of the director appointed under clause (E) shall expire at the end of one year; and

"(3) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

(e) All meetings of the board, executive committee of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the respective advisory councils, provide for rules with respect to the subsequent meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title. Such procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit the lists of individuals for appointment as members of the board in accordance with section 904(a).

"(b) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title. Such procedures must ensure that all areas of the country are represented, and in no event may more than one representative on such council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit the lists of individuals for appointment as members of the board in accordance with section 904(a).

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall include the chairman of the board, at least one director appointed pursuant to paragraph (1) of section 904(a), one director appointed pursuant to paragraph (3) or (4) of section 904(a), and one director appointed pursuant to paragraph (5) section 904.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys adhere to the same Code of Professional Responsibility and Canons of Ethics of the American Bar Association as are applicable to other attorneys;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are at least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services, otherwise authorized, are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall ensure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall ensure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or de-

feat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall ensure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. For the purpose of this subsection, solicitation does not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community, and does not include any conduct or activity which is permissible under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing solicitation and advertising.

"(g) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Corporation to ensure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(h) At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office. The Board of the Directors of the Corporation shall set appropriate guidelines for the private political activities of full time employees of the Corporation or of programs assisted by the Corporation.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 908(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam,

American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including, in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(6) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States; and

"(7) 'nonprofit', as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, on and after such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1971, whichever is the earlier, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a)(3) of this Act shall be transferred to the Corporation. Personnel transferred (except personnel under schedule A of the excepted service) under this subsection shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to seek suitable employment for personnel who would otherwise be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1971 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law.

"TITLE X—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 1001. (a) The Director shall provide for evaluations that describe and measure with appropriate means and to the extent feasible, the impact of programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act.

"(c) The Director may require community action agencies to provide independent evaluations.

"(d) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

"(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(f) The Director may consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"(g) The Director shall publish summaries of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(i) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608."

(b)(1) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(2) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

(3) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

(4) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

(c)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 154, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

(2) Section 632(2) of such Economic Opportunity Act of 1964 is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

SPECIAL PROGRAMS AUTHORIZED

SEC. 18. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services, relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum feasible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunties, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual Youth Recreation and Sports Program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in-kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 19. Notwithstanding any other provision of law, unless enacted hereafter in limitation of the provisions of this section, no new transfers of delegations of programs administered by the Director of the Office of Economic Opportunity under titles II, III, VI, and VII of the Economic Opportunity Act of 1964, as amended, shall be made to the head of any other agency, during the fiscal year ending June 30, 1972, and the succeeding fiscal year.

PUERTO RICO

SEC. 20. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

TECHNICAL PROVISIONS

SEC. 21. (a) The application of the formula prescribed by section 225(a) of the Economic Opportunity Act of 1964 for the allotment of funds among the States may be waived by the Director to the extent he deems necessary to prevent hardship in the allotment of funds for programs under title II of such Act resulting from the discontinuance of the authorization for section 222(a)(1) of such title by this Act.

(b) The Director may extend assistance under sections 221 and 222(a) of the Economic Opportunity Act of 1964 to a community action agency or other agency which is in excess of the maximum prescribed in section 225(c) of such Act, if he determines, in accordance with such regulations as he shall prescribe, that the ability of such agency to provide its share of the program costs pursuant to such section 225(c) has been impaired by virtue of the discontinuance of the authorization for section 222(a)(1) of such Act to an extent which justifies such additional assistance.

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 22. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this section. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

And the House agree to the same.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM L. CLAY,
SHIRLEY CHISHOLM,
MARIO BIAGGI,
ELLA GRASSO,
OGDEN REID,

*Managers on the Part of the House.*

GAYLORD NELSON,
EDWARD KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI STEVENSON,
JENNINGS RANDOLPH,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,

*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the House to the Senate bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

The Senate bill authorized the appropriation of $3,031,000,000 for fiscal year 1972 for all programs under the Act. For fiscal year 1973 $3,121,000,000 was authorized for all programs other than those operated under the authority of title I, parts A, B, and E (manpower). For these latter programs the bill authorized such sums as Congress may determine to be necessary.

The Senate bill in fiscal year 1972 authorized the appropriation of $900,000,000 for programs relating to work and training under title I and an additional $500,000,000 for Neighborhood Youth Corps programs to be distributed among the States so that no State would receive less than $3,000,000 or .6 of 1 centum of the sums appropriated.

There was authorized to be appropriated for fiscal year 1972 the sum of $500,000,000 for Head Start and Follow Through plus an additional $100 million for technical assistance and training in preparation for the expansion of the Child Development program.

The Senate bill further authorized the appropriation of $950,000,000 for titles II, III, VI, VII, VIII, and IX for fiscal year 1972 and for fiscal 1973 the sum of $950,000,000. Of these sums the following reservations were made:

$328,900,000 for local initiative programs under section 221 and sections 226 and 227; and

$61,000,000 for programs under section 222(a)(3) and title IX (Legal Services).

The House amendment authorized the appropriation of $2,194,066,000 for fiscal year 1972 and $2,750,000,000 for fiscal year 1973 and reserved from the appropriation $350,000,000 to be spent on local initiative programs each fiscal year.

The House amendment contained no earmarking but the House report suggested rec-

ommended levels of funding corresponding to Senate earmarks.

The House receded with an amendment earmarking $5 million for Environmental Action and $10 million for Rural Housing Development and Rehabilitation, and authorizing $70 million for Follow Through in fiscal year 1973.

Both the Senate bill and the House amendment extended all existing authorities under the Economic Opportunity Act for two years. The Senate bill in light of the adoption of the Child Development provisions did not extend the authority under Sec. 523, the day care provisions of Title V–B. In view of House adoption of similar day care amendments striking Title V–B, the extension of Sec. 523 in the House amendment was unnecessary and the House receded.

The House amendment, but not the Senate bill, established a general eligibility requirement of $4,500 for a family of four below which payment may not be required for Head Start services. Eligibility requirements could be varied to reflect family, geographic, and special program variations. The House receded.

The House amendment, but not the Senate bill, permitted the Director of the Office of Economic Opportunity to require payment for medical services provided the near or non-poor under the Comprehensive Health Services program. The Senate receded. By permitting the extension of medical services to the near or non-poor the Conferees most emphatically do not mean that the poor are to be supplanted. The authority to require part or whole payments for such medical services might tempt some administrators to favor participants who can make a contribution to their medical expenses. This is not to be condoned. The poor are intended by the Conferees to continue to have preference and there is to be no reduction in service to the poor in any Comprehensive Health facility in order to accommodate those who can make payment.

The House amendment deleted two sentences in the Economic Opportunity Act which required dollar reservations for fiscal years 1970 and 1971 for the Alcoholic Counseling and Recovery program and the Drug Rehabilitation program—these reservations having, by their terms, become inoperative. The House amendment, but not the Senate bill, further amended Sec. 222(a)(9) of the Act relating to the Drug Rehabilitation program and encouraged the Director to undertake special programs promoting employment opportunities for drug dependent individuals. Priority was required for programs serving veterans and employers of significant numbers of veterans. The House amendment, in addition, permitted completion of the course of rehabilitation even though the drug dependent individual has ceased to be "low-income" by virtue of his participation in an employment program. The Senate receded.

The conference substitute adopts the provisions of the House bill with the modification that "employment opportunities for rehabilitated addicts" was modified to include addicts enrolled and actively participating in methadone maintenance treatment programs. The conferees were concerned that the term "rehabilitated addicts" could be defined to mean only those former addicts who have become "drug free" whereas a rehabilitated addict can be one who is participating in methadone maintenance treatment and other therapeutic programs.

The Office of Health Affairs of OEO has reported that approximately 1,000 drug addicts were enrolled in methadone maintenance treatment programs, and an additional 2,615 were enrolled in a variety of other drug treatment programs as of September 1, 1971.

The conference substitute further includes, along with rehabilitated addicts, other drug abusers who are enrolled and participating in other drug treatment and rehabilitation programs. The conferees believe that it is important that employment opportunities be provided for the addict/patient as soon as possible, rather than await completion of a treatment program.

The conference substitute further provides that, in undertaking employment opportunity special programs with special priority to veterans and employers of significant numbers of veterans, there be an additional priority to those areas in the States having the highest percentage of addicts.

The House amendment added a new national emphasis program known as Environmental Action to provide payment for low-income persons working on projects combating pollution and improving the environment. There was no comparable provision in the Senate bill. The Senate receded.

The House amendment authorized an additional new national emphasis program known as Rural Housing Development and Rehabilitation to assist in the alleviation of housing problems of low-income families in rural areas. There was no comparable provision in the Senate bill. For this program there was authorized to be appropriated $10 million for fiscal year 1972 and $15 million for fiscal year 1973. The Senate receded.

The Senate bill required the Director to reserve not more than 4% of the sums appropriated or allocated for sections 221 and 222(a) of the Act in fiscal year 1972 for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands. After June 30, 1972, Puerto Rico was to be treated as a State for purposes of the allocation formula. The House amendment treated Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands each as States for purposes of the entire Economic Opportunity Act. The House receded.

The House amendment, but not the Senate bill, forbade the Director of OEO to require non-federal contributions of more than 20% of the program cost. The Senate receded.

The House amendment established a procedure under which a Community Action board member might require the Director to investigate allegations that a State Economic Opportunity office was not observing the requirements of the Act or regulations promulgated under it. Where reasonable cause is found the Director was required to hold hearings and was authorized to cut off SEOO funds until satisfactory assurances were provided that such violations would be prevented. There was no comparable Senate provision. The Senate receded.

The House amendment required the Director to assure that Community Action funds are distributed on an equitable basis in any community so that all segments of the low-income population are being served. There was no comparable Senate provision. The Senate receded.

By recognizing in Sec. 312(b)(3) the existence of "employment" as well as "training" programs in the Federal manpower arsenal, the House amendment encouraged the Director to conduct programs to enable farmworkers to take advantage of the opportunities available to them in "work" as well as "training" programs. There was no comparable Senate provision. The Senate receded.

The Senate bill amended Sec. 616 to increase the portion of an allocation that may be transferred from one program or activity to another from the current 15% to 25% in fiscal years 1972 and 1973. The Senate bill also deleted the limitation which places a ceiling on the amount that may be transferred into a program. Existing law provides that such transfers may not result in increasing by more than 100% any program for which there is available $10 million or less or by increasing by more than 35% any program for which amounts available are in excess of $10 million. The House amendment reduced the authority of the Director to transfer earmarked funds to 10% of the amount appropriated or allocated. The House amendment further limited the degree to which the program or activity might be increased to 10%. The House receded.

The House amendment provided that the 5-year national poverty plan, required to be presented on an annual basis to the Congress by Sec. 622, must be presented by December 31 of each calendar year beginning in 1971. There was no comparable Senate provision. The Senate receded with an amendment requiring the presentation of a report on March 1 in 1972 and on January 31 in 1973 and in each succeeding year.

The House amendment required all rules, regulations, guidelines, etc., promulgated under the Economic Opportunity Act to be provided to the House and Senate Committees no less than 30 days prior to their effective date. There was no comparable Senate provision.

The Senate receded with an amendment requiring that all rules, regulations, guidelines, instructions, application forms, etc., promulgated pursuant to this Act be published in the Federal Register thirty days prior to their effective date. The conferees intend that all such documents promulgated pursuant to the Act by OEO, the Department of Labor or HEW be published and that any new category of document not specifically listed but fulfilling the same purpose be included.

The House amendment consolidated into a new title all existing authorities for conducting evaluation activities. The Director was required to develop and publish standards for evaluation of program effectiveness and to measure programs against those standards when considering extension or supplementation of a grant or contract. Independent evaluations might be required of CAAs. Federal agencies administering related programs were required to cooperate with the Director and to provide statistical data and reports consistent with their collection process. The poor were to be consulted in the evaluation process, as were the State agencies. Evaluation results had to be published within 60 days of completion. All such studies and evaluations were to be the property of the United States. The Senate bill had no comparable provision. The Senate receded with a number of amendments. The Director continues to be required to provide for evaluations that describe and measure the impact of programs and their effectiveness and their impact on related programs, but he is only required to do so "with appropriate means and to the extent possible". Similarly, the requirement that the Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act is similarly modified by the prepositional phrase "to the extent feasible". The mandatory requirement that the Director consider the extent to which published standards have been met in deciding on grant renewals and supplements was stricken. This, and other amendments to the House provision, were in recognition by the conferees of the inexact nature of the evaluation process and the desire not to cause damage to programs. Similarly, the requirement that the Director consult with State agencies to provide for jointly sponsored evaluation studies was modified to permit such consultation, but not to require it. The publication requirement for results of evaluative research and evaluations of programs and of other activities carried out under this title are modified so that the Director is only required to publish summaries of such materials.

The House amendment corrected an oversight that occurred when the Foster Grandparents Program was transferred out of the Economic Opportunity Act. It gave the Di-

rector of ACTION authority to approve assistance in excess of 90% of costs where he determines such action is required. There was no comparable Senate provision. The Senate receded.

The Senate bill extended the length of time a person might serve on a community action board from three to six consecutive years and increased the total number of years a person might serve to twelve years. There was no comparable House provision. The House receded.

The Senate bill combined the existing title I–D Special Impact Program and title III–A Rural Loan Program into a new unified Community Economic Development Program (title VII). This new title provided expanded authorization for grants as well as loans to rural cooperatives and authorized the appropriation of $60 million in fiscal year 1972 and $120 million in fiscal year 1973. The House receded.

The Senate bill established a new program in title II—Design and Planning Assistance Grants—that would authorize the Director to make grants to community-based design and planning organizations to provide technical assistance and professional services to community organizations. There was no comparable House provision. The House receded.

The Senate bill established a Youth Recreation and Sports Program to provide disadvantaged youth with recreation and physical fitness instruction. The House had no comparable provision. The House receded. The conferees intend that maximum use of volunteers be encouraged in the Youth Recreation and Sports Program. It is hoped that the college administrators, instructors and athletes engaged will give freely of their time to provide disadvantaged youth with recreation, physical fitness instruction, and other services authorized. To insure that payment to such persons shall be reasonable, where payment must be made, the Director is expected to establish and promulgate standards as to what constitutes a reasonable rate of compensation. Those standards should not, of course, be inconsistent with sec. 610–1(a) of the Economic Opportunity Act of 1964, as amended.

The Senate bill prohibited further transfers or delegations of programs administered by the Director under titles II, III, VI and VII of the Economic Opportunity Act of 1964, as amended. There was no comparable House provision. The House receded.

The Senate bill permitted the Director to waive the allotment and Federal share provisions of title II to relieve any hardship resulting from the failure to continue Head Start under section 222(a)(1) when the new title V takes effect. There was no comparable House provision. The House receded.

Both the Senate bill and the House Amendment amend title V of the Economic Opportunity Act to establish a new comprehensive child development program.

The House amendment provided that comprehensive child development programs should be available to "children regardless of economic, social, and family backgrounds" whereas the Senate bill provided they should be available "as a matter of right to all children whose parents or legal guardian shall request them regardless of economic, social, and family backgrounds".

The conference agreement provides that programs "should be available to children whose parents or legal guardians shall request them regardless of economic, social, and family backgrounds."

The Senate bill included in the Statement of Findings and Purpose the goal of furnishing meaningful employment opportunities in carrying out child development programs for older persons, parents, young persons, and volunteers. The House amendment did not contain this language.

The House recedes.

The House amendment included the purpose of making services available to all children "who need them" whereas the Senate bill in this respect referred to furnishing service to "those children who need them most."

The House recedes.

With respect to parents, the Senate bill called for their "direct participation . . . in the development, conduct, and overall direction of programs at the community level" whereas the House called for their "full involvement."

The Senate recedes.

For the purpose of carrying out this child development title, the Senate bill authorized appropriations of $2,000,000,000 for fiscal year 1973, while the House amendment authorized the appropriation of such sums as may be necessary for fiscal year 1973 and each succeeding fiscal year.

The House recedes.

The Senate bill authorized the appropriation of $100,000,000 for fiscal year 1972 for planning and technical assistance to prepare for implementing this title. The House amendment authorized the Secretary to provide financial assistance to prime sponsors for planning and development expenses in the current and succeeding fiscal years.

The conference agreement contains the Senate authorization with respect to planning and technical assistance.

The Senate bill provided that $500,000,000 of the amount appropriated shall be used first to provide services for children from low-income families, giving priority to Headstart projects. The House amendment did not contain this reservation.

The House recedes.

The Senate bill provided that up to 10% of the remainder (after allocation of $500,000,000 to Headstart-type programs) could be set aside by the Secretary for the parts of this title authorizing training and technical assistance, for programs for children of Federal employees, for reseach and evaluation, and for child advocacy projects.

The House amendment contained annual authorizations of $45,000,000 for training, $5,000,000 for programs for children of Federal employees, and such sums as may be necessary for evaluation, and for research and demonstration.

The conference agreement contains the Senate authorization in this respect, except that the authorization for child advocacy projects is dropped since the conference agreement does not contain that part of the Senate bill.

In conformity with the Senate bill, the conference agreement provides that the remainder of the appropriation (after the Headstart reservation and the 10% available to the Secretary as described in the preceding paragraphs) is to be used for carrying out comprehensive child development programs under part A.

With respect to funds for comprehensive child development programs, the conference agreement contains provisions, which were similar in both the Senate bill and the House amendment, requiring the Secretary to reserve funds for programs for children of migrant agricultural workers and Indian children in the ratio which the number of such children bears to the total number of economically disadvantaged children in the United States.

The Senate bill also provided for reserving not less than 10 percent of the funds available for the title for special activities for handicapped children. The House amendment reserved not less than 7 percent of such funds for such purpose.

The House recedes.

The Senate bill provided for making available not to exceed 5 percent of the funds available for comprehensive child development programs to be used for model programs. The House amendment provided that not to exceed 5 percent of funds could be used in the Secretary's discretion.

The conference report contains the Senate provision in this respect.

Both the House amendment and the Senate bill allocated funds among and within States on the same basis, but the House amendment provided for reallotment or reapportionment of unused funds according to the basic formula, whereas the Senate bill made no specific provision for reallotment or reapportionment.

The Senate recedes.

The Senate bill provided that up to 5 percent of funds allocated for use in a State could be made available by the Secretary for grants to the State for technical assistance (section 517 in both the Senate bill and the conference agreement).

The House recedes.

The Senate bill unlike the House amendment required apportionments to be published in the Federal Register.

The House recedes.

Both bills set forth a number of eligible uses of funds for child development programs. The Senate bill specifically included among the permitted uses of funds programs to meet the needs of all children to understand the history and cultural backgrounds of minority groups; the House amendment did not include this language.

The House recedes.

The Senate bill specifically authorized prenatal and other medical services to expectant mothers who cannot afford such services in order to reduce malnutrition, maternal aid, infant mortality, mental retardation and other handicaps. The House amendment did not contain such a provision.

The House recedes.

With respect to the dissemination of program information in the language spoken by the parents, the Senate bill referred to the purpose of enabling them to "participate in such programs", whereas the House amendment referred to the purpose of enabling them to "become directly involved in such programs."

The Senate recedes.

The Senate bill specifically authorized programs designed to extend prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten through third grade. The House amendment contained no such provision.

The House recedes. It is the expectation of the conferees that no significant amount of funds under this title will be used for such programs, and that local educational agencies should be urged to use funds under titles I and III of the Elementary and Secondary Education Act for teachers' salaries in order to extend Headstart gains into the primary school grades.

Both the Senate bill and the House amendment provided for States, units of general local government (counties and cities), combinations thereof, Indian tribes, and other public and private non-profit agencies to be eligible to be prime sponsors.

The House amendment, unlike the Senate bill, did not allow a unit of general local government with a population of less than 10,000 to be a prime sponsor.

The conference agreement provides that units of general local government are eligible to be prime sponsors and that localities having a population of 5,000 or more persons shall be designated prime sponsors if they meet the requirements of the statute and submit plans which include adequate provisions for carrying out comprehensive child development programs in the area to be covered.

Unlike the Senate bill, the House amendment required as a condition for prime sponsorship designation that a State, city, county, or combination thereof, provide for operating programs by contract with public or private nonprofit agencies.

The Senate recedes.

Unlike the House amendment, the Senate bill in defining what agency may be designated by the Secretary as a prime sponsor stressed the capacity of the applicant for prime sponsorship to provide for, or arrange for the provision of, the comprehensive social, health, educational, rehabilitative and other services as well as carry out the coordinative and administrative functions.

The conference agreement requires the applicant for prime sponsorship to provide assurances that the Child Development Council will provide such services, where available, either directly, or by contract or other arrangement with State, local, or other public or private nonprofit agencies or organizations.

The Senate bill, unlike the House amendment, made it a condition for prime sponsorship designation that an applicant provide adequate assurances that administrative costs for Child Development Councils not exceed 5% of the total cost of the comprehensive child development program except in the first operational year or in response to special needs defined by regulation.

Instead of making such provision a condition to be pre-judged prior to designation of a prime sponsor, the conference agreement sets forth in the payments provision (section 520) that the Secretary shall include in the costs on which the Federal share is based, in making payments to prime sponsors in any fiscal year, an amount for staff and other administrative expenses for the Child Development Council not to exceed an amount which is reasonable when compared with such costs for other comparable child development programs.

The Senate bill provided for the Secretary to encourage the combination of a number of units of local government for prime sponsorship where one unit's application for such sponsorship was not approvable for the reason that it failed to meet the administrative expenses limitation or that it lacked the capacity to provide or enter into arrangements for child-related services.

The conference agreement provides that, if the Secretary determines that a locality fails to meet any requirement set forth in the section, he shall encourage the submission of a prime sponsorship plan by a combination of localities.

The House amendment made any "Indian tribal organization" eligible to be a prime sponsor, whereas under the Senate bill any "Indian tribe or a Federal or State reservation" was eligible.

The Senate recedes.

Both the Senate bill and the House amendment provided for the designation of public or private nonprofit agencies as prime sponsors in the absence of a governmental prime sponsor or where a designated prime sponsor was not satisfactorily implementing a child development program or where such sponsorship was for the purpose of providing programs for migrants. The House amendment, unlike the Senate bill, provided waiting periods before the Secretary could make such a designation of a public or private nonprofit agency. First, a unit of general local government or a State would have 120 days after the implementation of the section by the promulgation of regulations to submit an application. In the initial year under the House amendment a local governmental unit would have 240 days from such implementation to file a plan before the Secretary could designate another agency and such unit of government would have 90 days prior to the start of each succeeding fiscal year to file its annual plan. Both bills permitted the Secretary to designate a public or private nonprofit agency as a prime sponsor designed to meet the needs of economically disadvantaged children, preschool aged children, or children of working mothers or single parents even though residing in an area served by another prime sponsor designated by the Secretary and the Senate bill also authorized such action by the Secretary to carry out model programs "especially designated to be responsive to the needs of economically disadvantaged and minority groups or bilingual preschool children."

The conference agreement contains the Senate provisions in these respects.

Both in the Senate bill and the House amendment the application of an Indian tribal organization or an eligible city for prime sponsorship designation had priority over the application of a State. However, the House amendment, unlike the Senate bill, gave the Secretary the discretion to designate the State in preference to an otherwise approvable application of a county or a combination of units of local government.

The House recedes.

The House amendment provided that the Governor may have sixty days within which to review and comment on applications for prime sponsorship. The Senate bill provided a reasonable opportunity for such review, in accordance with regulations.

The conference agreement gives not less than thirty nor more than sixty days for such review and comment.

The House amendment provided an applicant for prime sponsorship designation 60 days to submit corrective amendments where Secretary disapproves application or proposes to withdraw designation. The Senate bill required a "reasonable time" for such amendments or other corrective action.

The House recedes.

The House amendment made clear that, in judicial review of Secretary's action with regard to prime sponsorship designation, the findings of fact by the Secretary shall be conclusive if supported by substantial evidence. The Senate bill contained no such provision.

The Senate recedes.

The House amendment, unlike the Senate bill, required the Secretary to give preference to an alternate unit of Government or to a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons where a unit of general local government has a practice of excluding minorities.

The conference agreement makes such requirement applicable where any unit of government is maintaining a pattern and practice of exclusion of minorities.

The House amendment, but not the Senate bill, contained a provision that the Secretary may directly fund programs, including those in rural areas without regard to population, where he deems it necessary, in the event that a State, or unit or combination of units of general local government, or Indian tribal organization has not submitted a comprehensive child development plan or the Secretary has not approved a plan so submitted, or where a prime sponsorship designation is not in effect, or where the needs of migrants, preschoolage children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served.

The Senate recedes.

The Senate bill and the House amendment both required all prime sponsors to establish Child Development Councils except that, under the House amendment, a public or private nonprofit organization was not so required.

The conference agreement follows the Senate provisions in this respect.

The Senate bill, unlike the House amendment, provided for a minimum Child Development Council membership of ten. The House amendment set forth no minimum.

The House recedes.

The Senate bill required that at least one-half of the members of Child Development Councils be parents of the children served with parental representation on Child Development Councils initially chosen by existing Headstart policy committees and subsequently by project policy committees. The House amendment required that one-half of the members of the Child Development Councils be elected representatives from Local Policy Councils (comparable to project policy committees in the Senate bill). The House amendment required that at least one person from each Local Policy Council be a member of the Child Development Council.

The conference agreement contains the Senate provisions in these respects.

The Senate bill required that half of the non-parental representatives on the Council be child development specialists except where they are not available. The House amendment required at least one child development specialist.

The House recedes.

The Senate bill required that, with the exception of the child development specialists, all non-parental members of the Child Development Council must be approved by the parent members.

The Senate recedes.

The House amendment provided that at least one-third of the membership of Child Development Councils be parents who are economically disadvantaged; the Senate bill in this respect required that one-fourth of Child Development Council members be "persons broadly representative of the economically disadvantaged."

The Senate recedes.

With respect to child development plans submitted by prime sponsors, the House amendment required priority for preschool children of working mothers and single parents, whereas the Senate bill simply required priority for preschool-age children.

The House recedes.

The House amendment required that funds be reserved for economically disadvantaged children from Federal funds allocated in any fiscal year in an amount at least equal to the aggregate funds in the prime sponsorship areas for Headstart programs in fiscal year 1972. The House amendment further provided that 65 percent of the remainder of such funds be for children of families having an annual income below the lower budget for an urban family of four persons; the Senate bill provided that not less than 65 percent of the total cost of programs receiving financial assistance shall be for child development programs and services for such children.

The conference agreement contains provisions in this respect which are substantially the same as the House amendment.

The Senate bill, but not the House amendment, required comprehensive services to meet the need of all children to understand the history and cultural background of minority groups.

The House recedes.

The House amendment required equitable services for each minority group in the community to be served; the Senate bill contained the same requirement but also referred to significant segments of the economically disadvantaged.

The House recedes.

The House amendment required coordination of child development programs with other social programs, including employment and manpower programs, to keep members of the family as close together as possible. The Senate bill contained a similar provision which made no reference to other social programs or to manpower programs.

The Senate recedes.

The House amendment required that the comprehensive plan provide for direct parent participation in the conduct, overall direction, and evaluation of programs; the Senate bill did not set forth this specific provision.

The Senate recedes.

The House provision contained provisions, not contained in the Senate bill, for employment as professionals and paraprofessionals of neighborhood residents and for career development for such persons.

The Senate recedes.

The Senate bill provided that preference for program jobs be given insofar as possible to unemployed or low-income persons residing in the project area; the House amendment provided that preference be given to any person residing in the project area.

The conference agreement provides that, insofar as possible, persons residing in the community served will receive jobs, with special consideration for career opportunities for low-income persons.

The House amendment provided that the comprehensive plan assure that local educational agencies and private educational agencies have developed "linkage and coordination mechanisms" to provide continuity between preschool and school programs and between child development programs and EOA programs and ESEA programs. The Senate bill had comparable language but required the prime sponsor to develop these procedures in cooperation with public and private schools.

The conference agreement contains the Senate language.

Both the Senate bill and the House amendment required the comprehensive plan to include requirements for arrangements in the project area with business, industry, labor and other community groups. However, the Senate bill also included a reference to "financial institutions".

The conference agreement includes the Senate language.

Both the Senate bill and the House amendment authorized delegation of arrangements for delivery of services to public or private agencies, under the supervision of the Child Development Council; but the Senate bill, unlike the House amendment, did not authorize delegation of administrative responsibility for development of the comprehensive child development plan.

The conference agreement contains the Senate provision in this respect.

The House amendment, but not the Senate bill, required comprehensive plan to provide for coooperative arrangement to be entered into under which public agencies, at both the State and local levels, responsible for handicapped children programs will make such services available to programs when appropriate.

The conference agreement requires the comprehensive plan to provide that services for handicapped children, at both the State and local levels, will be used wherever available in programs approved under the plan.

The House amendment, unlike the Senate bill, required the comprehensive plan to assure coordination of child development programs for which financial assistance is provided under the authority of other laws.

The House recedes.

The House amendment, but not the Senate bill, required that comprehensive plans provide that consideration be given to applications by public and private profitmaking and nonprofit organizations "with emphasis to on-going programs" and that comparative costs of providing services will be a factor in deciding among applications.

The conference agreement contains this provision with the modification that the comparative cost be considered in relation to the quality of services.

The House amendment contained provision in comprehensive plan requirements that services be provided only for children whose parents or legal guardians have requested them. The Senate bill did not set forth this provision, which was set forth in the Statement of Purpose, in the comprehensive plan requirements.

The Senate recedes.

The House amendment, but not the Senate bill, contained a provision requiring consideration for "excellence of architecture and design" and "inclusion of works of art" in plans for construction.

The Senate recedes.

Both the Senate bill and the House amendment contained the requirement that each community action agency, single purpose Headstart agency, and local educational agency operating Headstart programs be afforded an opportunity to submit comments on a proposed comprehensive plan. They differ only in that the House amendment provided for local educational agency comments only if that agency had operated a Follow Through or Headstart program.

The conference agreement contains the Senate provisions in this respect.

The Senate bill, unlike the House amendment, contained a provision requiring the Secretary to establish procedures to permit prime sponsors to submit jointly a comprehensive child development plan for the areas they serve.

The House recedes.

The House amendment provided for local policy councils selected by parents in each neighborhood or sub-area possessing a commonality of interest, or for a nongeographic grouping of appropriate size. The Senate bill provided for project policy committees to be established by each project applicant, composed of the following: (i) not less than one-half parents of children served; (ii) persons representative of the community approved by the parent members and (iii) persons between one-third and one-half of members appointed as community members who have skills in child development.

The conference agreement contains the Senate provisions in these respects except that only one child development specialist (where available) is required on the project policy committee.

The Senate bill provided that project policy committees develop and prepare project applications, whereas local policy councils under the House amendment determine needs and priorities, make recommendations with respect thereto and encourage project applications to meet those needs.

The House recedes.

The Senate bill provided for the project policy committees to approve project policy committees' basic goals, policies, actions, and procedures for the project applicant including policies, planning, personnel, budget, facilities and evaluation. The House amendment did not contain such specific provisions.

The House recedes.

The House amendment required that charges be made for participation of children according to ability of family to pay; the Senate bill provided that no fee be charged to economically disadvantaged children but that children from families not so disadvantaged pay a fee according to schedule established by the Secretary based on the ability of the family to pay.

The conference agreement provides that no charges be made to families with an annual income equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary based on ability to pay. However, such fees may not exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

The House amendment provided that no person shall be denied employment solely on the ground that he fails to meet State teacher certification standards; the Senate bill contained same provision but added "or local" teacher certification standards.

The House recedes.

The House amendment provided that project application provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child; the Senate bill did not contain this specific language.

The Senate recedes.

The House amendment set forth provision that project application otherwise further the objectives and satisfy the requirements of the comprehensive child development plan. The Senate bill did not specifically so provide.

The conference agreement contains this requirement.

The House amendment, but not the Senate bill, contained a provision for a public or private nonprofit agency which is a prime sponsor to submit a project application directly to the Secretary.

The conference agreement includes such a provision.

The Senate bill provided that a project application submitted to the Secretary by a public or private agency may be approved upon the Secretary's determination that it meets the statutory requirements.

The conference agreement contains this provision.

The Senate bill contained authority, not included in the House amendment, for the Secretary to provide funds to States to enable them to provide special technical assistance to Child Development Councils and for encouraging State agencies to cooperate in the development and implementation of the comprehensive child development plans of prime sponsors which request such help. (The allocation formula provides that 5 percent of funds under the title may be used for these special grants to States.)

The House recedes.

Both bills provided that applications for financial assistance may be approved if rental, renovation, remodeling, or leasing of adequate facilities is not practicable. The Senate bill, unlike the House amendment, provided for the Secretary to make this determination.

The House recedes in this respect.

It is the understanding of the conferees that lease-purchase arrangements where payment schedules are comparable to rental or leasing arrangements shall be considered within the meaning of the term "leasing".

The House amendment did not authorize the Secretary to recover the value of a facility from grantee after 20 years from its completion if the facility ceases to be used for the purpose for which it was constructed; the Senate bill permitted such recovery at any time the facilities cease to be so used.

The House recedes.

The House amendment authorized loans and grants for construction; the Senate bill permitted grants only.

The Senate recedes.

The House amendment provided that no more than 15 percent of total financial assistance to a prime sponsor could be for construction and only 7½ percent could be for grants for construction. The Senate bill limited grants for construction to 15 percent of total assistance.

The conference agreement contains the House provisions in this respect.

The House amendment, unlike the Senate bill, amended the Education Professions Development Act to authorize the Office of Education to provide assistance for training or retraining professional and nonprofessional personnel for child development programs. In addition, the Senate bill and the House amendment contained similar provisions authorizing the Secretary of Health, Education, and Welfare to support the training of personnel employed, preparing for employment, or volunteering for work in a child development program.

The conference agreement contains the Senate provisions in these respects.

Both the Senate bill and the House amendment required the Secretary to make an evaluation of Federal involvement in child development activities. The bills differed in the following respects:

(a) The House amendment, but not the Senate bill, specified that the evaluation shall be made through the Office of Child Development. The conference agreement provides for such evaluation through the Office of Child Development unless the Secretary determines otherwise.

(b) The Senate bill, but not the House amendment, required the evaluation to include the extent to which preschool, minority groups, and economically disadvantaged children and their parents have participated in programs. The House recedes.

(c) The Senate bill required the evaluation results to be reported to Congress not later than two years after enactment, the House amendment no later than 18 months after enactment. The Senate recedes.

(d) Both the Senate bill and the House amendment required Federal agencies to provide such information as the Secretary determines necessary for the evaluation. The Senate bill, unlike the House amendment, also imposed this requirement upon prime sponsors and project applicants. The House recedes.

(e) The Senate bill, but not the House amendment, provided that the Secretary shall reserve between 1 and 2 percent of funds for this evaluation section. The House recedes.

The House amendment provided that the Secretary establish Federal standards for child development services after approval of a Special Committee. The Senate bill provided that the Secretary consult with such Committee and other Federal agencies and that he give his reasons if he disapproved the Committee's recommendations.

The House recedes.

The Senate bill, but not the House amendment, provided that Child Development Standards shall be no less comprehensive than the Federal Interagency Day Care Requirements as approved by HEW, OEO and the Department of Labor on Sept. 23, 1968.

The House recedes.

The House amendment provided that parents of Title IV Social Security Act programs must be represented along with Headstart parents on the Special Committee to develop standards. The Senate bill did not so provide.

The Senate recedes.

The House amendment provided that on the committee to develop uniform minimum code for facilities standards one-half shall be parents, including Title IV Social Security Act parents; the Senate bill provided one-third shall be parents and did not refer to Title IV.

The Senate recedes.

The House amendment gave the uniform facilities code committee 6 months to report; the Senate bill gave it a year.

The House recedes.

The House amendment provided that promulgation of facilities code required concurrence of the committee. The Senate bill required the Secretary to consider recommendations of the committee.

The House recedes.

The House amendment, unlike the Senate bill, contained provisions authorizing mortgage insurance for child development facilities.

The Senate recedes.

The Senate bill and the House amendment each authorized support for child development programs for the children of Federal employees, except as follows:

(a) The Senate bill limited such assistance to children of civilian employees (not military personnel), whereas the House amendment was not so limited. The Senate recedes.

(b) The Senate bill, but not the House amendment, characterized the programs as "model" programs. The Senate recedes.

(c) The Senate bill and the House amendment provided that no more than 80 percent share shall be paid from funds under this part. The House amendment, unlike the Senate bill, provided that after the first two years of a program's operation, no more than 40 percent of program costs shall be paid from Federal funds. The House recedes.

(d) The House amendment, but not the Senate bill, provided that funds for Federal employee programs shall be distributed among the States, insofar as feasible, in proportion to the number of Federal employees. The Senate recedes.

The Senate bill authorized the Secretary to carry out a research and development programs. The House amendment was similar but established a National Center for Child Development within the Office of Child Development for research purposes.

The conference agreement generally follows the Senate title except that it does not establish a National Center for Child Development.

The Senate bill, but not the House amendment, provided for research to test alternative child development methods.

The House recedes.

The House amendment, but not the Senate bill, included among research activities the following purposes:

(a) production of information systems to support Center activities;

(b) integration of national child development research efforts into a focused national research program.

The Senate recedes.

The Senate bill, but not the House amendment, provided that the Secretary shall give priority in assisting research and demonstration projects to programs carried out by multicounty local development districts under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

The Senate recedes.

Although specific mention of research and demonstration funding for child development programs of multicounty local development districts established under the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965 has been deleted in the conference agreement, this action is in no way to be construed as a rejection of such agencies as being eligible or to preclude the funding of any research and demonstration programs presently conducted by the Appalachian Regional Commission. Such agencies are eligible for research and demonstration grants as are individuals, public or private nonprofit organizations, universities, colleges and community service type organizations.

The House amendment required an annual report on research activities to Congress, a provision not contained in the Senate bill.

The Senate recedes.

The Senate bill, but not the House amendment, authorized a program of national child advocacy projects in various regions of the United States.

The Senate recedes.

Both the Senate bill and the House amendment provided for an Office of Child Development in the Department of Health, Education, and Welfare, to be the principal agency for administering and coordinating child development programs. The Senate bill, unlike the House amendment, contained a statutory provision for Director of the Office of Child Development.

The House recedes.

The House amendment, unlike the Senate bill, required the President to take appropriate steps to establish mechanisms for coordination at the State and local level of child development programs.

The House recedes.

The Senate bill, but not the House amendment, required the Secretary of Health, Education, and Welfare to establish procedures to assure adequate nutrition services in the child development programs, making use of the Special Food Service Programs for Children and the Child Nutrition Act.

The House recedes.

The Senate bill, unlike the House amendment, authorized the Secretary to withhold funds in order to recover amounts expended in the current or immediately prior fiscal year in violation of any term or condition under this legislation.

The House recedes.

The Senate bill, but not the House amendment, required the Secretary to prescribe regulations to assure that programs have adequate internal administrative controls and policies to promote the effective use of funds.

The House recedes.

Both the Senate bill and the House amendment had provision for payments of minimum and prevailing wages which were comparable. They differed in two respects: (1) The Senate bill imposed the duty of compliance directly on the Secretary whereas the House amendment made it a part of the project application and (2) the House amendment would have exempted volunteers from the requirements.

The conference agreement follows the Senate provision, except that persons who serve without compensation would be exempt from such provisions.

The Senate bill prohibited the Secretary from providing financial assistance for any program involving political activities or where funds or personnel are in any way engaged in the conduct of political activities in contravention of section 603 of the Economic Opportunity Act. The House bill did not contain this provision.

The House recedes.

The Senate bill contained language, not in the House amendment, prohibiting use of funds for construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place or religious worship.

The House recedes.

The Senate bill, but not the House amendment, contained the standard provisions for withholding funds after reasonable notice and opportunity for a hearing.

The House recedes.

The House amendment contained advance funding authority, not set forth in the Senate bill.

The Senate recedes.

The House amendment contained the usual provision that Federal control of education is not authorized. The Senate bill did not contain the provision in this title.

The Senate recedes.

The Senate bill, unlike the House amendment, contained a specific provision prohibiting the Secretary from providing financial assistance unless the recipient provides nondiscrimination assurances.

The House recedes.

The House amendment, unlike the Senate bill, provided that no person should be discriminated against on the ground of sex in any program under this legislation, to be enforced under title VI of the Civil Rights Act.

The Senate recedes.

The House amendment, unlike the Senate bill, called for the Secretary to promulgate regulations "to guarantee" that other Federal funded child development programs including Title I of the Elementary and Secondary Education Act and Follow Through be coordinated with this act. The House provision

also called for joint technical assistance efforts which result in coordinated efforts between the Office of Child Development and the Office of Education.

The conference agreement follows the House provisions, but states that regulations shall "assure" such coordination.

The House amendment, unlike the Senate bill, amended the Federal Property and Administrative Services Act to allow child development programs the benefits of surplus property disposals.

The Senate recedes.

The House amendment, but not the Senate bill, provided NDEA student loan forgiveness of 15 percent a year for service as a teacher in a child development program.

The Senate recedes.

The Senate bill defined "economically disadvantaged children" to mean any children of a family having an annual income below the lower living standard budget determined by the Bureau of Labor Statistics. The House amendment defined "economically disadvantaged child" to mean a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria in regulations, considering factors taken into account in determining fee charges in other federally assisted child development programs.

The House recedes.

Both the Senate bill and the House amendment repealed provisions in other titles of the Economic Opportunity Act authorizing day care and provided that day care services shall be purchased under the new title V.

The conferees, in providing separate new authority for child development programs, direct that there be no reduction in the child development services available for work and training programs conducted under Title I of the Economic Opportunity Act. Rather, it is anticipated that in developing programs for services under the new Title V authority, the Secretary of Health, Education and Welfare shall ensure that full consideration is given to those which serve work and training program enrollees. However, if no such services are available under Title V authority, it is expected that work and training program sponsors shall purchase into suitable existing child development programs provided by other public or private non-profit agencies.

Both the Senate bill and the House amendment added a new title to the Economic Opportunity Act creating a National Legal Services Corporation. The following differences in the provision were resolved as follows:

In the declaration of policy relating to the Legal Services Corporation the Senate bill stated it is in the public interest "to provide greater access to attorneys and appropriate institutions" while the House amendment said it is in the public interest "to promote and encourage resort to attorneys and appropriate institutions". The House receded.

The Senate bill contained a more detailed and precise definition of the Corporation as a tax exempt organization than did the House amendment. The House receded.

The Senate bill and the House amendment were identical in substance, providing for the establishment of an incorporating trusteeship. The House amendment, in addition, required the trusteeship to establish procedures for lists of nominees by the national professional associations of attorneys in the nominations to the permanent board. The House receded.

The Senate bill provided for two separate initial Advisory Councils—one for clients and one for project attorneys—composed of eleven members each. The House amendment provided for a single Advisory Council to be composed of sixteen members selected from among legal services attorneys and the client community of whom no more than eight were to be individuals eligible for legal services assistance. The Senate bill provided for separate meetings of the Clients Advisory Council and the Project Attorneys Advisory Council for submission of lists of nominees to the permanent board. The House amendment provided that the client members of the Council and the project attorney members should each submit recommendations—in substance, the same effect. The House receded.

The Senate bill provided for a board of directors of fifteen members selected in the following manner:

1 appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the U.S.;

9 appointed by the President with the advice and consent of the Senate as follows: four from the general public; three eligible for legal services assistance chosen from a list submitted by the Clients Advisory Council; two chosen from a list submitted by the Project Attorneys Advisory Council;

5 shall be members by virtue of holding the following offices: President of American Bar Association or his designee; president of National Legal Aid and Defender Association or his designee; president of American Association of Law Schools or his designee; president of American Trial Lawyers Association or his designee; president of National Bar Association or his designee.

The House amendment provided for a board of directors consisting of 17 members appointed by the President and with the advice and consent of the Senate in the following manner:

1 member from lists of nominees submitted by the Judicial Conference of the United States;

7 members from individuals in the general public, three of whom must be attorneys admitted to practice before the highest court in their jurisdiction;

2 members from persons eligible for assistance under this Title, after having given due consideration to the recommendation of client members of the Advisory Council;

2 members from among former legal services project attorneys after giving due consideration to the recommendations of the attorney members of the Advisory Council;

1 member from lists of nominees submitted by the Association of American Law Schools;

4 members from lists of nominees submitted by the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association, in accordance with procedures established by the incorporating trusteeship.

The conference agreement provides for a seventeen member board, all appointed by the President with the advice and consent of the Senate selected in the following manner;

6 members from the general public, three of whom must be admitted to practice before the highest court in their jurisdiction;

2 members from lists submitted by the Judicial Conference of the United States;

2 members who are former legal services project attorneys from lists submitted by the Project Attorneys Advisory Council;

2 members from among persons eligible for legal services assistance from lists submitted by the Clients Advisory Council;

5 members one each from lists submitted individually by the American Bar Association, National Bar Association, National Legal Aid and Defender Association, American Trial Lawyers Association and the Association of American Law Schools.

Regarding the constitution of the initial board of directors of the corporation, it is the intention of the conferees that all groups submitting lists to the President of prospective nominees should do so at the earliest possible time in order that the President may submit to the Senate all of his nominees to constitute the board of directors as quickly as possible, thereby permitting all directors to be duly appointed and the board authorized to begin to function no later than 90 days after enactment of the bill and well in advance of the date—six months from the date of the bill's enactment—when the corporation is fully empowered as a successor to the OEO legal services program.

Both the House amendment and the Senate bill provided for three year terms for board members with staggered terms to insure continuity. The differences between the House amendment and the Senate bill generally reflected the different make-up and means of selection of the board of directors in the respective bills.

The conference agreement provides that the terms of six of the initial board members shall expire after one year: one of the members appointed from lists submitted by the Judicial Conference; two of the members from the general public appointed by the President; one of the members from lists submitted by the Clients' Advisory Council; and the member appointed from lists provided by the National Legal aid and Defender Association; and the member appointed from lists submitted by the American Trial Lawyers Association.

The following six board members are appointed for an initial three-year term: two of the members from the general public appointed by the President; one of the members appointed from lists submitted by the Clients' Advisory Council; one of the members appointed from lists submitted by the Project Attorneys Advisory Council; and the member appointed from lists submitted by the National Bar Association.

The following six members are appointed for an initial three-year term: two of the members from the general public appointed by the President; one of the members appointed from lists submitted by the Clients' Advisory Council; one of the members appointed from lists submitted by the Project Attorneys' Advisory Council; the member appointed from lists submitted by the American Bar Association; and the member appointed from lists submitted by the American Association of Law Schools.

The Senate bill authorized the establishment of an executive committee of not less than 5 nor more than 7 members which was to consist of the chairman of the board, the executive director of the Corporation, and one member each representing the general public, the eligible clients or the project attorneys, and the various professional legal associations. There was no comparable House provision. The House receded with an amendment authorizing the establishment of a similar executive committee which was to include the chairman of the board, at least one member representing the public, at least one member representing either the eligible clients or the project attorneys, and at least one member representing the various legal professional associations. The mandatory inclusion of the executive director on the executive committee was deleted. In so doing the conferees do not intend that the executive director necessarily must be excluded from membership on the executive committee. Membership of the executive director on the executive committee is thus left to the members of the board of the Corporation to decide.

The House amendment assured that attorneys are to be bound by the same canons and codes of behavior as other attorneys in their jurisdiction. There was no similar Senate provision. The Senate receded with an

amendment providing that the Corporation shall assure that the project attorneys adhere to the American Bar Association's Code of Professional Responsibility and Canons of Professional Ethics.

Both the Senate bill and the House amendment authorized the Corporation to establish standards of client eligibility. The House amendment, however, required the standards to be "consistent with those established by the Office of Economic Opportunity for the provision of legal services". The Senate bill contained no such limitation. The House receded.

On a related matter, the Senate receded from a provision in the Senate bill which directed the board of the Corporation to establish graduated fee schedules to allow the near-poor to pay all or part of the cost of legal services provided them. There was no similar House provision. It is the intention of the conferees that the Corporation should not provide funds to afford free legal assistance to individuals or corporations who can afford to employ private counsel. The decision not to include a specific requirement that the standards of eligibility be consistent with those established for legal services programs by the Office of Economic Opportunity should not be understood to imply any dissatisfaction on the part of the conferees with those standards. Rather, the conferees intend that the Corporation should give serious consideration to the guidelines heretofore established by the Office of Economic Opportunity for the Legal Services program. However, the conferees thought it wise to provide authority to the Corporation to make such adjustments as time and experience may require.

The House amendment required that approval of grants be based on economical comprehensive delivery of services in both urban and rural areas. There was no Senate reference to urban and rural concentration. The Senate receded.

The Senate bill authorized the Corporation to be reimbursed for the cost of services rendered to other Federal agencies. There was no comparable House provision.

The House receded with an amendment to make clear that reimbursement would take place only where arrangements for such services were "otherwise authorized".

The House amendment prohibited attorneys or other persons employed by the Corporation, or engaged in programs funded by the Corporation, from solicitation of clients except that the Corporation was to be allowed a "mere announcement or advertisement" of its existence in the community. The Senate receded with an amendment which made clear that the prohibition against solicitation was not intended to include any conduct or activity permissible under the provisions of the Code of Professional Responsibility of the American Bar Association governing solicitation and advertising.

The Senate bill directed the board to establish graduated fee schedules to allow near-poor to pay all or part of the cost of services. There was no comparable House provision. The Senate receded.

The House amendment required the Corporation to notify the Bar Association of the State of grant approvals within that State thirty days prior to their actual approval. There was no comparable Senate provision. The Senate receded with an amendment requiring notification "within a reasonable time prior" to approval of a grant instead of "thirty days prior" to the approval of a grant.

The Senate bill prohibited the use of funds for criminal proceedings or extraordinary writs, such as habeas corpus or coram nobis, except pursuant to guidelines established by the Corporation. The House amendment contained a flat prohibition against the use of funds or personnel provided by the Corporation to provide legal services in any criminal proceedings. The Senate receded. The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities imposed on him as an officer of the court by the courts before which he practices.

The House amendment made the Corporation liable to any prevailing defendant for the payment of legal fees or court costs awarded in connection with any proceeding brought by attorneys employed by the Corporation. There was no comparable Senate provision. The House receded.

The Senate bill required all employees of legal services programs, while engaged in activities connected with those programs, to refrain from any partisan political activity associated with a candidate for public or party office and from any voter registration activity or from providing transportation to the polls. The House amendment applied the provisions of the Hatch Act to all full-time employees of the Corporation and of programs funded by the Corporation and, in addition, prohibited non-partisan political activity.

The conference agreement provides that such full time employees while engaged in activities carried on by the Corporation refrain from partisan or nonpartisan political activity including voter registration or transportation. Full time employees must also refrain from identifying the Corporation with any candidate for political or party office. The Corporation is directed to establish appropriate guidelines dealing with free time political activities of the full-time employees of the Corporation or its grantees.

The Senate bill provided that the financial transactions of the Corporation, its grantees and contractors, were to be subject to annual audit by the General Accounting Office. The House amendment expanded the authority of the General Accounting Office and, in addition to financial audits, authorized the General Accounting Office to examine the accounts, operations, reports of evaluations, and inspections of the Corporation, its grantees and contractors. The Senate receded.

The Senate bill included in the definition of "legal services" the provision of bilingual legal services to residents of communities when the predominant language is other than English. There was no comparable House provision. The House receded.

The Senate bill provided that rights to capital equipment of legal services programs were to be transferred to the Corporation on the date of enactment. The House amendment prescribed that all such rights should transfer at a time prescribed by the Director of the Office of Management and Budget or six months after enactment, whichever is earlier. The House provision insured the existence of responsible persons and organizational structure to take responsibility for such capital equipment. The Senate receded.

Both the Senate bill and the House amendment provided for the transfer to the Corporation of all personnel, assets, liabilities, property, and records used in connection with the Office of Economic Opportunity Legal Services program. Non-lawyer personnel transferred were protected by the Senate bill in that transfers were to be effected in accordance with applicable laws and regulations (including the continuation of benefits provided under civil service laws relating to seniority, classification of positions, retirement benefits, compensation for work injuries, health insurance, group life insurance, and similar matters) and "without reduction" in classification or compensation for one year following the transfer. The Director of the Office of Economic Opportunity was further required to take the necessary and reasonable actions to "find" suitable employment for such persons who did not wish to transfer. The House receded with clarifying language to the effect that non-lawyer personnel shall be transferred in accordance with applicable laws and regulations and "shall not be reduced" in classification or compensation for one year. Further amendment required that the Director take such action as was necessary and reasonable to "seek" suitable employment for all those persons who did not wish to be transferred.

The Senate bill protected existing collective bargaining agreements covering personnel transferred to the Corporation. There was no comparable House provision. The House receded.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM L. CLAY,
SHIRLEY CHISHOLM,
MARIO BIAGGI,
ELLA GRASSO,
OGDEN REID,

*Managers on the Part of the House.*

GAYLORD NELSON,
EDWARD KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI STEVENSON,
JENNINGS RANDOLPH,
JACOB K. JAVITS,
RICHARD SCHWEIKER,

*Managers on the Part of the Senate.*

## APPOINTMENT OF CONFEREES ON REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. BYRNES of Wisconsin, BETTS, and SCHNEEBELI.

## U.S. ECONOMY IS FARING BETTER

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

Mr. GERALD R. FORD. Mr. Speaker,

on November 19, the Washington Post acknowledged that the U.S. economy is faring better. And indeed it was right. Revised statistics show that the real gross national product grew at an annual rate of 3.9 percent during the third quarter of 1971, rather than the 2.9 percent shown in earlier projections. Simultaneously, inflation, as measured by the GNP deflator, rose at an annual rate of 3 percent during the third quarter, as compared to 4 percent in the second quarter and 5.3 percent in the first. The rise in the Consumer Price Index during the month of October was 0.1 percent, after seasonal adjustment. This was the smallest monthly rise in the CPI since April 1967.

It is obvious that President Nixon's new economic policy is working. Phase I—the freeze—was a great success. It clamped down hard on the inflationary spiral which we inherited from the fiscal irresponsibility of the previous administration. It united the American people in a massive attack on the monster which has been eating away at the purchasing power of the American worker. In constructing phase II the administration has sought to incorporate a high degree of equity into the framework of its policies. Requests for exception to or exemption from the guidelines of the Pay Board and the Price Commission will be examined carefully on an individual basis.

Because of these positive, innovative administration policies, 1972 will fulfill President Nixon's prediction that it will be a great year economically. The prestigious Organization for Economic Cooperation and Development Secretariat has predicted that the U.S. economy will grow at a real rate of over 6 percent during the first 6 months of 1972. Economic expansion at this rate will constitute a strong recovery from the economic slowdown which we experienced during most of 1970 and will return us to a path of steady economic growth in a climate of price stability.

## THE PRESIDENT'S PREDICTIONS

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

Mr. BOGGS. Mr. Speaker, I listened with great interest to the statement just read by the distinguished minority leader.

I would express the hope that his rosy prediction would come to pass. But if the past and if the present are any indication of the future, then I am afraid that the result will be quite different.

We have had phase II now for several weeks—and most people do not know what it is. I have had more inquiries about what it is and what it does, and what it means and what it does not mean, and what it freezes and what it does not freeze or unfreezes, than any other so-called economic policy that this country has ever seen.

Certainly, you see the results in the confusion and utter pandemonium now prevailing elsewhere in the free world. There has never been a time when the balance-of-payments deficit has been so large nor has there ever been a time in modern history when the balance of trade has been in such a deficit position. The stock market which some claim to be a barometer of business conditions, although it had apparently a little advance on Friday, has been going down and down and down. Unemployment remains at almost 6 percent and our industrial capacity is still unused to the extent of about 30 percent.

So I say, Mr. Speaker, if these conditions present a rosy picture, I would hate to see a gloomy one.

## AMERICAN PEOPLE SHOULD KNOW WHAT PRESIDENT PLANS TO DISCUSS WITH COMMUNIST LEADERS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I read with great interest over the weekend that President Nixon will tell Prime Minister Trudeau, Prime Minister Heath, Prime Minister Pompidou, Prime Minister Sato, Prime Minister Brandt, and a lot of other foreign leaders what it is that he plans to discuss with the Communist leaders in Peking and with the Communist leaders in Moscow.

I wonder if it would be asking too much for the President to be good enough to tell the American people and to tell the Congress of the United States what he intends to discuss with the Communist leaders in Peking and Moscow.

We have heard a great deal of talk about the President's contemplated visit to Peking and Moscow, but at this moment nobody in this country really knows what it is that the President hopes to achieve at Peking and Moscow.

In view of the dismal track record of summit meetings by previous Presidents—including Yalta—I think it would be pretty nice if the American people knew what their President plans to do before all these foreign dignitaries. After all, its the American taxpayer who is funding these trips and it is not asking too much that he be taken into the President's confidence.

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 411]

| | | |
|---|---|---|
| Anderson, Calif. | Bell | Chisholm |
| Anderson, Tenn. | Betts | Clark |
| Arends | Blatnik | Clausen, Don H. |
| Ashley | Burton | Clay |
| Aspinall | Byrne, Pa. | Collins, Ill. |
| Badillo | Caffery | Colmer |
| Barrett | Camp | Cotter |
| | Celler | Davis, S.C. |
| | Chappell | |
| Dent | Helstoski | Reuss |
| Derwinski | Hillis | Rhodes |
| Dickinson | Hogan | Rodino |
| Diggs | Jarman | Rogers |
| Dowdy | Jones, N.C. | Roy |
| Dulski | Landrum | Roybal |
| Edwards, La. | McClory | Sandman |
| Eilberg | McCloskey | Saylor |
| Erlenborn | McCormack | Scheuer |
| Eshleman | McKevitt | Shriver |
| Evins, Tenn. | Martin | Sikes |
| Foley | Mayne | Slack |
| Fraser | Michel | Springer |
| Gallagher | Miller, Calif. | Steele |
| Grasso | Minish | Stephens |
| Gray | Mitchell | Stuckey |
| Green, Oreg. | Nelsen | Thone |
| Green, Pa. | Pepper | Ullman |
| Griffin | Pike | Waldie |
| Gubser | Pirnie | Whitehurst |
| Halpern | Poage | Whitten |
| Hanna | Pryor, Ark. | Wiggins |
| Hébert | Railsback | Wilson, Charles H. |
| Heckler, Mass. | Rangel | |

The SPEAKER. On this rollcall, 335 Members have answered to their names, a quorum.

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

## APPOINTMENT OF CONFEREES ON H.R. 9727, MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees; Messrs. GARMATZ, DINGELL, LENNON, PELLY, and MOSHER.

## FEDERAL ELECTION REFORM

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, November 18, 1971, the Clerk had read the enacting clause of the bill.

For what purpose does the gentleman from Massachusetts (Mr. MACDONALD) rise?

AMENDMENT OFFERED BY MR. MACDONALD

Mr. MACDONALD of Massachusetts. Mr. Chairman, pursuant to House Resolution 694, I offer an amendment in the form of a new title I.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts: Page 1, after the enacting clause insert the following:

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

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

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, and magazines.

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

(3) The term " Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 104(b) such term includes the office of Vice President).

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

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

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

REPEAL OF EQUAL-TIME REQUIREMENT FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT

SEC. 103. (a) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) The second sentence of such section is amended by striking out "any such candidate" and inserting in lieu thereof "any legally qualified candidate for public office".

MEDIA RATE REQUIREMENTS

SEC. 104. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

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

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

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 105. (a)(1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of 10 cents (or such greater amount as may be certified under paragraph (4)(A)) multiplied by the voting age population (as certified under paragraph (4)(B)) of the geographical area in which the election for such office is held, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under subparagraph (A) with respect to such election.

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

(A) for the use of communications media, or

(B) for the use of broadcast stations,

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

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

(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 a broadcasting station, newspaper, or magazine shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to receive such broadcast, newspaper, or magazine.

(4)(A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an amount which bears the same ratio to 10 cents as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of 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.

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

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

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 105(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) For the purposes of this section:

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

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

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

REGULATIONS

SEC. 106. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 104 (b), 105(a), and 105(b) of this Act.

PENALTIES

SEC. 107. (a) Whoever violates any provision of section 104(b), 105(a), or 105(b) or any regulation under section 106 shall be assessed a civil penalty of not more than $1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 105(a) or any regulation under section 106 shall be punished by a fine of not more than $10,000 or by im-

prisonment of not more than one year, or both.

EFFECTIVE DATE

SEC. 108. Sections 103 and 104 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 105 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

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

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

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I think all of us are quite aware that the legislation we have before us today will affect the political life of America for many years to come. Many of us who served here a year ago understand well the bill that was passed at that time, but I think for the benefit of those who have either forgotten or who were not here at that time, it might be well to review the history of this bill.

In 1970, this House by a vote of 272 to 97 passed a bill which is terribly similar to what is now called title I of the Hays bill. That bill had been passed out of the House Commerce Committee. It stayed strictly within the jurisdiction of that committee, as it properly should. It was passed by the Senate by a vote of 60 to 19. Then the conference report came over to the House. Incidentally, the Senate, in conference had for once, adopted all of our measures except the effective date of our bill, and the conference report was overwhelmingly adopted.

What the bill did then and what it will now is to limit the amount of money that can be spent on so-called communications media blitzes. The bill, of course, then went to the President, and for whatever reasons he had, and despite the great display of bipartisan support, the bill was vetoed at the White House. In the veto message the President indicated that a bill would be forthcoming from the administration which would plug more holes. As I recall, the President said that the bill he was sent plugged only one hole in the sieve. He acknowledged the fact that spending was getting out of hand in all Federal elections and, indeed, other elections as well.

We waited for a long time for another bill to be sent up and we never got one.

In his veto message the President indicated also that he thought the broadcasting media were being discriminated against, inasmuch as there was no limitation placed on newspapers or magazines. So in order to avoid another veto, and because we do have jurisdiction over both newspapers and magazines, they were added to this bill.

Specifically, with relation to title I of the bill, it would, first, repeal section 315(a) of the Communications Act of 1934 with respect to candidates for President and Vice President. And for those of you who are not all that familiar with the Communications Act that means the networks, the broadcasters, if they give free time to the Republican Party, the Democratic Party, or another well-known third party, do not have to give time to Lon Daly in Chicago, the Vegetarian Party, or any of the other fringe parties.

Second, title I places an overall limitation on the amount of money which can be spent by or on behalf of any candidate for Federal office.

And this, of course, is to stop the loophole of money being spent by committees for a candidate, and yet the candidate does not have to report a cent of it.

The limit in title I is obtained by multiplying 10 cents times the voting age population—that is people who are eligible to vote whether they register or not. The bill further limits the amount which a candidate could spend of that 10 cents through the broadcast media to 50 percent of that, which obviously is 5 cents. So no candidate can come in and hire a hotshot so-called advertising agency.

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

Mr. VAN DEERLIN. Mr. Chairman, because of the importance of the gentleman's amendment, I ask unanimous consent that he be allowed to proceed for an additional 5 minutes.

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

There was no objection.

Mr. MACDONALD of Massachusetts. Mr. Chairman, as we all know, the television blitz has worked on both sides.

The last time this was a bipartisan effort, and I hate to see this become a partisan effort, even though I have heard rumors that is what it is about to develop into, because we have had our transgressors on this side and obviously there have been transgressors on that side of the aisle.

It has been said this is an incumbent's bill. It is not. It is a public interest bill, because the public interest should be protected. If one is sold a package of soap or razor blades or anything else that turns out to be defective by an advertising blitz tactic, the person has a right to go to a consumer agency or to the FTC and to complain. However, if the voter is sold a bad bill of goods by a television blitz and gets a packaged candidate who never even really appears on TV, but has an advertising agency do all spot announcements, the person has nowhere to turn to complain except 6 years later for some candidates, 4 years later perhaps for others, and in our case 2 years later. So this seems to me not to be an incumbent's bill but a public interest bill.

Third it has separate limits both as to primaries and general elections. In the case of the presidential primaries, the candidates' expenditures are limited on a State-by-State basis with the candidate able to spend no more than a candidate for the Senate would be able to spend within that State.

Fourth, the broadcast stations would be required to extend to the candidates their lowest unit costs, which are their lowest costs, rates that they set themselves. Newspapers and magazines are not held to that amount but can charge a candidate their standard open or transient rate and treat us political candidates from every level as they would somebody selling a commercial product.

Fifth, no advertising would be accepted from or on behalf of any candidate unless the candidate certifies in writing that the expenditure involved is within his spending limitation.

I know this is a very important bill, and I know that our time is limited. I am not going to transgress on the time of other Members.

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

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

Mr. EDMONDSON. Mr. Chairman, I congratulate the gentleman and the committee on which he serves with great distinction as a subcommittee chairman upon a very fine job of legislative craftsmanship on this bill.

I recognize that there are some things that pinch everybody's toes in this, and I recognize there are some things that are not perfect in the bill. To my way of thinking, however, it is a balanced, thoughtful, and carefully written piece of legislation that meets a national need and also meets the primary objections that were raised in the President's veto message, and meets them very, very effectively. I congratulate the gentleman on the job he has done on it.

I hope, as the gentleman does, that this will be a measure that will be beyond partisanship in the final work that is done on it in this House. I think the public is entitled to this kind of legislation. I think it is in the interest of this country to have the House pass it, and I hope it will receive the overwhelming support of this House.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman. I would like to point out that this bill is in substance exactly the same bill that came out of the Subcommittee on Communications a year ago with not a dissenting vote, and which came out of the full Committee on Interstate and Foreign Commerce with only one dissenting vote.

No amendments were put on in the subcommittee or, after it left the subcommittee, either in the full committee or here in the House. It passed overwhelmingly, with bipartisan support, a year ago here in the House. It passed the Senate with bipartisan support. The conference report was accepted with a bipartisan spirit.

For the life of me I cannot see how in the space of 1 year, when we met the objections—tried to meet and believe we have met the objections—of the veto message, it suddenly should become a partisan issue.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of Ohio. May I ask the procedure now with respect to H.R. 11231. Is my understanding correct that the bill is now to be read section by section, or to be considered section by section for amendment?

The CHAIRMAN. The amendment of the gentleman from Massachusetts (Mr. MACDONALD) has been read, and is open to amendment at any point.

Mr. BROWN of Ohio. Under the rule?

The CHAIRMAN. Under the rule and the unanimous-consent agreement.

Mr. BROWN of Ohio. I thank the Chair.

AMENDMENT OFFERED BY MR. FREY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. FREY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The Clerk read as follows:

Amendment offered by Mr. FREY to the amendment offered by Mr. MACDONALD of Massachusetts: Page 1, strike out lines 7 and 8 and insert in lieu thereof the following:

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

Page 4, strike out lines 8 through 21, and insert in lieu thereof the following:

"SEC. 105. (a)(1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

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

"(i) 10 cents (or such greater amount as may be certified under paragraph (4)(A)(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 percentum of the amount determined under subparagraph (A) with respect to such election."

Page 6, beginning on line 15, strike out "a broadcasting station, newspaper or magazine," and insert in lieu thereof "communications media."

Page 6, beginning on line 19, strike out "receive such broadcast, newspaper or magazine" and insert in lieu thereof "be reached by such communications media."

Page 6, beginning on line 24, strike out "in the Federal Register" and all that follows down through "1972." in line 3 on page 7, and insert in lieu thereof the following: "in the Federal Register—

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

"(ii) an amount which bears the same ratio to $50,000, as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972."

Page 8, beginning on line 7, strike out "any newspaper or magazine" and insert in lieu thereof "any newspaper, magazine, or outdoor advertising facility."

Mr. FREY. Mr. Chairman, let me very simply explain what this amendment does.

First. It establishes as the limit on spending the greater amount of $50,000 or 10 cents multiplied by the voting age population. In the present Macdonald of Massachusetts proposal we have a 10-cent-per-voter limitation and we have a subceiling within the Macdonald of Massachusetts proposal that 5 cents can be spent on TV and on radio.

The second item in my amendment goes to allow a little more discretion for TV and radio. In essence, it would allow 6 cents to be spent or 60.1 of the $50,000, whichever is greater, on radio, TV of the total amount.

The third item of my amendment goes to increase the area of coverage. It increases it by one item—outdoor advertising.

Let me make one thing very clear now. This amendment is offered in terms of a compromise. In the committee I felt that we should have complete flexibility. I think we had a very interesting debate on the complete flexibility that should be allowed to candidates. It seems to me that if it is a sin to spend 9 cents on newspapers, then it is equally a sin to spend 9 cents on radio and television. Because districts vary, I think a candidate should be able to pick and choose. The sin is on the amount of money spent and not on how it is spent. To do otherwise is to discriminate against radio and TV.

This came to be a very partisan fight in the committee. My amendment to allow complete flexibility won several times and finally lost on a vote of 24 to 21. Because of my personal feeling that we have only this chance to get a campaign reform bill through and if we miss it this time we will not get it through at all, I am willing to take something less than I want.

As with any compromise, this is not what I want completely. I am sure that there are people who fought equally as hard on the other side against my amendment. But unless we can work out a compromise, I believe this bill will be defeated, and I do not think this should happen.

I think it is abundantly clear that the American people want it. I took a poll in my district of 23,400 people. Eighty-four percent were for limitations on campaign spending. The chairman of the committee stated before recess that the Gallup poll recently showed 78 percent of the people wanted a limitation on campaign reform.

Our credibility is at stake today. We need this bill. While I think it still is discriminatory toward television and radio, it is better than the original Macdonald bill. We need campaign reform—now. For this reason, and this reason only, I offer this amendment and certainly hope that the distinguished chairman of the subcommittee, Mr. MACDONALD, who worked so hard and who has been extremely fair, would accept this amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield to me?

Mr. FREY. I am delighted to yield to the chairman of the subcommittee.

Mr. MACDONALD of Massachusetts. I appreciate the spirit in which the amendment is offered. If indeed it will help to bring out a bill that is so badly needed, I do not think that there is anything magic about the difference of 10 and 5 and 5 or 6 and 4 as a formula. Within a very narrow range.

I compliment the gentleman on his work both on the bill and in the subcommittee even though we did have some differences.

As far as I am concerned, I would be happy to accept this amendment.

Mr. FREY. I thank the gentleman.

Mr. HAYS. Will the gentleman yield?

Mr. FREY. I am happy to yield to the chairman.

Mr. HAYS. I have not had the privilege of seeing a copy of the gentleman's amendment. Does the gentleman's amendment set a top ceiling on all expenditures?

Mr. FREY. Yes, sir. By the way, the amendment was printed in the RECORD before we adjourned for Thanksgiving. The ceiling is on five items, radio, television, newspapers, magazines, and outdoor advertising. It sets a top limit of 10 cents per vote for voting age population or $50,000, whichever is greater.

Mr. HAYS. I thank the gentleman.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. FREY. I am delighted to yield to the gentleman.

Mr. ANDERSON of Illinois. If I understand the gentleman's amendment correctly, in essence, what you are doing is conforming this particular communications section of the bill to the Senate bill in that the Senate bill also contains billboards and contains interchangeability features. The difference is however, that the overall limitation that the gentleman is suggesting is $50,000 whereas I think it was a $30,000 limitation in the Senate bill. Am I correct on that?

Mr. FREY. Yes, with one caveat. There is a total in the Senate bill of $60,000, $30,000 for broadcast and $30,000 for nonbroadcast items.

Mr. ANDERSON of Illinois. With broadcasting and nonbroadcasting a total of $60,000.

Mr. FREY. Yes.

Mr. ANDERSON of Illinois. As one who originally espoused the idea stated by the gentleman of complete flexibility within any ceiling and of a five-item ceiling, I want to congratulate the gentleman for the spirit of compromise in which he has offered this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FREY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. VAN DEERLIN TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, strike out line 18 and all that follows down through line 5 on page 3, and insert in lieu thereof the following:

"PARTIAL REPEAL OF EQUAL-TIME REQUIREMENTS; STUDY

"SEC. 103. (a) (1) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ', except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States, or a legally qualified candidate for the office of United States Senator, in a general election'.

"(2) The second sentence of such section is amended by striking out 'any such candidate' and inserting in lieu thereof 'any legally qualified candidate for public office'.

"(b) The Federal Communications Commission shall conduct a study to determine what safeguards may be necessary to assure reasonable access to broadcasting stations by legally qualified candidates for Federal office following the repeal of section 315(a) of the Communications Act of 1934 in the case of general elections for such offices. Not later than January 3, 1973, the Commission shall submit its recommendations for implementing legislation to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Commerce of the United States Senate."

Mr. VAN DEERLIN. Mr. Chairman, this amendment undertakes to carry out in regard to the Presidential campaign the terms of a bill which this House and the Senate both passed last year, to repeal section 315 of the communications law as it applies to campaigns for President and Vice President. It would extend that repeal to campaigns for the U.S. Senate. It would not, however, extend repeal of section 315 at this time to campaigns for the House of Representatives.

Instead, the Federal Communications Commission would be mandated to conduct a special investigation into the conditions that might prevail if section 315 were repealed across the board.

The Commission would report not later than January 3, 1973, to the Commerce Committees of both House and Senate. At that time we would be able to take another look, to determine whether a beefing up of the Fairness Doctrine or other steps might be desirable before we were ready to see section 315 repealed across the board.

The problems are very different in regard to equal time guarantees as they apply to Presidential candidates, U.S. Senate candidates, and House candidate.

In the presidential area, we have the problem of fringe party candidates—11 or 12 of which were on various State ballots in 1968. Under present law it is impossible for broadcast licensees and, therefore, his networks to offer free time to any candidates, for panel discussion or in formal debate, as long as this restriction is in the law. This means that in the greatest political decision that the American people have to make every 4 years—the choice of a President—they do not have full availability of the greatest communications asset that the world has ever known. Television and radio are effectively denied a role in presenting candidates for President without including the Socialist Labor Party candidate, the Prohibition Party candidate, the Vegetarian Party candidate or for that matter, the Nudist Party candidate.

I would further point out that this repeal was apparently acceptable to the President, because in his veto message last year he did not state objections to repeal of section 315 in the Presidential campaign.

In the normal senatorial campaign, no single broadcaster or handful of broadcasters can really determine the outcome of a statewide election. Therefore, there is not the same peril to a Senator or a candidate for the Senate in this regard.

These races occur every 6 years. Candidates for a U.S. Senate seat are more likely to be in the news—and they cannot be ignored, nor can the issues they raise be ignored.

The U.S. Senate this year, by an overwhelming majority, has passed a bill repealing section 315 for all Federal offices, themselves included.

A different problem exists for House Members, and challengers for House seats. Many of our districts have a single broadcasting outlet, or a very small handful of broadcasters. Most of these broadcasters, I believe, are fully responsible people. But I think, and I believe most of you agree, that we should move very slowly, very cautiously in the repeal of section 315 across the board.

We need the kind of examination of this problem that could be made in the intervening 2 years by the Federal Communications Commission, and hence I have in this amendment asked that such a study be conducted, with a report to be returned to the committees of the Congress. There would not be a full repeal of section 315 until and unless both Houses of the Congress had agreed to it.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, the gentleman from California (Mr. VAN DEERLIN), and I do so for this specific reason. I can see no logical basis nor a commonsense basis whatsoever for treating the President of the United States any differently under section 315 than we treat a Member of the House of Representatives, whether that Member be my friend, the gentleman from California, or whether it be a Member of the U.S. Senate. We are all elected officials. Section 315, which goes to certain public officials, as we have written it into law, applies equally to all of us.

Mr. Chairman, they have said that this is not a partisan question, and that it should not be a partisan question, and with that I wholeheartedly agree. But let us not kid ourselves one bit. I have been in this House of Representatives since 1960, and I can recall in 1964 when the Republicans were trying desperately to repeal section 315, and when that bill was killed in the House-Senate conference under strict orders from the White House. If you do not believe me, I can quote you the page number of the CONGRESSIONAL RECORD where Senator MANSFIELD made a motion to table it, and it was tabled, and there was no question as to why it was done.

I can also point out to you in 1968, and many of you who were here then may have forgotten it, but that was the reason we stayed in session for almost 24 hours, around the clock. That was the reason some people missed 35 or more quorum and rollcalls at one particular time. It certainly was a partisan issue then, indeed.

For 1 minute, Mr. Chairman, let us look at some of the arguments that are given. One of the arguments advanced by my good friend, the gentleman from California (Mr. VAN DEERLIN)—and let me say that he is my good friend, and he is certainly one of the ablest members of our committee—but one of the arguments given is that when you run for President as contrasted to House Members, it should be repealed because there are so many more different parties, minor parties, that otherwise clutter up the presidential race, that the networks cannot give equal time.

All over the United States in the last presidential election there were some 19 different parties, and this includes all of the local parties as well which might run in one State and not run in another State.

Actually, there were only some six what I would call major-minor parties, such as the American Party that Mr. Wallace headed and so forth. There were only six of those.

Now let us look at the congressional situation just a minute. In the 1970 general election there were a total of 35 minor parties fielding candidates in Federal elections in the House and Senate. In addition to that, I might say, there were any number of candidates that listed themselves as "independent"—which I do not class as a particular party of any kind at all.

I would point out that in the Senate races in 1970 18 minor parties fielded senatorial candidates. The total number of candidates supported by these parties was 41, with six additional candidates listed as independent. The total number of candidates therefore seeking office in the U.S. Senate in 1970 other than on the Democratic or Republican ticket was 47. I would point out that, in the Senate, two of those got elected and I refer to the Senator from New York (Mr. BUCKLEY) who was elected as a Conservative and the Senator from Virginia (Mr. BYRD) who was elected as an independent.

Now let us look at the House for a minute. It is proposed to give the House some special treatment by the Van Deerlin amendment. For some reason it is said the Members of the House should be singled out and made benefactors under this law. That is not true for the Senate and the President.

Now, what has happened in the House races?

In 1970 again in the House races, 30 minor parties fielded a total of 163 candidates for office with an additional 20 candidates running as independents. So we have 183 minority party candidates running in 152 House districts. I do not have to tell you, of course, that none of them were successful. I could go on and on and point out what the comparison was for Governor and what it was in other races.

But it seems to me, it is clear that the profusion of parties is just as common and just as much of a danger as to House candidates and Senate candidates, as to the President.

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

(Mr. HARVEY asked and was given permission to proceed for 5 additional minutes.)

Mr. HARVEY. Mr. Chairman, the argument that is made that somehow there are more parties in the race for President and, therefore, we should treat the President differently just does not hold water. There are just as many parties in the election of House Members and the election of Senate candidates concerned as there are in presidential races.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. If the gentleman will let me go on further for just a second, I will be glad to yield to my friend, if I can just answer his second argument, if possible.

The gentleman also, and I am referring to my friend, the gentleman from California, makes the point that we should treat House Members differently and that we should give ourselves this special bonus benefit, and special treatment as selected individuals under the repeal of section 315 because of the fact, he says, the statewide nature of Senate races makes Senate candidates less vulnerable to a single broadcaster, than a Congressman, for example. But look at the facts:

First, five States have only one congressional district: Alaska, Delaware, Nevada, Vermont, Wyoming;

Second, 10 States have two congressional districts: Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah;

Third, two States have three congressional districts: Arizona, Nebraska;

Fourth, three States have four congressional districts: Arkansas, Colorado, Oregon.

Thus, 20 States—or 40 percent—have four congressional districts, or less. These 20 States have a total of 43 congressional districts or 10 percent.

In addition, there are 164 congressional districts—or 37 percent—in what must be considered major metropolitan areas. Certainly, these congressional districts have a multiplicity of broadcast outlets. These areas and the number of congressional districts in or around them include the following:

Atlanta, five; Baltimore, eight; Boston, five; Chicago, 18—including areas of Indiana; Dallas, six; Detroit, 10; Houston, six; Los Angeles, 19; Miami, four; Milwaukee, five; New York, 37—including areas of New Jersey and Connecticut; Philadelphia, 12—including areas of New Jersey; San Francisco, nine; St. Louis, five; Washington, D.C., five—including areas of Maryland and Virginia.

My friends, the sole question when you repeal section 315, whether you add the President, the Senate, or the House of Representatives is whether or not you believe that the broadcasters across America have achieved that degree of maturity so that you can trust them without section 315 as we have written it into law.

You say that you can trust them as to the President and you can trust them as to the Senate, but we do not trust them as to the House Members and so, therefore, we are going to exempt the President from 315 and we are going to exempt the Senate, but not the House Members.

Let us just take a look at this.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield on this point?

Mr. HARVEY. I yield to the gentleman in just a moment, if my friend will just allow me to finish this point—then I will be glad to yield.

The real question, Mr. Chairman—and this is going to come up later because we are going to have amendments offered to leave section 315 in in its entirety and to take 315 out in its entirety—but really the question is are you going to treat Senators differently from the way you treat Congressmen? Are you going to treat the President differently from the way you treat Congressmen? I submit that basic fairness requires that they all be treated alike, Mr. Chairman.

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

Mr. HARVEY. I yield to my good friend, the gentleman from Ohio.

Mr. BROWN of Ohio. I should like to ask the gentleman how many networks are likely to cover a presidential contest. We have only three networks in this country. Why is that different from the situation of a Member of Congress who has three stations, say, covering his campaign in his own district? It seems to me that if you had all three networks against you, you might have as difficult a time as a congressional candidate with only three stations in his district and all of them against him.

Mr. HARVEY. I would say to my friend that I have gone through this; I have racked my brain studying it, and I see no difference. They say that it should be studied. What are you going to study? Three hundred and fifteen is the same as to Senators and as to House Members and as to the President.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I will yield to the gentleman in just a moment.

Mr. VAN DEERLIN. The gentleman will then be out of time.

Mr. HARVEY. There is plenty of time. There is no effort to cut off the debate. I do not feel that is in the air. My friend is well aware, since he has been in Congress for some time, of the effect of this. The bill will go to conference, and on the basis of my experience, I can see ahead what is going to happen in conference. We are going to take out the amendment as it pertains to Senators, and then once again we will single out the President. Mr. Chairman, the amendment should be defeated.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, I oppose the amendment for practically all the reasons the gentleman from Michigan has outlined, plus a couple more. I think the amendment does treat the House differently, and I do not want it treated that way, because it says that we shall be subject to a study by the FCC. I have heard plenty of speeches from both sides of this aisle about the Congress surrendering its power to the executive branch, and if that is not another surrender I do not know what it is. I do not want the FCC telling me what we have to do in this body and how we have to run our campaigns. We are competent to make decisions ourselves and to make our own studies. We do not need the FCC to do it.

Mr. DINGELL. If the gentleman will yield, we are not setting ourselves up for a study by the executive. We are setting ourselves up for study by a creature of the Congress, the Federal Communications Commission, which is an arm and a creature of this body.

Mr. HAYS. I will say to my friend from Michigan that you can believe that if you want to, but I do not. I know it was set up originally as an arm of Congress, but it has not functioned that way. It has served as an arm of the executive branch, which is what all these commissions' functions are.

The gentleman from Michigan (Mr. HARVEY) said, "Do you trust the television stations in the case of the President and in the case of the Senate but not in the case of the House?" My answer is, I do not trust them at all, period. I do not think you can trust them to be discreet about whom they give time to and whom they do not. I do not think you can trust them to be fair about how and to whom they give time and from whom they withhold it. I do not think there is a remote possibility that they would not be prejudiced and do exactly as they please. Certainly that would apply in the case of House Members even more, because in many a district one television station dominates the district, and you are not going to get help. In my case, for example, a station in Cleveland which reaches part of my district would probably not give time to either me or my opponent if the main station in my district decides to support me or support my opponent.

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

Mr. HAYS. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, do

I understand then that the gentleman in the well is opposed to the provision which is in the Macdonald bill currently, which would repeal section 315 for the President?

Mr. HAYS. Mr. Chairman, I would put it this way. On principle I do not think we ought to repeal it at all, but I am willing to go that far in the case of the President. I think we ought to have an amendment in there, I will be candid, so if there is a third party that got 10 percent in the last election, it ought to be treated as a major party. I did not vote for George Wallace, I would not, I did not support him, but fair is fair and unfair is unfair.

Mr. BROWN of Ohio. If we repeal it for the President?

Mr. HAYS. I will tell the gentleman about my position on this. Whenever an amendment is offered to strike it, watch how I vote.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to point out to my good friend, the gentleman from California, the danger that is contained in repealing section 315 past that for the President and Vice President. I think all of us who have dealt closely with the broadcasters know they have enough power already to be a real force to be reckoned with. I commend whoever set up the Communications Act of 1934 when television was just a dream maybe, and all those people were afraid of was the power of radio, and time has proved them right. If we take a look at the senatorial campaigns and obviously the presidential campaigns, and take a look at where all the money is spent, and take a look at the people who can come in overnight, as I said in my earlier remarks, we will see the parties on both sides and people on both sides can buy their way into office.

What I keep trying to make clear is we are not trying to protect ourselves, we are not trying to protect the President, we are not trying to protect the Senate, but we are trying to protect the public interest. Any time this political system gets to be such that a candidate has to either be very rich indeed or become indebted to people who are, or who have financial resources which they expend on behalf of the candidates, and automatically Members of the House and Senate and perhaps other branches of the Government become indebted to these people—I think that is a terrible threat. I think it should be stopped. I, for one, having dealt with the broadcasters, know how arrogant they are anyway—they are arrogant enough already. The only protection we have against turning over the control of the political system to the broadcasters, both radio and TV, but especially TV, is section 315.

I respect the gentleman from California, who has done a great job, but I point out to him and to other Members the great danger in repealing 315 unless we want the broadcasters to dictate who is going to sit on the Senate side, and who is not going to—not in all instances, but in many instances, and who is going to sit in this body.

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

Mr. Chairman, this is one of the most important amendments we will consider in this debate. I see great division on both sides of the aisle. There are members of the Democratic Party who are not about to repeal section 315 for anybody under any circumstances and members on the Republican side who feel the same way. This is a matter that deals directly with their own elections and a matter that is important and controversial.

Mr. Chairman, I think the gentleman from California has a middle-ground position that deserves our support. Here is the situation. The Macdonald bill, the House Committee bill, repeals section 315 only for the President and Vice President.

The Senate bill, on the other hand, repeals 315 across the board, for President, Senate, and House.

To my Democratic friends, one of the problems we have in getting a bill this year is, frankly, whether we can have enough compromise and enough modification of the hardline positions and reach some common ground and commonsense, which will result in a bill.

The gentleman from Florida offered a compromise that was agreed to this afternoon in the spirit that I would like to see in the Chamber as we debate this important matter.

One of the fears our Republican friends have is that this 315 repeal for the President only is a gun pointed at Richard Nixon and the Republican Party. They say that in 1968 we were anxious to have it repealed so that our underfinanced candidate could debate their candidate. And now we are playing a different game, where they have the White House and we face an uphill battle.

So, as a show of good faith, the amendment offered by the gentleman from California says:

> All right; we will repeal it for the President across the board permanently, and we will repeal it for the Senate across the board permanently.

Senators of both parties said they are for this repeal and it was adopted by a wide bipartisan margin. But he says:

> For the House Members we have a different problem.

Presidents will lose some stations and will win some. They will have bitter opponents among the broadcasters, and they will have friends.

Senators, in most States, will have many outlets and have diverse responses for many broadcasters.

But there are Members on both sides of the aisle in this House who are under the thumb of just one broadcaster in particular situations. We ought to study these situations before we move.

The fact is that under the Van Deerlin amendment no House Member will ever face this equal time problem—and mark this well—unless the Congress acts.

Perhaps the FCC is not the right body to make the study. Perhaps it ought to be somebody else, and the House and the Senate ought to make studies.

The fact is that under the amendment there will be no repeal for House Members until and unless some future Congress acts. We will certainly not act on it next year.

So I strongly support the amendment offered by the gentleman from California. It is a middle-ground position and it puts us on the right track. It makes sure a bill cannot be vetoed on the grounds of favoritism in this particular area. I should like to see this amendment agreed to.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. VAN DEERLIN. Let me say that after hearing the gentleman's eloquence, I feel much better not only about my amendment, but about myself as well.

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

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. HARVEY. I thank my friend from Arizona for yielding.

If we are going to have a study of this, then why should we not have a study of it for all three offices; the President as well as the Senate and House Members?

My friend is very eloquent, but in my judgment he has not made any case as to why we should treat the Senators in a different manner and the President in a different manner.

Mr. UDALL. The President and the Senate have been studied forever. We have study after study on the question. We cannot produce any new arguments about the presidency. But no one has ever looked at the 435 House districts to determine whether in a fair way we could administer a 315 repeal. I am not sure that I want it repealed for my district or for the districts of my colleagues. That is the reason why the House is in a special situation.

Mr. HARVEY. If my friend will yield for one moment further, there was nothing in the 1960 act or the 1968 act that had anything to do with any study whatsoever. So far as I know, there have been no legislative action on that matter.

Mr. UDALL. The gentleman may be right, but scholars, journalists, and Members of the House and of the Senate have studied this question. I suspect there are any number of volumes which have been written on this.

I am pained to see the gentleman from Michigan tell us how wrong and selfish we were as Democrats in 1968 and in 1964. He told the story. Now he wants us to do what he urged we do in 1964.

Let us do the right thing. If it was right in 1964 it is right today. Why does the gentleman object to it now?

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

(On request of Mr. MACDONALD of Massachusetts, and by unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. MACDONALD of Massachusetts.

Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to my friend from Massachusetts.

Mr. MACDONALD of Massachusetts. I should like to ask, through the gentleman in the well, if this is so bad this year why did the gentleman who spoke so eloquently against the amendment vote for the repeal for President and Vice President twice last year?

Mr. UDALL. Now suddenly, in 1972, he finds this a very evil thing.

I suggested to him we were wrong in 1964. We should have had repeal.

This does not mean an incumbent President has to debate. This is an equal time provision and has little to do with debate.

I said earlier that I do not believe Richard Nixon will lose a single vote if he says, as an incumbent President, "I decline to debate." I do not think we would make any "brownie points" with the voters as a challenger against an incumbent President on that.

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

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. HARVEY. We are talking about a distinct broadcast station. We are not talking about the networks. There are stations in Phoenix, Ariz., in Cleveland, Ohio, and all across our country which have their rights. As licensees what they do or fail to do affects the President as well as the Senate and the House Members.

Mr. UDALL. I do not trust them any more than the gentleman does.

The CHAIRMAN. Does the gentleman yield further?

Mr. UDALL. I decline to yield for just a moment.

If I should run statewide, I would get help by some and would be hurt by some. But in my own limited district the situation might be different. That is why I think you can logically and philosophically defend a special position for the House. It is because you have 435 special problems there that do not confront a President running nationwide or a Senator running statewide.

Mr. HARVEY. I think the same can be said for the Senate, though.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, because the amendment offered by the gentleman from California is a middle-ground position, he seems to be getting a rather impassioned attack from both sides.

If I understand his amendment, it does not disturb the proposition that there should be an opportunity for the type of open debate in the presidential race that has existed in the past by temporarily removing the restriction of 315. It does not, on the other hand, as I understand it, disturb the protection of every Member of this House to equal time if he is in a situatilon where radio and television outlets are limited and controlled. The only difference his amendment makes is to extend the 315 removal to the Senate race.

I do not think that that is so innovative or so terribly dangerous; nor do I consider it to be so terribly helpful. It seems to me that his position is truly a middle ground and one in which there can be considerable argument on both sides.

I think that it is absolutely clear that we should not remove 315 from House coverage for reasons in addition to those previously stated. The main reason why I say this is because, although we may consider ourselves able to command attention of the media, it seems to me that the media can frequently ignore a House Member and freeze him out simply by not mentioning him. They cannot do that with regard to a Senate race in any State that I know of. They certainly cannot do it with regard to a presidential race.

Mr. BROWN of Ohio. Will the gentleman yield to me?

Mr. ECKHARDT. I yield to the gentleman.

Mr. BROWN of Ohio. I am hard pressed to understand the subtle distinction in the arguments presented by the gentleman from Texas between the broadcast media and newspapers or other forms of printed media. Newspapers can certainly freeze out a candidate if they wish to, can they not?

Mr. ECKHARDT. Yes, they can. But I think the difference is this: television and radio are so much more powerful because in effect television and radio constitute a parade. The listener or the observer must see what is paraded across the screen. The newspaper is more like a circus. You can take your choice of rings. It seems to me it is much more important that television and radio afford equal time, because I think they have more of the power to make or break a candidate for Congress.

Mr. BROWN of Ohio. Will the gentleman yield further?

Mr. ECKHARDT. Surely.

Mr. BROWN of Ohio. For 160 years in this country we did not have television and radio. During that period of time the newspapers frequently dominated the community just as the gentleman is alleging that television and radio do now. We survived as a society and have come this far with newspapers under the protection of the first amendment. Now, does the gentleman feel that the current media control is such that there is a problem here, or is the gentleman speaking out against the first amendment providing the media with an opportunity to make such a news assessment or editorial judgment.

I am a little confused about the gentleman's position.

Mr. ECKHARDT. How does the gentleman find that it is in violation of the first amendment? The first amendment does not give a man a right to demand that a newspaper give him equal treatment. The first amendment does not even demand that a newspaper sell a person advertising

Mr. BROWN of Ohio. Under the protection of the first amendment——

Mr. ECKHARDT. I rather agree with the gentleman that section 315 should have been extended to a newspaper situation which is a monopoly but, perhaps, it is a little late to raise that question at this time.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, under the first amendment the newspapers were free to do what they wished in terms of coverage of election campaigns and our system survived.

Does not the gentleman think we can survive if section 315 is repealed in all cases with reference to television and radio stations?

Mr. ECKHARDT. I suppose we could survive it, but I think it would be very harmful to our system.

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

(By unanimous consent (at the request of Mr. HAYS) Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

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

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

Mr. HAYS. I think there is one big difference that the gentleman from Ohio (Mr. BROWN) has failed to point out. I understand the gentleman owns both newspapers and radio stations.

Mr. BROWN of Ohio. Could I correct the gentleman?

Mr. HAYS. If I am wrong.

Mr. BROWN of Ohio. The gentleman from Ohio (Mr. HAYS) is wrong.

Mr. HAYS. You do not own any newspapers?

Mr. BROWN of Ohio. We do not own any radio stations.

Mr. HAYS. All right. I just wanted to make sure that you only owned newspapers.

Mr. Chairman, the point I would like to make which it seems to me has not been made, is this: In my district people can subscribe to any one of a dozen different daily newspapers, but there is only one television station. So, there is a big difference between newspapers and television—a big difference.

The only recourse you have with television is to turn it off, and if you do that, in certain parts of my district, then, you could not see any program.

So, I think you are talking on the one hand about a monopoly and on the other hand about newspapers from which the public can pick and choose.

Mr. ECKHARDT. It seems to me that what the gentleman is stating here, and very ably so, is that if it is a good thing to have section 315 apply to radio and television, it might have been a good thing in the past to have applied the same kind of rules to newspapers.

Mr. HAYS. Maybe we ought to do that now.

Mr. ECKHARDT. But, we certainly should not restrict section 315 from coverage of television and radio today. I think that is what the author of the bill is talking about. I think the gentleman from California also takes that position. The only difference, I think, between them is with respect to what should be done in the Senate races. I, marginally, favor the position of the gentleman from California, but I strongly believe that the protection of section 315 should be applied to House races.

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

Mr. Chairman, I rise to take unenthu-

siastic opposition to the gentleman's amendment.

It is obvious that all of us realize the importance of removing section 315 as to President and Vice President. Certainly, the gentleman from Michigan referred to his prior votes in that direction. He than afforded us a lot of statistics, some of which makes one wonder if we were not discussing President Nixon's sixth phase program for the moment.

Mr. Chairman, the issue before the House is simply whether or not section 315 as it applies to Members of the House of Representatives is important.

It is not truly an issue with regard to the President and Vice President of the United States because the stations themselves would want them to discuss the issues which they deemed important in debate. This admittedly should include the major party candidates, but not the Vegetarian Party and all various other party candidates which would insist upon equal time. As to the President and Vice President section 315 should and must be repealed.

Insofar as Members of the House are concerned, while you and I are sitting here today every local radio station, every local TV station have what they call an editorial policy.

Each one of these editorials that come on daily are being responded to by some individual back in your district. We have something like eight or nine different channels in New York City, that do this very thing. I never get a chance to respond to the editorial policies because a. I do not hear it in Washington, and b. I am unable to respond because by the time it is transmitted to me and I finally attempt to respond, any one of a number of people have already responded. So we operate at a disadvantage. For this additional reason I think section 315 is important for Members of the House of Representatives and should be retained.

As to Members of the Senate, and we have spent an hour of debate here on whether or not they want to retain section 315. If they want it, well, then, let them have it. If they do not want it, then let them not have it but that should be their decision and not ours. This can be accomplished in conference.

It seems to me the best thing to do is to just pass the bill in its original form, and if the Senate wants to insist upon it in conference we should have no objection.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with great interest to the arguments pro and con, and the impression I get is that if we pass this amendment that has been offered by the gentleman from California (Mr. VAN DEERLIN) that then we have taken definitive action for the President, Vice President, and the candidates for the Senate in the repeal of section 315, and on the other hand we are going to have the Federal Communications Commission conduct a study—the impression being that the study would only be applicable to the problem of section 315 as it relates to the House of Representatives.

But as I read this proposed amendment it certainly involves all Federal elective offices, those for whom we have repealed section 315, and the Members of the House of Representatives for whom we have not repealed section 315.

It seems to me, Mr. Chairman, that this highlights the inconsistency of this particular amendment. We want to protect ourselves while yet a study is made, but we want to repeal section 315 for the President, the Vice President, and the Senate, while the study is being made. I think it makes us look a little ridiculous. I think you might call it a House of Representatives self-interest, or self-protection amendment.

Why can we not be consistent, either repeal it as to all, or repeal it as to none? At least the other body had the consistency of repealing section 315 as to everybody, the President, Vice President, Senate, and House of Representatives.

It would make us, in my opinion, look interested in our self-perpetuation, it would make us appear to be completely inconsistent if the Van Deerlin amendment is approved.

I personally think we are much more qualified in the House Committee on Interstate and Foreign Commerce or the comparable committee in the other body to conduct any study that involves the repeal or nonrepeal or modification of section 315.

Mr. Chairman, I strongly oppose the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman for yielding, and I respect the distinguished minority leader, as I am sure the gentleman knows, but when did the gentleman from Michigan change his mind? Because last year this part did not bother the gentleman at all. The gentleman voted twice last year to repeal section 315 just for the President and the Vice President.

Mr. GERALD R. FORD. There is quite a difference between this amendment and the action we took last year. This amendment perpetuates self-interests for the Members of the House. I do not see where this amendment relates at all to what the House did last year.

Mr. MACDONALD of Massachusetts. Does the gentleman feel that the broadcasters in various sections of this country—and, incidentally, it will not be occurring in my section—but in various sections of the country is the gentleman willing to turn over to the broadcasters who will be and who will not be successful candidates? Because I would point out to the gentleman and to all other Members of the House that a broadcaster can give free time to one candidate and refuse to sell time to the other candidate if section 315 is repealed.

Mr. GERALD R. FORD. I understand what the gentleman is saying, but how can you justify the House treating itself differently from the candidates for President, the Vice President, or the Senate?

I do not see any rational difference whatsoever in the relationship between a broadcaster and a House Member and a broadcaster and any candidate for the Senate or the President or Vice President.

I do not think our constituents see any difference. We are all seeking a Federal elective office and should be treated the same under section 315.

In the interim under this amendment offered by the gentleman from California, it treats House Members differently from others while the study is going on. I think it is inconsistent and inequitable and I think the amendment ought to be defeated.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman, if I have any time remaining.

Mr. MACDONALD of Massachusetts. Mr. Chairman, the gentleman is a very practical politician, and the gentleman knows the public would not stand for three networks giving free time to just one candidate for President because the national interest is obviously concerned.

The gentleman also understands, I would think—I do not know this—but I would guarantee on the presidential, that in any given State you cannot keep a bona fide senatorial candidate off of television without a terrific protest, but you can keep a congressional candidate off in a congressional district.

Mr. GERALD R. FORD. I would point out to the gentleman that the broadcasting media are trying and are doing a reasonably good job in protecting the interest of all candidates.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. I have high regard for the gentleman from California. He is a man of great ability and great integrity and fundamental decency and he is a very useful and valuable member of the Commerce Committee and we are very proud of him.

The gentleman from California has a viewpoint—he comes from the broadcasting industry and this tends to somewhat color his attitude toward that particular industry.

I think the amendment should be viewed as being essentially an industry amendment. It is one which either leads at this time or ultimately will lead to the foot of the broadcasting industry being on the throat of every single candidate for public office in the United States.

I think it is time that we understand there is a distinct difference between a candidate for the Presidency and a candidate for the Senate and a candidate for the House. These three offices are essentially different in their impact and in the way the broadcasting industries are going to view them. A candidate for the Presidency is probably going to be treated essentially fairly by the networks—which is something that does not obtain with regard to a candidate for the Senate and of the House or to Members of the House or Senate.

This body has had a continuing sequence of scrutinies by the Commerce

Committee of the fashion in which the broadcasting industry has conducted its responsibilities in the public trust.

I would like to take this opportunity to recall to my colleagues some of the scrutinies that have been engaged in by the Commerce Committee and by its Subcommittee on Investigations so that you can see whether or not Members of this body want to put the foot of the broadcasting industry on the throats of Members of the House of Representatives and candidates for the House of Representatives.

Not long back, a Member of the House of Representatives had a situation foisted upon him which I think cries to the heavens for investigation and redress.

A chairman of a committee of this body was defeated because the broadcasters in his area turned over to his opponent on election eve, an immense amount of free time which was utilized against him for his incumbent opponent—and that Member is no longer with us.

I just think that if that could happen to a chairman of a committee of this body, it could happen to any other Member.

Let me recount a few other things. Recall the program "Say Goodbye." We had a careful investigation of some of the outrageous things which took place in there, the compendium of pictures of polar bears shot from aircraft, which was foisted on the American public as something to be regarded as reprehensible, and it turned out later that the polar bear depicted as being shot from an aircraft was in fact, shot with a tranquilizer by a game warden as part of a game management program—and later released alive and unhurt.

Recall how the hunger in America documentary was utilized as a vehicle to stir public emotions with a child pictured as starving to death, a child which turned out to be a premature baby. The welfare line was generated by the broadcasters having the doors closed to the welfare agency. Remember, these are the friendly broadcasting people who utilized their resources to electronically eavesdrop at a meeting of the Democratic National Committee. Recall some of the things done by the broadcasters at the Democratic Convention, to facilitate circumstances showing people engaged in violence in order to generate a situation where the aura of outrage would be very clear to the American people to the hurt of the Democratic party.

I will not say the entire broadcasting industry is bad. That is not true. There are honorable men in it. Most of the men in the broadcasting industry are honorable. But the temptation is to seek something sensational. The broadcasting industry by its very nature tends to be a sensational type of industry. In times past they have utilized means which we have questioned after careful scrutiny by committees of the Congress.

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

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

Mr. BROWN of Ohio. The gentleman is confusing me with examples of bias on the part of networks in terms of their coverage.

Mr. DINGELL. I mentioned network. The gentleman is a member of the Commerce Committee and has heard reference to what I am speaking about.

Mr. BROWN of Ohio. I am trying to determine whether the gentleman is arguing that the networks will be fairer to the President than will individual broadcast stations to Members of Congress and their constituency.

Mr. DINGELL. I am glad the gentleman gleaned that from my remarks. That is exactly the impression I intended to make. The fact of the matter is an amendment which would authorize that kind of situation is very bad.

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

(On request of Mr. HOLIFIELD, and by unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

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

Mr. DINGELL. I yield to my good friend from California.

Mr. HOLIFIELD. I was very interested in the gentleman's illustrations. I think it is something we all know has happened and will continue to happen under the present procedures of the broadcasting industry. I would merely like to take this time to point out that both CBS and NBC presented so-called public interest television documentaries in which they gave me some 3½ minutes to state a position on an important matter and then proceeded to give the other 55 or 56 minutes to the opposing viewpoint and absolutely knock it down, and having had that experience on both CBS and NBC, I unhesitatingly say that I have no confidence in the integrity of either of these chains or any other television operator who is given the right to so victimize the American people as they have done on numerous occasions.

Mr. DINGELL. The gentleman is entirely correct. I would just like to add that this body, not long back, unanimously condemned the activities of one of the networks where they took—they did broadcast "falsehoods" on the air—what they did was that they took and doctored a statement of public officials and then broadcast them so that the public officials said something very differently from what they had actually said in the interview.

I think this House must understand one thing. With the immense power of the broadcasting and television media, the one protection that every citizen of this country must have is a protection from the excesses and abuses by broadcasters and the television industry, and they can get that by seeing to it that the equal-time provision, section 315, remains intact, and that the fairness doctrine, which affords another similar protection, remains intact with regard to persons who are Members of the Senate or the House or candidates for the Senate or the House.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. VAN DEERLIN. The gentleman has mentioned the fairness doctrine. Both what my California dean, and most of what the gentleman has complained about would have reference to the fairness doctrine, and not to section 315.

Mr. DINGELL. Mr. Chairman, I have mentioned one case which deals directly with section 315. The gentleman has a good enough imagination to see how, if section 315 is repealed, the broadcasters in his district can do things which will impinge upon his candidacy.

Mr. VAN DEERLIN. The gentleman has impinged upon my reliability.

Mr. DINGELL. I did not.

Mr. VAN DEERLIN. The fact of the matter is that the Senate, with only two dissenting votes, has indicated its willingness to submit themselves to the fairness of the broadcasters.

Mr. DINGELL. I will be glad to discuss the Senate another time.

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

Mr. Chairman. I take this time primarily to commend the gentleman from Ohio (Mr. HAYS) and the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Massachusetts (Mr. MACDONALD) for bringing these matters to the House. I do this because I think election reform is a top priority measure facing this Congress. I am grateful that the committees have reported these bills.

This legislation is important to the House because it is important to the American people. There are too many signs of a loss of faith in government for us not to be concerned and to take positive action to restore public confidence in the political process. When 47 million eligible voters do not think it is worth bothering to vote for the candidates for the highest office in the land, I think it is time for us to be concerned.

The accelerating costs of running for public office are becoming a serious national problem. Spending in the last Presidential campaign exceeded $44 million—a 50-percent increase over 1964 and 100 percent more than in 1960. Total spending for all campaigns across the Nation in 1968 has been estimated at $300 million, and the massive outlays in last year's statewide elections indicates that an even greater escalation is in the works for 1972 unless we call a halt. We are literally on the crest of a deluge which threatens to get completely out of hand and make a mockery of the democratic process.

Our political system is predicated on the broadest possible participation and the broadest possible opportunity to seek political office. We undermine that cardinal principle when the electoral process threatens to become the exclusive preserve of wealthy men. The blocking of opportunity to run for office is a cause for deep concern to every American.

It is not a question of integrity. It is not a question of corruption. It is a question of elemental democracy, and it is a question that often results in the creation of a climate of opinion that elections are up for sale. That climate is not conducive to public faith in government.

It is not a matter of whose ox is gored between incumbent and challenger. It is

the disenchantment of the public that must be our concern.

Each of us in this Chamber has a personal stake in restoring reason and sanity to campaign practices. As individuals who have all been burdened with the onerous and sometimes demeaning task of raising funds, we should welcome relief from the spiraling rate of campaign expenditures. We must, it seems to me, encourage meaningful presentation of the issues to the broadest public possible.

I believe that the American people expect us to enact significant reform. It is my deep conviction that we should. An election reform bill will cap a responsible and productive first session of this Congress.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to this amendment cease in 20 minutes.

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

There was no objection.

The CHAIRMAN. Under the unanimous consent agreement, Members will be recognized for approximately 1½ minutes each.

The Chair recognizes the gentleman from Florida (Mr. FREY).

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

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

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. VAN DEERLIN). I want to make clear at the outset that I have firmly supported the principle of across-the-board repeal of equal time clause. One of the most distressing aspects of our election process in recent years has been the wholesale adoption by candidates of the 10-, 20-, and 30-second spot commercials. While these broadcasts can sometimes make a positive contribution in allowing a new candidate to develop name recognition, on the whole, they fail almost completely in fulfilling the essential task of providing the voting public with detailed insight and knowledge about a candidate's capabilities and positions on the issues.

Yet because of the greater dollar efficiency involved in repeated spot commercials as opposed to longer broadcasts it is almost certain that this trend will continue. I think the answer to that dilemma is a public subsidy for program time similar to the voter's time proposal I introduced with a bipartisan group of 80 cosponsor sponsors earlier this year. However, since it is clear that we are not yet ready to take a step of that kind, I think the next best alternative is to remove the 315 restriction so that broadcasters will be free to offer at least limited amounts of program time for debates and indepth presentations by major candidates.

Mr. Chairman, this objective of elevating political dialog during campaigns is the fundamental rationale for repeal of the equal time clause. It is therefore impossible to avoid the conclusion, I think, that the Macdonald subcommittee failed miserably in its treatment of this issue. It makes no sense to repeal 315 for presidential races only, unless you are willing to suggest that voters need indepth exposure to the abilities and positions of presidential candidates, but not to candidates for the House and Senate. Instead of adhering to this important objective of increasing meaningful candidate exposure to the electorate, the Democratic majority of the committee chose to take a cheap partisan shot at the President which has nothing whatsoever to do with genuine reform.

Mr. Chairman, I know the gentleman from Massachusetts (Mr. MACDONALD) has expressed the view, sometimes with considerable agitation and alarm, that repeal for congressional candidates would be a license for local broadcasters to discriminate against candidates they oppose. While I do not think this danger is as great as the gentleman would have us believe, it cannot be dismissed completely and requires that a repeal of 315 be accompanied with some kind of new safeguards, albeit more flexible ones. I think particularly in metropolitan media markets like New York City where there would be nearly 80 House candidates, or in Los Angeles where there would be 35 candidates there is special need for safeguards to insure fair treatment for all major candidates. But there is not reason why the committee could not have developed these over the past year if it would have had a mind to.

Mr. Chairman, because of this negligence on the part of the Macdonald committee we are now confronted with an impasse that could well mean the life or death of the entire campaign finance reform effort this year. A repeal of 315 for the President only has no place in an honest reform measure and must be stricken or replaced. Yet it would be impossible at this late date to write a bill on the floor that would provide the safeguards for House candidates that I think must accompany an across-the-board repeal. The Van Deerlin amendment, therefore, provides a way out, although it is a second best approach to be sure. By mandating the FCC to propose legislation that would provide safeguards following the repeal of 315 for House candidates, it will force the Communications and Power Subcommittee to face the issue that it so studiously avoided this time around.

Mr. Chairman, this amendment is a fair compromise and I understand the gentleman from Massachusetts will agree to it. It is the only approach to 315 that will strengthen rather than weaken the Senate bill on final passage. So I would say to those who would either not yield on the current repeal for President only or who would hold out for an immediate across-the-board repeal: Do you want a bill or an issue? I think the American people overwhelming demand reform of our election process. If the House again becomes a burial ground for reform, it may well be because too many of us were content to play politics on this issue when the choice to support reform was clear indeed. I hope that will not happen. The Van Deerlin offers the opportunity for those who genuinely want reform to see that it does not.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. COLLINS).

(By unanimous consent, Mr. COLLINS of Texas yielded his time to Mr. BROWN of Ohio).

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

Mr. BROWN of Ohio. Mr. Chairman, the question of broadcast domination has come into this discussion with charges that monopolies are more common in broadcast media than in print media. I should just like to suggest that with respect to monopoly coverage that we should look at the numbers of broadcasters as opposed to the numbers of newspapers. Let us look at the statistics which exist at this moment.

We currently have in the United States almost as many TV stations as we do daily newspapers. With cable coming into many communities we are going to have a great many more outlets than we do daily newspapers.

We have as many radio stations, AM and FM, as we do weeklies in the United States.

If the move is to try to control the public expressions and the campaign attitudes of those people who have broadcast media usable in campaigns. Then what are we going to do about the magazines, the newspapers, or even mailings by private individuals and their right to take sides in campaigns.

I think we tread on very dangerous first amendment territory in this 315 thing, and we have for many years. I would like to point out, as I tried to in my earlier questions, that newspapers once dominated the mass media in this country. It was not too many years ago. We have been "protected" by the Communications Act only since 1934. That was only 37 years ago. We had gotten along until that time on the basis of free speech without control through this Congress of what people could say or print in newspapers during political campaigns.

It seems to me what we are talking about is not a lack of confidence or the existence of confidence in the media but, rather, of a lack of a confidence in the average citizens of our country. It seems to me that the average citizen is smart enough to see through biased media when he is being subjected to only one viewpoint.

The chairman of the subcommittee agreed with that. As Mr. MACDONALD said, the public will not tolerate three networks giving only one side of the presidential picture, and I am sure that that is true of public confidence in media in individual congressional districts.

Besides that, media economics will require that many different viewpoints be represented. And media economics includes print media as well as radio and television. The philosophical spectrum will be covered. History has proved that there is a sound regard for balance and fairness in the exercise of free speech.

But history tells us that law is not an effective limitation on free speech when the people desire to express themselves.

The multiplicity of voices and the diversity of outlets in our country are what protect us in our freedoms and our rational political judgments.

I am not so sure that there is anything wrong, on occasion, with running against the media. It is done sometimes, and I think it is done with some success. We only have to look at the history of campaigning in this country. If you look at the old-time newspapers of a century or more ago when they were the only voice in a district and you did not have radio and television, you will see that they took sides and sometimes they took sides ferociously and with strong bias. Nevertheless, the voters made their own judgments and we survived.

The CHAIRMAN. The time of the gentleman has expired.

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

(By unanimous consent, Mr. FRENZEL was allowed to yield his time to Mr. BROWN of Ohio.)

Mr. BROWN of Ohio. When Mr. FRENZEL and I put in our bill, the Senate piece of legislation on this subject, we consciously wanted a total repeal of section 315 as it applies to all Federal officeholders.

We do not see how we can logically discriminate between a President covered by three major networks. That is where the presidential election coverage will come from. It will not originate from the local broadcasters. The local stations will get their story on the campaign through the three major networks. For those of us who have districts where there are no television stations or where we are ringed about by television stations in nearby areas, it is those local stations from which a portion of our coverage will come. The networks will not play a part in such local campaigns. We ought to have confidence. I believe in the ability of the average citizen to judge if they are getting bad coverage or biased coverage just as they can in newspapers and magazines. We ought to have discretion enough and honesty enough in this body to repeal 315 for all Federal officeholders and not try to legislate our own protection under a law which I think is long since outmoded.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, each time since I have come to the House that we have had a measure dealing in any wise with the broadcast media I have made it a point to call to the attention of my colleagues in the House that I am one of those who have a minority interest in a licensee of a radio and television station. I do so once again.

I recall when I first came here listening to the gentleman from Arizona (Mr. UDALL) commenting on the potential conflict of interest and making a point when any such situation does exist where we can be accused, that, of course, we have the right to say we plead this situation and then vote "present." But he advised then, and I think soundly, that a preferable procedure is to more full disclosure and then proceed to vote in the public interest.

It seems to me that in a situation like the one facing us, which goes far beyond self-interest by anyone involved in a minority ownership position of such an interest, it is important that we face up to the broader impact of what this amendment would do.

And, for this reason, I intend to vote on the substance of this measure and not to vote merely "present."

Mr. Chairman, on this particular point before us now, I would say it would be sound and fair and in the public interest that we vote to repeal section 315 across the board. Lacking that, it would seem to me sound and fair and in the public interest that we leave it in existence across the board.

I, personally, think that fairness and equity does not rest on the side of those who say that we should let it apply partly but not across the board.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I wish to make only three points before we vote.

First, this amendment is an attempt to arrive at a compromise in order to get a bill that can be passed and signed into law.

The Senate said, repeal 315 for everyone. The committee position which I probably would have supported, given the lack of the necessity of compromise, says for the President and Vice President only. It clearly says we will do it for the President and the Senate now and see whether or not it is feasible to repeal section 315 for 435 House congressional districts.

Mr. Chairman, the second point is the fact that the Senate has already said they do not mind having section 315 repealed for Senate seats. The amendment gives them what they have asked for and approved.

Finally, I would like to make the point that the House is protected. Section 315 will never be repealed for any House Member until a future Congress acts on the proposed study. So, you can vote for this amendment with the certainty that nothing will be done with reference to your district until a study is made and reported back to the House and the Senate.

Mr. Chairman, I think probably the finest hour in our political history was in 1960 when we had the great debates between former President Kennedy and President Nixon.

We can get back some of the potential of television if we take off the shackles and in effect maybe bring the Lincoln-Douglas debates into the living room. Therefore, I think this is a sound amendment and one which should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

(By unanimous consent, Mr. THOMPSON of Georgia yielded his time to Mr. HARVEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, I just want to make these two points. First of all, I was very shocked to hear my very good friend from Illinois (Mr. ANDERSON) say, particularly to the Members on my side of the aisle, that if they truly wanted election reform then they should vote for this amendment.

I say to my friends on both sides of the aisle, if you want election reform, then vote down this amendment.

Members of the committee may recall that before the recess I appeared in the well and said that if you truly want election reform, then you will vote for the substitute which will be offered by Mr. FRENZEL and Mr. BROWN of Ohio and which I will introduce later. Why do I say this? I say this because there are two things going for it. The Senate has already approved it and the White House has said it is perfectly fine with them and that they will accept it.

Mr. Chairman, if the members of the Committee of the Whole House on the State of the Union want to get election reform, then vote down this amendment. If you do not want election reform, then go ahead and vote for this amendment and further clutter up the bill.

I say vote this amendment down if you want election reform.

The next point is a point which we have gone over, back and forth, but there seems to be no clear understanding of it. There is nothing in section 315 of the Communications Act that applies to networks. It applies to licensees and broadcasters. I submit to you that exactly the same situation applies in Boston, Mass. or Detroit, Mich. or in any other State of the Union—the exact same broadcasters handle broadcasting as it pertains to the President, the Senators and Members of Congress.

You cannot make a distinction between them. However, that is what this amendment would do.

So, I plead with you to give the President a break, give the Senate a break, and give the House Members a break and treat them the same. They are all candidates for Federal elective office. I see no reason why they should not be treated alike.

Therefore, I urge you to vote down the amendment.

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

Mr. KEITH. Mr. Chairman, it seems to me that, as has been mentioned by the gentleman from Michigan (Mr. HARVEY) that the real reform the people want and that the Nation really desires lies in the field of full disclosure, in the limitation on expenditures, and in the fair treatment for the President commensurate with that of the Congress.

It is not strange that it was the finest hour for the gentleman from Arizona when the record was put on the line, as it was in 1960, and when they tried to nail Nixon to the mast. But by the same logic if you did not do this in 1964 and if you did not do it in 1968, then we should not do it now. You have an incumbent defending a record that is a good record, but there are always disagreements about such a record, many of us have contributed to this. So I believe Section 315 should be kept the same as it was in 1968 and in 1964.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, second only to hearing myself described as a spokesman of industry on the floor today, I am concerned about having been referred to as somehow or other advancing a self-interest piece of legislation. The minority leader very forcefully described my amendment as something that would protect only House Members. Well, I believe I should point out—although it seems so obvious that it should not require me to point it out—that this also would protect the opponents of Members of the House who run for reelection. As it is now, in many areas the sitting Congressman might logically expect to have a better time with the existing broadcasters than his lesser-known opponent is going to have. So the opponent should have an equal interest in requiring, before we move in, helter-skelter, to repeal section 315 across the board, that the matter be given ample study—for final determination by the House and Senate—by the agency with the most appropriate ability to conduct such a study, which, of course, is the Federal Communications Commission.

Mr. Chairman, I rest my case.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. VAN DEERLIN). I do so very reluctantly because of my friendship for the gentleman from California. I agree with what has already been said, that he is one of the finest gentlemen we have in the House of Representatives. I disagree with the gentleman very strongly on the conclusions he has reached in this matter, and indeed I have disagreed with the gentleman before, but always we have done so in a way that has been friendly.

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

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

Mr. SPRINGER. Mr. Chairman, may I say that I admire the distinguished gentleman from California (Mr. VAN DEERLIN). The gentleman has contributed greatly to our committee. However, on this very important question I fully agree with the Chairman that, after having discussed this matter back and forth for 12 years, that we are on the right track at the present time, and that this proposed amendment in my opinion is not in the public interest.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Illinois for his statement, and I share his views, and I also agree with many of the other statements that have been made that we are after election reform.

However, from the way we seem to be moving we are not going to be a democracy for very long; we are going to be a plutocracy, and ruled by wealth.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

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

(By unanimous consent, Mr. HAYS yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Ohio for yielding. I did not mean to raise this subject, but since I have, I hope that I can dispose of it in just a moment or two.

If we are going to continue to have a democracy then we must continue to elect our representatives "of the people, for the people, and by the people."

It is getting to the point today that an ordinary person in America cannot be elected to the Congress of the United States, and we might as well recognize that.

When I first ran for office, it was a different proposition. You could run for office and go around seeing people and talking to them and telling them things. You cannot do that today.

I say that we have to make a real reform legislation out of this bill. Legislation that will have some teeth in it and set some limits so that all men and women, regardless of what party they belong to, can run for high office and be elected. But you cannot do it today—I do not care what party you belong to. You have to have a great deal of wealth or access to it.

We, as representatives of the people, have to pass reform legislation. A bill that is really worthwhile and one that has some teeth in it and one that is fair to those who are out of office and is fair to the one who is in office.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN), to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division (demanded by Mr. VAN DEERLIN) there were—ayes 23, noes 83.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. SPRINGER TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. SPRINGER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. SPRINGER to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, line 6, strike out "(and for" and all that follows down through line 8 on such page, and insert in lieu thereof a period.

Page 3, strike out line 6 and all that follows down through line 5 on page 4.

Page 4, line 8, strike out "SEC. 105" and insert in lieu thereof "SEC. 104".

Page 8, line 24, strike out "105" and insert in lieu thereof "104".

Page 9, line 14, strike out "SEC. 106" and insert in lieu thereof "SEC. 105".

Page 9, strike out line 16 and insert in lieu thereof the following:
out sections 102, 104(a), and 104(b) of this Act.

Page 9, line 18, strike out "SEC. 107" and insert in lieu thereof "SEC. 106".

Page 9, strike out line 19 and insert in lieu thereof the following:

104(a) or 104(b) or any regulation under section 105 shall

Page 9, strike out line 23 and insert in lieu thereof the following: "lates section 104(a) or any regulation under section 105 shall be".

Page 10, strike out line 4 and insert in lieu thereof the following:

"SEC. 107. Section 103 of this Act and the amend-".

Page 10, line 6 strike out "105" and insert in lieu thereof "104".

POINT OF ORDER RESERVED

The CHAIRMAN. For what purpose does the gentleman from West Virginia (Mr. STAGGERS) rise?

Mr. STAGGERS. Mr. Chairman, I do not know what this amendment has in it and I cannot tell a thing about it, so I would reserve a point of order against the amendment until I hear an explanation of the amendment.

The CHAIRMAN. The gentleman from West Virginia reserves the point of order against the amendment.

Mr. SPRINGER. Mr. Chairman and my colleagues, this is a simple amendment even though it seems to be somewhat complicated in the fact that there are some 13 alterations in the bill in order to arrive at this amendment. This amendment was to be introduced by Mr. NELSEN, of Minnesota, who could not be here today because of a family emergency. It does three things: First, it eliminates the section which covers the entire question of rates for political broadcasting. Also it eliminates the "comparable" test for newspapers. Finally, it eliminates that portion which compels newspapers to give equal access to all candidates.

I want to consider first the newspaper situation, if I can. Most of you probably received this brief which was made up by the School of Journalism of the University of Missouri, Columbia, Mo., in September of 1967, the Freedom Information Center Report No. 187, advertising the right to refuse. There is a serious constitutional question involved.

Under the amendment to the Constitution which provides freedom of the press it has been repeatedly held in any number of court decisions, which I will not attempt to point out for lack of time, which state that newspapers may deny any advertising it sees fit to deny. There is a serious question about whether this section of the bill is constitutional or not.

That is the first point.

The second, having to do with newspaper rates, which forces the newspaper to give a comparable rate to a Member of Congress that it would give to any other comparable person who seeks advertising, to me is unconstitutional, because it seems to me that a newspaper has the right to set any rates it wishes to, and you are forcing them to set rates which I think the Supreme Court would say in essence is a rate which would put a newspaper out of business, if they are forced to give rates low enough to deny the newspapers to pay their own costs it is wrong even if constitutional. That is the second one.

The third one has to do with TV giving you the lowest unit rate. It seems to me that in this area we must remember that we have made the media a free

enterprise. We have made it a free enterprise in essence because we have given them the right to charge what they believe to be reasonable rates to make a profit.

What in essence we are doing in this section of the Macdonald bill is to force the TV to give you the lowest unit rate. In the second place we have said that newspapers must give you a comparable rate. In the third place we have said the newspapers must give you equal access. I think the first thing you are going to get—and I think the newspaper association has said that this is going up to the Supreme Court to determine whether or not Congress has the power to impose a regulation of this kind upon newspapers. Personally I have not been overcharged in my own area either by a newspaper or by a TV station, in my opinion. I have tried to compare those rates in view of what appears in the Macdonald bill with newspapers of similar size all over the country, and I find that in our area they are charging approximately the same rate. Some are a little lower; some are a little higher. I can understand that because of the question of size of circulation and amount of advertising that each individual newspaper has. But on the whole it is comparable.

As to TV rates, TV rates in my area are lower than they are in other parts of the country. So I do not say that we are being overcharged. Some of you might be interested in determining for yourselves in your own areas whether or not you are being overcharged or undercharged. But I think TV would be willing to listen to anybody who wants to talk about this thing as to what a fair charge should be for TV time.

It seems to me in the first place when you are in the newspaper field you are clearly on serious constitutional grounds.

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

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

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

Mr. SPRINGER. I yield to my colleague, the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, just one question. I do not think the problem that has developed with respect to rates has been directed to rates that are not comparable in different geographical areas. It was my understanding that this was directed to comparable rates for advertising within a given publication. In other words, are we suggesting it is wrong to say that a political candidate should not be permitted, for example, to buy two columns by 4 inches of advertising at a rate higher than what the local businessman pays in the same newspaper in the same issue?

Mr. SPRINGER. What I have said to this date was in trying to compare rates in different parts of the country.

I think the gentleman strictly speaking is more nearly right as to what the intent of the Macdonald section is, which is to do what the gentleman is talking about, but I think the gentleman is right that there is a serious question of whether we have the right to do it.

Mr. COLLIER. It is not an uncommon practice in many parts of the country to charge a political candidate a rate which is generally a premium rate over what is charged for other advertising.

Mr. SPRINGER. That is right. I do not argue that question with the gentleman at all. I merely say we are on constitutional grounds as to whether that can be done—not as to whether they can charge higher or lower rates, but whether it can be done at all.

I do think it is a question of whether we ought to say that the TV station must charge us the lowest unit rate, because when we come to politics, I think all of us realize this is a temporary thing, and this is the reason—I have had explained to me by some newspapermen—that it is a limited thing, and in some cases it is limited to 2 or 3 weeks over the year.

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

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

Mr. HAYS. Mr. Chairman, I am a little uncertain as to where the gentleman does stand on the newspaper thing. My experience on television in my district is that they will give me the same rate as anybody else is given for the time I use. If I want 50 spot announcements, I get the 50-spot rate.

At least one newspaper out there I know charges for political advertising exactly 50 percent more than it does for other casual ads paid in advance. Is that constitutional?

Mr. SPRINGER. I think it is.

Mr. HAYS. In other words, there is no discrimination?

Mr. SPRINGER. The gentleman is talking about newspapers?

Mr. HAYS. Yes.

Mr. SPRINGER. The newspapers, I think, are bound by the Constitution. In other words, they have a freedom, and this brief which has been made up by the University of Missouri School of Journalism is accurate.

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

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, I think the list of decisions is very conclusive on the question of whether or not they can refuse.

Mr. HAYS. As I understood the testimony of the man who spoke for the newspaper association, it was that they did not object to an equal payment by political candidates. The thing they did not want was for political candidate to get preferential treatment as though they were advertising over 365 days of the year. I am sure I heard the gentleman right, and I was there, that he had no objection to an equal treatment for political candidates, and he purportedly spoke for the whole association.

Mr. SPRINGER. If I understand the gentleman correctly, I think it is true on the question of discrimination there is no question that I think that would be objectionable. But I think the point being raised by the gentleman from Massachusetts (Mr. MACDONALD) in his amendment is we would have to charge a comparable rate for the same kind of service. That is in the Macdonald bill, which I understand the gentleman from Ohio says is a different kind of problem.

Mr. HAYS. I am saying newspapers should charge the political candidate the same thing they would charge a fellow who advertises only twice a year, but in some instances they charge the political candidate a 50-percent premium.

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

Mr. SPRINGER. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, in view of the fact that the gentleman raised the question of constitutionality of setting newspaper rates, or the fear that there would be a constitutional question; in the letter the newspaper association put out on this, they, as a part of that package, at least in the letter I received, they cited the fact they do not endorse this business of gouging political candidates and they have indicated the desire to eliminate that.

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

(On request of Mr. SISK, and by unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SISK. They further cite that some six States in the United States at present do set, by State law, a limitation.

The thing which raises its head immediately with me is the question why, on the one hand, were they making a big argument it would be unconstitutional for us to enter into the so-called rate-setting area and yet at the same time use as an argument, for a lack of need, the fact that some six, seven, or eight States already have a ceiling in connection with political advertising in newspapers.

For example, the State of Maryland right out here, I understand, has a law in regard to newspaper rates for political advertising. I believe the State of Hawaii has such a law. I believe the State of Arizona does. I do not have those in front of me.

Mr. SPRINGER. May I say to my colleague, that has never been tried out in any of those States. It has never gone to the supreme court of the State, and never to the Supreme Court. On the basis of the cases that have gone up at the present time, it is my opinion it is unconstitutional.

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

Mr. SPRINGER. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I thank the gentleman for yielding.

As the gentleman knows, the hearings clearly indicate we had the representatives of newspaper associations before the subcommittee. At that time, there was never a question about the constitutionality of this provision raised before the committee.

Second, it was at their suggestion that the present language in the proposal be-

fore us, the Macdonald of Massachusetts proposal, was included. That is the language they suggested to the committee.

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

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

Mr. SPRINGER. Mr. Chairman, may I read this so that there will be no misunderstanding:

The attachment from the Freedom of Information Center traces a long line of cases which hold that the publishing of a newspaper is a private business, and that publishers are under no obligation to accept advertising from all who apply for it. There is little doubt that Section 4(b)(2) of the Macdonald bill would violate the holdings of these cases.

The attached story from Publishers' Auxiliary indicates that there is very little need for a federal law regulating the rates which newspapers charge for political ads. Yet this is exactly what Section 4(b)(1) of the Macdonald bill and 103(b) of the Frenzel-Brown bill would do.

I am reading from a letter signed by William G. Mullen, general counsel of the National Newspaper Association.

Mr. TIERNAN. What was the date of that letter?

Mr. SPRINGER. November 24, 1971.

Mr. TIERNAN. Then he has changed his mind since he came before the subcommittee.

I would suggest, as the gentleman from California has already suggested, that we had testimony before the subcommittee that this type of language is in State statutes now and has not been challenged by any of the respective associations in the various States as to constitutionality.

Mr. SPRINGER. I have just this brief. That is all I have to go by.

The CHAIRMAN. Does the gentleman from West Virginia (Mr. STAGGERS) insist on his point of order?

Mr. STAGGERS. No, Mr. Chairman. I withdraw my point of order. I believe the subject is germane to the bill.

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

Mr. Chairman, this amendment is a very sweeping one and goes to the very heart of the bill.

In the first place, I could not follow everything that was contained in the memorandum of the gentleman from Illinois from the Missouri School of Journalism, but I believe we ought to take in order not the newspapers first but the broadcasters first.

It is perfectly clear that the Congress has jurisdiction over communications, and it is perfectly clear that the question of constitutionality never has been raised before, either at the time the gentleman voted for a similar bill last year or in our committee. Therefore, I am rather surprised it is raised at this late date.

However, I have a copy of the Constitution with me, and there are two places in which we get jurisdiction not just over communications so far as the broadcast media are concerned but also so far as the newspapers are concerned.

First I would like to go to the subject of broadcasters.

The point has been raised that we have no right to set rates for the broadcasters. I point out to the gentleman something that I think I do not need to point out to him, because I am sure he knows it; namely, they set their own rates and they set their own lowest unit rates. I also point out to the gentleman, which I know he knows very well indeed, that the Federal Government gives them the right to operate on public property. When they are issued a license by the Federal Communications Commission they are not using their own property; they are using the public airwaves. As such, it seems to me, if they are going to live up to the promise that they make when they get that license to serve the public convenience, necessity, and need and to serve in the public interest, certainly they should have and, as far as I am concerned—and I deal with them almost daily if not weekly—I have had no protest about this section of the bill from any broadcaster.

As a matter of fact, the three presidential broadcasters have indicated they have no objection to this personally, and I have not heard from a single broadcaster because they understand that they do get a license to serve in the public interest.

So obviously the lowest unit rate is a fare matter. Is it fair for them to sell soap at a low unit rate? What good does that do the community? They have a license to serve the community, and if they do not live up to that license, the only argument that makes any sense to me is, when their license comes up for renewal, as it does every 3 years, you can take that matter up then.

In any event, it seems perfectly clear to me that the broadcasters are and should be and must be included unless we are going to let spending once again take over the political processes of this country.

It was President Nixon himself who asked in his veto message that we also include newspapers.

As the gentleman well knows, in the bill he voted for last year it included television and radio. We sent this down to the President by an overwhelming margin both out of the House and the Senate, and the conference report was equally well received. The President said he wanted to veto it because in his judgment it only plugged one hole in the sieve, and the newspapers, the magazines, and the other forms of advertising should also be included.

We did that in order to avoid another veto. We are just doing in this title I bill what the President indicated to us he wanted.

Second, as is very clear to me, in many sections of the country, including my own section, it is unfair for the newspapers to raise rates just because you are a candidate for political office, so it seems to me they, too, should serve somewhat in the public interest, although I agree with the gentleman from Illinois that that section is not as clear and raises some problems, to me at least, with regard to that section.

However, inasmuch as the President asked for it and inasmuch as he said he would send up a bill that you could take and inasmuch as the President did not send up a bill which contained newspapers and magazines, our subcommittee and the full committee saw fit to do it for him.

So it strikes me rather peculiarly that the gentleman, who I know is a loyal follower of the President, should be going against the message that the President sent up to us and told us to put into an acceptable bill.

Therefore, I urge as strongly as I possibly can the defeat of this amendment, because it goes to the very heart and soul of the money spent.

In my judgment—and this was seriously suggested years ago—the broadcasters using the public airwaves in the public interest should give time.

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

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

Mr. HARVEY. I will in just a moment.

First, Mr. Chairman, I want to say that I rise in wholehearted support of the amendment which has been offered by the gentleman from Illinois. I do not believe that this section ought to be in the bill. I believe this amendment to strike this section is well taken.

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

Mr. HARVEY. Yes, I yield to the gentleman from Illinois.

Mr. SPRINGER. There have been questions raised here by my distinguished colleague, a member of the committee from Rhode Island; also a question by the chairman of the committee, and at least one other member with reference to what was said at the time this bill was heard.

I read from page 207 from a statement of Mr. John Howell, publisher, Warwick Beacon, Warwick, R.I., wherein he said:

Mr. Chairman, my name is John Howell. I am the publisher of the Warwick Beacon, Warwick, Rhode Island. I am here today testifying on behalf of the National Newspaper Association.

Then on page 208 after the seventh paragraph, I quote:

The bill's lowest unit rate requirement would wreak havoc on newspaper publishers. Typically, rates for newspaper advertising space take into consideration such factors as the frequency of publication, size of the advertisement, the complexity and hazard of the copy, and the amount of service required to prepare the copy for publication. Of course, there are other factors which enter into figuring rates in specific instances.

Now, another paragraph, the third paragraph below that which I just quoted which reads as follows:

In addition, we are of the opinion that section 4(b)(2) clearly infringes on the free press guarantees of the Constitution. This section requires newspapers and magazines to make advertising space available to all candidates for an office once they sell such space to any candidate for that office.

Mr. Chairman, I wanted to be sure that the RECORD showed that when this testimony was delivered, Mr. Howell speaking for the National Newspaper Association, exactly what was said.

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

Mr. HARVEY. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I agree with the gentleman. It is in the RECORD and that is why the gentleman from Rhode Island remembered it so well and inasmuch as he represents the area from which Mr. Howell comes. That is when we changed the lowest unit rate for newspapers to a comparable transient rate and agreed with that. He suggested that very language. They said that a newspaper should charge the comparable transient rate for people running for public office.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield further, may I say that is not what is now said by the National Newspaper Association. I read it to the gentleman and there is no question about their position.

Mr. TIERNAN. I do not question what the gentleman read and I hope the gentleman does not question what I said that Mr. Howell said before our committee. So, you can take your choice as to which time he meant it. His language is in the bill.

Mr. HARVEY. I want to say, Mr. Chairman, I do not think we have any business getting into whether we provide equivalent space in newspapers and, therefore, I hope the amendment passes.

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

Mr. HARVEY. Yes; I yield to the gentleman from Ohio.

Mr. HAYS. I want to say to the gentleman from Illinois that I was talking about the hearings before the House Administration Committee in which another different person representing the newspapers spoke, and I sent for a copy of what he said. I believe I am right in the fact that he said that they had no objection to a comparable rate for transient advertisers, which is what I understand the Macdonald amendment now proposes; is that correct?

Mr. MACDONALD of Massachusetts. Mr. Chairman, if the gentleman will yield, yes.

Mr. HAYS. And, I believe further in answer to a question I asked he stated he did not believe it was proper to charge a political candidate 50 percent more than you would a fellow who came in who wanted to run an ad for a photography shop or something like that.

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

Mr. Chairman, I have nothing but the highest regard for our ranking minority member, the gentleman from Illinois.

I do, however, take exception with his views in this matter.

I, personally, feel that a good lawyer, given 15 legal-sized sheets of paper and a typewriter, could make a convincing argument either way as to the constitutionality of this matter. For my part, I, personally, believe the provision to require that a comparable rate be charged is constitutional.

What we are trying to do in this bill is to come up with a measure that is equitable not only for incumbents, but for challengers as well. We are trying to provide a means by which the American public can look at two candidates or more and try to determine in their own opinion which one of these is going to serve them best.

I personally believe that we are not interfering with the freedom of the press when we tell the newspapers that if they are going to charge one advertiser a certain rate for so many insertions and for a certain place in the paper, and a certain size, that they shall not charge a political advertiser more money. We are not trying to set the rates for them. All we are trying to do is to require that equity be accomplished.

Personally, I am opposed to the section in the bill which requires the broadcaster or a TV station to charge the lowest rate to a political candidate. If we want to make as a requirement relating to the obtaining of a license for the use of the public airways that one of the required public services is free time or reduced time, so that each station knows that this is the payment he has to make for use of public airways then that is a different matter. But we have not done this and should not do this after the fact—that is after a license is granted. Since we have not done it I personally hope that we will support the amendment to be offered by the gentleman from Texas (Mr. PICKLE). I believe it will provide for equity. I believe equity in this particular instance, insofar as the newspapers are concerned, is to require a comparable rate be charged just as it should be for radio and TV.

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

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

Mr. STAGGERS. Mr. Chairman, I would like to associate myself with the remarks being made by the gentleman from Georgia (Mr. THOMPSON).

I also want to say that I commend the gentleman for the statement that he has been making in the well.

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

Mr. THOMPSON of Georgia. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, it is my intention to offer an amendment just as soon as it is possible that would make the rates for advertising with broadcasters or newspapers the same. I am glad the gentleman has mentioned the amendment that I will offer.

Mr. THOMPSON of Georgia. Mr. Chairman, I would just like to conclude by stating this: That everyone in this body should look on this matter as you would upon any issue based on equity. In my view, equity provides that newspapers in dealing with advertisers, whether they be the local hardware store or drygoods merchants or political advertisers, should be charged with the same amount for the same space. A political candidate should not be charged a premium nor should the newspaper publisher be required to give him a discount.

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

Mr. Chairman, I do not know who really speaks for the National Newspaper Association, but I want to read you some quotations from our hearings—and the gentleman from Michigan (Mr. HARVEY) was involved in this, and I will start there:

Mr. HARVEY. I have a question. Mr. Mackey, I can see why the newspapers would be opposed to the lowest unit cost for a candidate's advertising which you mentioned in your statement, but I have considerable difficulty understanding why the newspapers feel they should be able to charge a greater rate for political advertising than they would for any other type of advertising.

Mr. MACKEY. Our rates are based on local advertisers and national advertisers and we charge the same rate for political ads as we do for our national advertisers.

Now, Mr. Mackey happens to be from the local paper in my home county, and I can verify his statement about the same rate for political ads as for others.

So we go on down a little further, and I point out that Mr. Mackey is claiming that that is exactly what they do, and then I say that we should have something in the legislation that they should not be able to single out, and I am quoting: "political candidates for an exceptionally high charge."

Then Mr. HARVEY said:

I certainly agree with Chairman HAYS in this regard. I think such a provision is badly needed.

Then a fellow by the name of Mr. Serrill gets into the act. He was sitting out there. The record reads:

Mr. SERRILL. May I comment on that, Mr. Chairman.

Mr. ABBITT. Mr. Serrill.

It turns out that Mr. Serrill is the executive vice president of the National Newspaper Association and listen to what he says.

I said:

If the gentleman will yield—

He was going along talking about what Mr. HARVEY said and saying that they did not do that.

I said:

If the gentleman will yield, do you have any objection to having a section in the bill that says that they can't charge a higher rate?

Meaning what they would charge anyone else—

Mr. SERRILL. Than the established card rate?

Mr. HAYS. Yes.

Mr. SERRILL. That is all right. We would not object to that.

Then he goes on to say:

In fact as I say, over the many years—and I have been in newspaper management association work since 1944—

That they have been doing that in most instances, but he thought it was bad public relations to have a surcharge for political advertising.

I do not know whether they had a man testifying to a different thing in front of the other committee but this is exactly what they said in the hearings Mr. ABBITT conducted for the Committee on House Administration.

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

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I am happy to yield to the gentleman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I would like to have the attention of the gentleman from Illinois inasmuch as he raised the question of the constitutionality of this measure. I do not know what the gentleman quoted, but I will quote two things that might clear up his problem.

In the first place, the Associate Deputy Attorney General Wallace Johnson of the Department of Justice accompanied by William Nichols, the legislative counsel, who testified before our committee and in this testimony which the gentleman can find at the bottom of page 186 and continuing over to the top of page 187 reads as follows and he is talking about our bill. He says:

Some proposals would require broadcasters to charge candidates the lowest unit rates charged others for similar time blocks. At least one of the bills before you would extend the lowest unit rate provision to purchasers of nonbroadcast media.

And then he said:

The department—meaning the Department of Justice—favor such a provision and strongly feels it should be made applicable to both broadcast and nonbroadcasting communications media.

That was the Assistant Deputy of the Department of Justice.

Then going on farther to a higher, perhaps, plane—a letter was forwarded to me by Richard Kleindienst, Deputy Attorney General. On page 3 of that letter which is dated, June 23, 1971, Mr. Kleindienst said:

H.R. 8628 is a far better bill than H.R. 8627. It would extend the lowest unit rate provision to newspapers and magazines as well as to the broadcast media. We favor that provision.

So, if the gentleman can top that, for constitutionality, I will be surprised.

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

Mr. TIERNAN. If the gentleman will get me some additional time, I will yield to the gentleman at this time if he wants to respond to that.

Mr. SPRINGER. I just want to read this now so that there can be no misunderstanding about how the National Newspaper Association stands. There is the brief accompanying it, which I would be happy to insert in the RECORD but I understand I cannot ask permission to do so now because we are in Committee of the Whole, but I will get permission to put it in the RECORD when we are in the House.

But they do say here:

NATIONAL NEWSPAPER ASSOCIATION,
*Washington, D.C., November 24, 1971.*

Hon. WILLIAM L. SPRINGER,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. SPRINGER: I am enclosing some material which may be helpful to you when the House again takes up Federal Election Reform. The principal bill, H.R. 11060, and two related bills are now scheduled for floor action on Monday, November 29, at noon.

The attachment from the Freedom of Information Center traces a long line of cases which hold that the publishing of a newspaper is a private business, and that publishers are under no obligation to accept adevrtising from all who apply for it. There is little doubt that Section 4(b)(2) of the Macdonald bill would violate the holdings of these cases.

The attached story from Publishers' Auxiliary indicates that there is very little need for a federal law regulating the rates which newspapers charge for political ads. Yet this is exactly what Section 4(b)(1) of the Macdonald bill and 103(b) of the Frenzel-Brown bill would do. We realize that some individual members of the Congress have problems with political advertising rates of certain newspapers. All I can say is that this association is pledged to eliminating these inequities as rapidly as possible. Great improvements have been made in this area within the last ten eyars.

Once again, on behalf of the more than 6,600 community publishers represented by NNA, we ask that you support amendments to delete the newspaper provisions of Section 4 of the Macdonald bill and Section 103(b) of the Frenzel-Brown bill.

Since floor action on these bills is set for a Monday, there is a great deal of importance attached to your presence on the House floor during the consideration of these amendments if they are to be successful.

Your consideration of the views of weekly and small city daily newspaper publishers is deeply appreciated. Please call upon me if you have any questions or need additional information on this matter.

Sincerely yours,

WILLIAM G. MULLEN,
*General Counsel.*

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[From Freedom of Information Center Report No. 187]

ADVERTISING: THE RIGHT TO REFUSE

(NOTE.—This paper, which surveys the legal bases for the right of newspapers to refuse advertising, was prepared by David C. Hamilton, a graduate student in the School of Journalism.)

When, in December 1964, Fred G. Bloss complained before Michigan courts that advertisements for his Eastown Theatre had been refused publication in Battle Creek's *Inquirer* and *News*, the defendant, Federated Publications Inc., was in a position to show the court ample evidence that it was within its rights in choosing to turn down the advertising. This case, which was decided November 9, 1966, in Division Three of the Court of Appeals of Michigan, is the latest in more than half a century of legal debate over the question of a newspaper's right to refuse advertising.

Like many manifestations of this complex society, advertising was not anticipated as a problem in either constitutional or common law. When questions as to the nature of newspapers and newspaper advertising first arose, they naturally became wards of the courts—and subject to the relative vagaries of judicial reasoning. After nearly fifty years of deliberations the courts have ruled overwhelmingly—with only one decision to the contrary—in favor of the newspaper's right as a private business to contract with whom it pleases. That right has been questioned in terms of unfair business practices, in terms of monoply, and in terms of the so-called "public interest" nature of American newspapers.

Bloss reported to the Michigan court that the defendant had accepted his advertisements for about 30 days prior to November 3, 1964, when it notified Eastown Theatre by mail that it would not accept Eastown advertisements effective November 4, 1964. Bloss sought court agreement that the newspaper was "clothed with a public interest" and that therefore it should be forced to accept his advertising. Federated exhibited a copy of the plaintiff's advertising, and, in the language of the record, "did not wish to accept advertising for theaters containing suggestive or prurient material, and plaintiff's advertising required extensive editorial effort by defendant's employees to meet defendant's published standards."

In *Eastown Theatre v. Federated Publications, Inc.*, the court said: [1]

"The First Amendment to the Federal Constitution declares and safeguards the sanctity of freedom of the press. Our founding fathers recognized that well-informed citizens are essential for the preservation of democratic institutions, and toward this end, an independent press is indispensable. The public interest, therefore, insofar as it affects the operation of a newspaper, demands that the press shall remain independent, unfettered by governmental regulations regardless of whether that regulation stems from legislative enactments or judicial decisions. . . . We subscribe to and are bound by the prevailing authority, that a newspaper is strictly a private enterprise."

ONE LANDMARK: SHUCK V. CARROLL DAILY HERALD

In arriving at this decision, the court, noting the absence of action on this question in Michigan, turned to the landmark case in this area, *Shuck v. Carroll Daily Herald* and an annotation on it in the *American Law Review*.

In this 1933 case in the Iowa Supreme Court, a clothes cleaner and repairer in the city of Carroll named Shuck sought to reverse a lower court decision refusing to grant his request for an injunction forcing the Carroll *Daily Herald* to print his advertising. Shuck claimed the *Herald* "orally agreed to publish" his advertisement, then did not. Further, he said, the *Herald* published advertising from "both residents and nonresidents" and from "others in the same business class." He asked $400 in damages, "for failure to publish advertising tendered," and an injunction forcing the *Herald* to halt what Shuck considered discriminatory practice. The defendant newspaper countered that "only the legislature can legislate a control to advertising which does not now exist," and claimed "the private right of the defendant to contract."

In deciding the case, the court reduced the question to whether a newspaper is required to accept advertising or not, and produced a capsule history of legal thought on the matter:

"The first English newspaper is believed to be the weekly *News*, issued in London in 1622. In the United States, *Publick Occurrences* was started in Boston in 1690; the *Boston News Letter* followed in 1704; but the oldest existing newspaper in the United Staes is the New Hampshire *Gazette*, founded in 1756.

"Our common law is generally dated at about the time of the Declaration of Independence, or perhaps at the time of the Revolution. Newspapers had then existed in England for one hundred and fifty years and in America for almost a hundred years. During that period they operated side by side with carriers and inns. The rules forbidding the latter to discriminate between customers were established, yet nobody goes so far as to even claim that there is any holding at common law under which a newspaper was bound by the same rules."

Turning to court decisions, the Iowa justices cited *Friedenberg* v. *Times, in re Louis Wohl, Mack* v. *Costello, Commonwealth* v. *Boston Transcript Co.*, and *Wooster* v. *Mahaska County*. The holdings of these cases, in abbreviated statements, are as follows:

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Footnotes at end of article.

CASE SUMMARIES

*Friedenberg* v. *Times*. The Louisiana court, ruling in 1930, said:

"The weight of authority is that the publishing of a newspaper is a strictly private enterprise, and the publishers thereof are free to contract and deal or refuse to contract and deal with whom they please. And at any rate, it is for the Legislature, and not for the courts, to declare that a business has become impressed with a public use."

*Mack* v. *Costello*. In this 1913 decision, a South Dakota court declared:

". . . it may be that the publishing of a newspaper is a quasi-public business; but if so, it is only because, from long existence, it is regarded as a public necessity. But as much might be said of the hardware or grocery business, and yet no one would contend that a grocer or hardware dealer could be compelled by mandamus to sell his wares if he preferred to keep them on the shelves."

The question arose when Georgia Costello, published of the Cavour *Clarion*, lone Cavour newspaper, refused to publish a petition renderd to her by Mack and others in order to fulfill a South Dakota statute requiring the publishing of legal petitions. The court further stated:

"It is true, the statute defines a legal newspaper and requires that legal notices be published in newspapers so designated . . . but it nowhere attempts to impose any obligation to publishing any and all notices, . . . neither can the publication of a newspaper be held to be an office, trust or station (and) because appellant's course may impose a hardship upon respondents does not authorize the court to exercise a jurisdiction not conferred by statute."

*Commonwealth v. Boston Transcript Co.* In 1924, a Massachusetts court ruled that "the legislature has no power to require any newspaper, at any time, to publish anything whatever against its will," and declared unconstitutional a statute which forced papers to publish labor commission findings.

*Wooster v. Mahaska Co.* Also an Iowa court ruling, this 1904 decision said: ". . . neither the legislature, nor the board, could compel any paper to publish the proceedings, no matter what compensation might be fixed therefor." Publisher Wooster and others had sought to collect a higher rate for publishing county board of supervisor announcements than had been paid them for a year's publication. "He was under no obligation to do the work," the court concluded.

*In re Louis Wohl*. In 1931 a federal district court discussed the Michigan case in which Wohl, principal stockholder in a bankrupt company, had reorganized his business and sought to advertise with the Detroit *News* and Detroit *Times*, both of which had lost money to Wohl's bankrupted enterprise. The newspapers required Wohl to make good their previous losses before dealing with him again; he did, but subsequently sued to regain his money on the basis of restraint of trade.

Wohl asked an injunction directing the newspapers to deal with him on the basis that "a newspaper must print advertising offered to it. The court ruled that the restraint of trade accusation was based upon the second half of Wohl's complaint, and therefore limited its decision to the question of whether newspapers should be required to accept advertising.

Wohl sought to prove that "the newspaper business has become of such great public importance . . . that the owners have granted the public an interest in the property" (using the landmark railroad decision *Munn v. Illinois* as the basis for this "public utility" claim); "and further, that . . . the Detroit *News* and the Detroit *Times* exercise what is virtually a monopoly in the evening newspaper field." On this point, the court reminded Wohl that monopoly as a test of public interest had been rejected in *Brass v. North Dakota* and applied itself to the question of whether public interest in personal contracts as defined by *German Alliance Insurance Co. v. Lewis* could be applied to the newspaper industry. In support of his claims, Wohl cited *Tyson v. Banton*, in which theater ticket brokers had been declared clothed with a public interest, and *Ribnik v. McBride*, in which an employment agency had been declared the same.

The court noted itself cognizant of the precepts of *Inter-American Publishing Co. v. Associated Press*, in which the AP "was held to be a business upon which a public interest was engrafted"; of the holdings of *Uhlman v. Sherman*, the lone decision requiring a newspaper to accept advertising (to be discussed at greater length); and of the decision in *Wolff Packing v. Industrial Court*, which said that a business, if found clothed with a public interest, "is bound by the common law to serve without discrimination." It nevertheless ruled:

". . . while it may be true that legislation declaring businesses affected with a public interest as a ground for regulating such businesses may be merely declaratory of the common law . . . it has not been pointed out that any state has ever attempted to regulate the business of a newspaper on the ground that such business is one clothed with a public interest.

"I find from the foregoing that there is no such trend of decision as the trustee urges. A newspaper is not at common law a business clothed with a public interest."

The court cited a number of cases as influential to its decision, including *Commonwealth* v. *Boston Transcript Co.* and *Wooster* v. *Mahaska Co.*, discussed above. Also of interest are *Lake County* v. *Lake County Publishing and Printing Co.*, and *Belleville Advocate Printing Co.* v. *St. Clair County*, two Illinois decisions. In the former, read in 1917, the court said: ". . . . a printer is at liberty to publish or not." The case was similar to *Wooster* v. *Mahaska Co.* in that the printer had sued to collect a higher rate for printing delinquent tax lists than the country would allow.

In the *Belleville* decision (1929), the court made the same ruling against a printer who sought higher rates for printing tax assessment lists, saying that the newspaper "was at liberty to print or not."

THE SHUCK UMBRELLA

The area of protection thus seen to be encompassed in the *Shuck* v. *Carroll Daily Herald* decision is great: no recourse to common law is possible; the right to refuse advertising is protected from both court-made and legislative law; hardship to the potential advertiser is rejected as a cause for complaint; the condition of monopoly is specifically denied as a basis for denial of the right. The newspaper is defined as a private enterprise, completely free to deal or to refuse to deal with whomever it may choose.

To this landmark decision, the *American Law Review* appended an annotation which concludes:

"With the exception of one case, *Uhlman* v. *Sherman*, it has been uniformly held in the few cases which have considered the question that the business of publishing a newspaper is a strictly private enterprise, as distinguished from a business affected with a public interest, and that its publisher is under no legal obligation to sell advertising to all who may apply for it."

In addition to the *Lake County* and *Belleville* decisions, discussed above, ALR cites *State ex rel Baraboo* v. *Page*, *Journal of Commerce Publishing Co.* v. *Tribune Co.*, and *Clegg* v. *New York Newspaper Union* in support of its commentary. Pertaining matter in these decision includes:

*State ex rel Baraboo* v. *Page*. This 1930 Wisconsin decision concerned publisher H. K. Page, who accepted the title of "official newspaper" for his Baraboo *News-Republic* from the town's council and then refused to print council minutes. The council sued, but the court said:

"Those statutes (which require publication of council activities) . . . do not constitute, or authorize the city to constitute, the proprietor, publisher or editor of the official newspaper a public officer; . . . they are not required to take an oath, and they exercise none of the functions of sovereignty, which are some of the usual characteristics of public office."

The court said, further, that the city should have sued Page for breach of contract for his failure to print the council minutes, rather than having attempted to vest the newspaper with public character.

*Journal of Commerce Publishing Co. v. Tribune Co.* In this case, in which the Tribune Company sought to establish its right to maintain a fleet of carriers separate from that maintained by the Journal of Commerce Publishing Company, a 1922 Illinois judgment said: "The publication of a newspaper is a private business."

*Clegg v. New York Newspaper Union*. This 1887 New York case—one of the earliest citations—was decided in favor of appellant Clegg. From the ALR conclusions concerning the *Journal* and *Clegg* cases, it is assumed that this decision, like *Journal*, is useful in transferring the fact of "private business" from cases involving distributorship to cases contending advertising rights.

Thus, to the mandates of decisions covered by *Shuck v. Carroll Daily Herald*, the ALR appended two affirmations of the non-public character of newspaper publishing. The Michigan court, in deciding *Eastown Theatre v. Federated Publications Inc.*, could have little doubt, in view of *Shuck* and the *American Law Review* statement, of its decision. A little doubt, however, did exist.

A MINORITY VIEW: UHLMAN V. SHERMAN

It may be symbolic, and it is at least ironic, that the lone case standing against the tide of decisions favoring the newspaper's right to refuse advertising occurred in the Common Pleas Court of Defiance County, Ohio. There, in 1919, gathered Sherman and others of the Crescent Publishing Company to oppose the efforts of Uhlman, a mercantile trader, to have them forced to accept his advertisements. Sherman testified to disliking Uhlman's business practices, but filed no answer to the plaintiff's brief.

Judge J. Hay, in what was to become *Uhlman v. Sherman*, allowed that, "Ordinarily, persons cannot be forced into contracts." But, citing Elliott on Contracts (Sections 570–571), he noted that railroads, street railways, canals, turnpikes, gas and water, telephone and telegraph, heating and the like were not exempted. Public wharves, grain warehouses, grist mills, stockyards, fire insurance, grain elevators, hack lines, theaters and "other public places of amusement," he said, had been remanded to public control.

Citing *Munn v. Illinois* to the effect that "when private property is affected with a public interest, it ceases to be *juris privati* only," the judge prepared his statement on newspaper rights:

"Newspapers in this country have become universal. They are now practically in every home. . . . They publish . . . the one and the hundred other things which people desire to read and know. . . . They are favored by the law in the matter of printing public notices.

"These all add to the interests of the public in the business and serve to make it a

success, and cause the public to depend upon newspapers not only for knowledge of current events both local and foreign, but also for a knowledge of these matters of public concern which virtually affect every citizen and taxpayer.

"We believe that the growth and extent of the newspaper business, the public favors and general patronage received by the publishers from the public, and the general dependence, interest, and concern of the public in their home papers, has clothed this particular business with a public interest and rendered them amenable to reasonable regulations and demands of the public."

Judge Hay was quick to point out in his concluding remarks that a newspaper should have control over its news space, and that if it did not allow advertising to others of the same class, it could not be required to accept advertising. Also, the justice noted, no decision similar to his could be found in court records.

Although the *Uhlman* decision has found its way into most of the cases tried in this area since 1920, it has not found a supporter. The Iowa court upholding the Carroll *Daily Herald* said, "The Uhlman case has been before two respectable courts since it was given forth. . . . Both have refused to follow it." The Michigan court preparing *in re Wohl*, after studying the majority of precedents, including *Uhlman*, concluded: "I find from the foregoing that there is no such trend of decision as the trustee urges. A newspaper is not at the common law a business clothed with a public interest." The most recent Michigan decision, involving Eastown Theatre, said of *Uhlman*:

"That the Uhlman case was not followed by another Ohio court is evidenced by the case of *Sky High Theatre, Inc. v. Gaumer Publishing Co.* (Unreported, No. 22820) in the Common Pleas Court of Champaign County. The court therein stated:

" 'Under the circumstances, is the court bound by the decision in the Uhlman case? The judgment of the circuit court of one district is not conclusive authority upon the judges of another district though the view obtains that the decisions by one court should be followed in other circuits unless it clearly appears to the latter circuits that the decision is wrong. . . . It should be followed unless it clearly appears to this court that the decision is wrong—which is the case.' "

Although the Uhlman decision will remain as a temptation to those who would test the newspaper industry's right to refuse advertising, it would seem that the growing weight of decisions to the contrary will render it useless.

ANOTHER LEG: APPROVED PERSONNEL, ET AL.

Although sufficient bases for defense in a case involving refusal of advertising are provided by the umbrella cited in *Eastown Theatre v. Federated Publications, Inc.*, and above, there exists another branch of legal thinking which was cited as recently as 1965 in a Florida case, *Approved Personnel, Inc., et al. v. The Tribune Co.* The conclusions struck three familiar chords:

". . . the law seems to be uniformly settled by the great weight of authority throughout the United States that the newspaper publishing business is a private enterprise and is neither a public utility nor affected with the public interest. The decisions appear to hold that even though a particular newspaper may enjoy virtual monopoly in the area of its publication, this fact is neither unusual nor of important significance. The courts have consistently held that in the absence of statutory regulation on the subject, a newspaper may publish or reject commercial advertising tendered to it as its judgment best dictates without incurring liability for advertisements rejected by it."

The case involved the Tampa *Tribune* and Tampa *Times* which, without giving a reason, refused to accept advertising from three private employment agencies. The appellors sought to prosecute on grounds of breach of contract and monopoly. The "breach" suit was dismissed at the appeal level, since no contract, as such, existed. Supporting its conclusions on the other half of the suit, the court cited especially *Shuck v. Carroll Daily Herald, J. J. Gordon Co. v. Worcester Telegram Publishing Co.*, and *Poughkeepsie Buying Services v. Poughkeepsie Newspapers, Inc.*

The conclusions of the last-named are included in the *Gordon* decision. In it the plaintiff, a real estate dealer, complained to a Massachusetts court in 1961 that the *Daily Telegram, Evening Gazette* and *Sunday Telegram*, after accepting his advertisements for "about a year," on March 15 "cancelled an advertisement after one publication thereof and (has) since without just cause, maliciously refused and continues to refuse to accept for publication in (its) newspapers further advertising by the plaintiff corporation." Gordon alleged that the newspaper was a public utility, but the Telegram Publishing Co. filed a demurrer and was sustained, the court holding that "we judicially know that under our law a newspaper is not a public utility."

In its concluding statement, the court said:

"Although the precise question here has not often been before the courts, the prevailing view in the few cases that have considered the question—and in our opinion the correct one—is that the publisher of a newspaper is under no obligation to accept advertising from all who may apply for it."

*Supporting Cases*

Integral to the court's decision, in addition to cases already discussed,[2] were *Lepler v. Palmer, Poughkeepsie Buying Services v. Poughkeepse Newspapers, Inc., Philadelphia Record Co. v. Curtis-Martin Newspapers, Inc., Lorain Journal v. United States*, and *Times-Picayune Publishing Co. v. United States*. Short abstracts follow.

*Lepler v. Palmer*. A New York court, ruling in 1934 in a case involving the right of a newspaper to determine who its retailers should be, said: "The publication and distribution of newspapers is a private business, and the publishers have the right to determine for themselves by whom the papers should be sold." Lepler had been turned down by the New York Publishers' Association (represented by Palmer) in his bid to obtain a newsstand franchise, and the court upheld the Association's decision. "Unless done pursuant to a combination with other publishers to injure him," the court said, the newspaper was free to deal or to refuse to deal.[3]

*Poughkeepsie Buying Services v. Poughkeepsie Newspapers, Inc.* This 1954 New York ruling dismissed the Buying Service's attempt to obtain an injunction to force the Poughkeepsie *New Yorker*, a monopoly paper, to accept its advertisements, confirming that:

". . . in New York, the newspaper business is in the nature of a private enterprise, and in the absence of valid statutory regulation to the contrary, publishers of newspapers have the general right either to publish or reject commercial advertisement tendered to them; their reasons for rejecting them being immaterial, unless they are connected with fraudulent conspiracy or with furthering an unlawful monopoly.

"Refusal to maintain trade relations with any individual is an inherent right which every person may exercise lawfully for reasons he deems sufficient or for no reason whatsoever; and it is immaterial whether such refusal is based upon reason or is the result of mere caprice, prejudice or malice, it being part of the liberty of action which constitutions, state and federal, guarantee to citizens."

The court limited its own jurisdiction in the matter, saying:

"The fact that the legislature has not seen fit to reasonably regulate the newspaper advertising business does not confer power upon the courts to impose rules for conduct of such business."

The court rejected the *Uhlman* theory, concluding:

". . . it is contrary to general and fundamental doctrine laid down in our decisional law. For instance, we find decisions here, though not in point, in which it has been generally held that the publication and distribution of newspapers is a private business and that newspaper publishers lawfully conducting their business have the right to determine the policy they will pursue therein and the persons with whom they will deal."

*Philadelphia Record Co. v. Curtis-Martin Newspapers, Inc.* Pennsylvania courts ruled in 1931 that Curtis-Martin could not force Philadelphia Record Company to use the same distributors for its "bulldog" (night) editions, saying, "The publication and sale of newspapers is a private enterprise, . . . not in any sense (a) public service corporation."

*Lorain Journal v. United States*. "The publisher claims a right as a private business concern to select its customers and to refuse to accept advertisements from whomever it pleases," the U.S. Supreme Court summarized in this 1951 case which arose when the publisher of the Lorain (Ohio) *Journal* refused to sell advertising to those Lorain merchants who purchased advertising with Lorain radio station WEOL, which was owned by the publisher of the close-by Elyria *Chronicle-Telegram*. The court said:

"We do not dispute that general right . . . Most rights are qualified . . . The right claimed by the publisher is neither absolute nor exempt from regulation. Its exercise as a purposeful means of monopolizing interstate commerce is prohibited by the Sherman Act . . . In the absence of any purpose to create or maintain a monopoly the act does not restrict the long recognized right of the trader or manufacturer engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal."

*Times-Picayune Publishing Co. v. United States*. A second U.S. Supreme Court opinion was delivered in 1953, following proceedings instigated against *Times-Pisayune* by the U.S. Attorney General's office to test the company's policy of selling "combination ads" which required that purchasers of space in the morning *Times-Picayune* also buy lineage in the afternoon *Daily States*. The court reiterated its statements in *Lorain Journal v. United States* in ruling that "combination ads" were not a form of monopoly.

The strands of judicial thought gathered together by *Approved Personnel, Inc., et al. v. The Tribune Co.* are as diverse as those covered by the *Shuck* umbrella, and, in conjunction with that line of defense, form an airtight case for the publisher—provided he does not overstep the boundary of monopoly legislation. Claims of "public utility" are rejected; license is expanded to the point of not requiring a reason for refusal of advertisement; and the right to publish is plugged into the well-developed current of judicial decision on the right to control distribution outlets. In addition, affirmation of the right of the publisher to refuse advertising has been gained from the highest tribunal, the U.S. Supreme Court.

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Footnotes at end of article.

Any test of the right to refuse advertisements could most probably stand upon the legs drawn above; however, along the twisted trail of jurisprudence lie a few more decisions worthy of mention.

A recent Texas case, *Mid-West Electric Cooperative, Inc., et al.* v. *West Texas Chamber of Commerce* (1963) was decided very strongly in favor of the Chamber of Commerce, publisher of a magazine. The Electric Cooperative, having been refused publication of a politically oriented advertisement, hoped to prove that the Chamber had discriminated against it. Leaning heavily upon *Shuck* v. *Carroll Daily Herald* and the *American Law Review* annotation to it, the court ruled:

"Publishers of newspapers or magazines are generally under no obligation to accept advertising from any and all who may apply for its publication but are free to deal and decline to contract with whom they please."

*Sharon Herald Co.* v. *Mercer County*, a 1938 Pennsylvania case, stands as a firm statement of the non-public character of newspapers. In it, the court was asked if the Sharon *Herald* were within its rights in raising the rate for legal advertising done by Mercer County officials, who sought to establish a ceiling on such rates or to advertise at a rate lower than that announced by the paper. "Newspapers are not public utilities subject to governmental control and supervision as to the reasonableness of their advertising rates," the court concluded.

*Amalgamated Furniture Factories* v. *Rochester Times-Union Co.* (1927, New York) contributes to the body of law in this area the ruling that a newspaper not only has the *right* to refuse *untrue* advertising, but, in fact, is charged with the duty to refuse to give publicity to statements known to be untrue." The furniture company was known to the newspaper to be only a distributor and not a manufacturer, and the publication refused to print Amalgamated advertisements after printing only 4,045 lines of a 15,000-line contract. The court affirmed the right of the newspaper to break the contract under the given circumstances.

CONCLUSIONS

The right of a newspaper to refuse advertising seemingly admits of no loopholes—except where purposeful restraint of trade can be proven. However, it may prove worthwhile to recall the nature of the law.

The "right" is totally dependent upon judicial opinion, and the possibility of a second *Uhlman* v. *Sherman* decision surfacing (though in light of the weight of opinion to the contrary, the possibility is admittedly slim) must forever be admitted.

FOOTNOTES

[1] Law library citations for all decisions noted in the paper are as follows:

Amalgimated Furniture Factories v. Rochester Times-Union Co., (219 N.Y.S. 705, 128 Misc. 673)

Approved Personnel, Inc., et al. v. The Tribune Co. (177 So. 2d 704)

Belleville Advocate Printing Co. 1. St. Clair County (168 N.E. 312)

Brass v. North Dakota (153 U.S. 391, 14 S. Ct. 857, 38L.Ed. 757)

Clegg v. New York Newspaper Union (44 Hun 630, 9 N.Y.S.R. 235)

Collins v. American News Co. (34 Misc. 260, 69 N.Y.S. 641)

Commonwealth v. Boston Transcript Co. (35 A.L.R. 1, 144 N. E. 400, 249 Mass. 477)

Eastown Theatre v. Federated Publications, Inc. (145 N.W. 800)

Friedenberg v. Times Publishing Co. (127 So. 345, 170 La. 3)

German Alliance Insurance Co. v. Lewis (233 U.S. 389, 34 S.Ct. 612, 58 L.Ed. 1011)

In re Louis Wohl (50 F. 2d 254)

Inter-American Publishing Co. v. Associated Press (184 Ill. 448, 56 N.E. 882)

J. J. Gordon Co. v. Worcester Telegram Publishing Co. (343 Mass. 142, 177 N.E. 2d 586)

Journal of Commerce Publishing Co. v. Tribune Co. (286 Fed. Ill)

Lake County v. Lake County Publishing and Printing Co. (280 Ill. 243, 117 N.E. 452)

Lepler v. Palmer (270 N.Y.S. 440, 150 Misc. 546)

Locker v. American Tobacco Co. (121 App. Div. 443, 106 N.Y.S. 115)

Lorain Journal v. United States (342 U.S. 143, 72 S.Ct. 181, 96 L.Ed. 162)

Lucomsky v. L. B. Palmer (141 Misc. 278, 252 N.Y.S. 529)

Mack v. Costello (32 S.D. 511, 143 N.W. 950, An. Cas. 1916A 384)

*Midwest Electric Cooperative, Inc., et al.* v. *West Texas Chamber of Commerce* (369 S.W. 2d 842)

*Munn* v. *Illinois* (94 U.S. 113, 24 L.Ed. 77)

*People ex rel Burnham* v. *Flynn* (49 Misc. 328, 9d N.Y.S. 198)

*Philadelphia Record Co.* v. *Curtis-Martin Newspapers, Inc.* (157 A. 796, 305 Pa. 372)

*Poughkeepsie Buying Services* v. *Poughkeepsie Newspapers, Inc.* (131 N.Y.S. 2d 515, 205 Misc. 982)

*Ribnik* v. *McBride* (227 U.S. 350, 48 S.Ct. 545, 72 L.Ed. 913, 56 A.L.R. 1327)

*Sharon Herald Co.* v. *Mercer County* (200 A. 880, 132 Pa. Super. 245)

*Shuck* v. *Carroll Daily Herald* (215 Iowa 1276, 247 N.W. 813, 87 A.L.R. 975)

*Shuck* v. *Carroll Daily Herald Annotation* (87 A.L.R. 979)

*Sky High Theatre, Inc.* v. *Gaumer Publishing Co.* (Unreported No. 22820, Court of Common Pleas, Champaign County, Ohio)

*State ex rel Baraboo* v. *Page* (229 N.W. 40)

*Times-Picayune Publishing Co.* v. *United States* (345 U.S. 594, 624–25, 73 S.Ct. 872, 97 L.Ed. 1277)

*Tyson* v. *Banton* (273 U.S. 418, 47 S.Ct. 426, 71 L.Ed. 718 58 A.L.R. 1327)

*Uhlman* v. *Sherman* (22 Ohio N.P., N.S. 225, 31 Ohio Dc. N.P. 54, 46 C.J.)

*Wolff Packing* v. *Industrial Court* (262 U.S. 522, 53 S.Ct. 690, 67 L.Ed. 1103, 27 A.L.R. 1280)

*Wooster* v. *Mohaska County* (98 N.W. 103)

[2] *Journal of Commerce* v. *Tribune Co., in re Wohl, Shuck* v. *Carroll Daily Herald, Friedenberg* v. *Times Publishing Co., Mack* v. *Costello, and Commonwealth* v. *Boston Transcript Co.*

[3] In reaching this conclusion, the court cited *Collins* v. *American News Co., Lucomsky* v. *L. B. Palmer, Locker* v. *American Tobacco Co., People ex rel Burnham* v. *Flynn, and Journal of Commerce Publishing Co.* v. *Tribune Co.*, each of which outlines the right of a private business to control its retailers. The importance of the Lepler decision is, of course, that the court's statement included "publication" as well as "distribution" as a private right of newspaper publishers.

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[From the Publishers' Auxiliary, October 2, 1971]

SURVEY

(By Sharon Mikutowicz)

WASHINGTON.—In a National Newspaper Assn. survey of newspapers on political advertising rates, the overwhelming majority of the respondents said they charge the same rates for political advertising as they do for local and national advertising.

The survey was conducted through state newspaper associations. The survey was made in regard to the "Fair Election Campaign Act of 1971," the Senate version of which would require newspapers to offer candidates for national offices their "very best advertising rate" or the same rate a newspaper offers its biggest contract advertiser.

The survey showed that state association member papers generally receive anywhere from at least $16,000 in political advertising in election years to $400,000, on a state-wide basis.

The survey asked state association managers how many member newspapers in the state charge higher rates for political advertising than for any other type of advertising.

Newspapers were asked whether their local and national political ad rates are higher or lower than local or national advertising rates.

Most newspapers get their advertising through agencies or through their state newspaper association, the survey indicated. It also showed that agencies supplied more of the advertising than associations.

Robert E. Miller, manager for the Montana Press Assn. pointed out that some papers in his state, as in other states, have two rates—one for advertising submitted by local people, and one for advertising submitted by an agency or by the Montana Advertising Service on which a commission is paid.

"But in each case the political advertising is not segregated and it is charged the same as for other advertising within that category," he said.

According to the response received by NNA, few, if any Montana newspapers charge higher rates for political advertising than for other advertising.

Stewart W. Gainan, retail advertising manager for the Billings (Mont.) Gazette explained that his paper offers political candidates its retail rates on contract. "If they desire to use the same amount of space, they will receive the lowest rate as our largest advertiser," he said.

Herb Patridge, advertising director for the Medford (Ore.) Mail Tribune, said that local political advertisers qualify for the same earned rates or contract rates that any other advertiser has available. ". . . The political advertiser would pay local open rate or a lesser rate, depending on his volume and frequency," he said. But there are no earned rates nor contract rates offered to any national advertisers, including political.

"National political advertisers qualify, as do all national advertisers, for our 18-cent per line rate," Partridge said.

He estimated that his paper received $4,000 in revenue in the last statewide election and approximately the same amount in the last presidential election.

Reports from 114 newspapers in Pennsylvania, mostly dailies, reveal that four charge higher prices for political advertising, 10 charge more than local rates, but less than national for political advertising, while 100 charge the same local rates for political ads.

The Arizona Newspapers Assn. said that 19 of its newspapers charge higher rates for political advertising than any other advertising while four charge less.

The association estimates that it handles $32,000 in political advertising for newspapers in election years and that metropolitan dailies received at least twice as much for political ads.

Some papers are governed by state laws as to what they can charge politicians for their advertising.

Allied Daily Newspapers of Washington said that statutes in this state limit charges to no more than the national advertising rate.

It is also illegal to charge higher rates for political advertising in the state of Maryland, the Maryland-Delaware-D.C. Press Assn. said. The association said that 20 percent of its Delaware papers do charge more and in the District of Columbia, some newspapers charge the same as the national rates while others charge less than the local open rate for local political advertising.

Ronald Hicks, manager for the Louisiana Press Assn. told NNA that Louisiana law also

prevents charging candidates a rate higher than the highest local open or national rate.

The vast majority of Ohio daily newspapers have the same political and national line rates. Among the exceptions are the two Columbus metropolitan papers and the Cleveland metropolitan papers.

At least two papers, the Ohio Newspaper Assn. said, offer lower votes to political candidates.

"As far as weeklies are concerned," said John J. Ahern, assistant director of the association, "we simply don't permit them to charge any more on anything going through our ad service." He estimated that their ad service handles just about all the non-local political advertising the newspapers get.

Ahern said that last year this association handled about $30,000 in political advertising for the weeklies for the primary campaign of ex-governor Rhodes.

Arthur E. Strang, manager of the Illinois Press Assn., said that less than five percent of the newspapers in his state are charging higher rates for political advertising.

Executive vice president of the North Dakota Newspaper Assn., Paul C. Schmidt, said he knew of no paper in his state that had a rate for political advertising that was more than the local or national rates.

In Georgia, only one paper charges more for political ads. The Rome News-Tribune, a daily, charges 25 percent more for political advertising. Most of the advertising for the paper comes from an agency or the state association. Glenn McCullough, executive manager of the Georgia Press Assn. said. The papers stand to gain $250,000 in election years, he said.

Likewise there is only one known paper in Michigan that charges more for political ads, said Elmer E. White, executive secretary of the Michigan Press Assn. He said a Detroit weekly, the Michigan Chronicle, has higher rates for political advertising than for other advertising. White said a "hot campaign" year could bring as much as $350,000 in advertising to Michigan newspapers.

"In Texas we have 56 newspapers (out of 602) that charge higher rates for political advertising than display advertising (national rate)," reported Bill Boykin, general manager of the Texas Press Assn.

"Our rough estimate for statewide or national political advertising for our newspapers last year was somewhere between $200,000 and $300,000," he added. "We handled $86,000 through this office," he said, "and we know a lot more was placed locally."

Only two dailies, and no weeklies, have higher political ad rates in Oklahoma, reported Ben Blackstock, secretary-manager of the Oklahoma Press Assn. He noted that some papers charge less for political ads.

"The overall rate is less than combined open national rate," Blackstock said. "We refuse to sell ads higher than regular open national line rate."

The manager also said that most statewide or national political advertisements come through an agency or the association and the advertising is commissionable.

On the average, Blackstock said, newspapers in Oklahoma stand to make $400,000 in a political year.

A spokesman for the Utah State Press Assn. Inc. said, "no Utah weekly paper charges more for political advertising than any other kind. This office placed $16,000 in political advertising in our member papers during 1970.

"Most of our papers, the spokesman said, have a one-rate system but local advertisers can earn a lower rate based on large amounts of space used. Political advertising is treated the same as national and any placed locally can earn the same discount as any other advertiser.

Most of the political advertising placed through an advertising agency or the Utah State Press Assn. is commissionable at a national rate, according to the association.

Mr. MACDONALD of Massachusetts. I am happy to have it in the RECORD.

Mr. Chairman, will the gentleman yield further?

Mr. TIERNAN. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I would just like to clear this up at this point. Does the gentleman from Illinois take the word of a trade association about constitutionality or the word of Richard G. Kleindienst, Deputy Attorney General, as to the constitutionality of the bill?

Mr. SPRINGER. As I have said, I am going to put this brief, which I believe to be accurate, in the RECORD, and I think it speaks for itself. I believe it.

Mr. MACDONALD of Massachusetts. I recommend that the gentleman send it down to the Department of Justice, whose witnesses testified before our committee as well as wrote us letters about this very subject.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

(On request of Mr. MACDONALD of Massachusetts, and by unanimous consent, Mr. TIERNAN was allowed to proceed for 5 additional minutes.)

Mr. TIERNAN. Mr. Chairman, most of what I was going to say has been covered by the ranking member of the committee, Mr. SPRINGER and Mr. MACDONALD of Massachusetts, the chairman of the subcommittee, but I would like to make reference at this time to a book written by Herbert E. Alexander, the title of which is "Financing of the 1968 Election." On page 113 of that book, after quite a disseration about the additional cost of campaigning in 1968 over previous years, there is this quote, and I would like to read it to the distinguished ranking member of the committee, Mr. SPRINGER.

It states—

Newspapers frequently specify rates usually higher for political advertising. For instance, the New York Post political rate, according to standard rate data is 30 cents a line more than the open rate.

We had before our committee the testimony of the representatives of the newspaper association, and as Mr. HAYS has pointed out and as the chairman of the subcommittee pointed out, at that time their objection was to the language in the Senate bill and also in the Brown bill that was introduced here in the House. That language, I would point out to the gentleman again, requires that the rate that would be charged not exceed the lowest unit rate charged to others by the person furnishing such media.

As a result of the testimony of those witnesses, the subcommittee changed the language from the lowest-unit rate to read that the charge made would be for comparable use of such space in the newspaper.

Gentlemen, I do not think we could have gone any further in trying to accommodate the newspaper publishers of this country than to provide that the newspaper publishers charge the same amount that they charge anyone using their newspapers for advertising. I do not believe that people who aspire for public office should be charged a higher rate than what would be charged any other person using that media for advertising.

To get back to Mr. SPRINGER's citing the association, naturally they do not want to have something that will cut into their ability to charge a rate that will mean additional profits to them, but the statement of the witnesses of the U.S. Department of Justice before our committee was—

Some proposals would require broadcasters to charge candidates at the lowest unit rates charged others for similar time blocs, and at least one of the bills before you would extend the lowest-unit-rate provision to space purchased in nonbroadcast media.

This is using the words "lowest unit rates," which was even more severe than what we put in this bill. Continuing—

The department favors such a provision and strongly feels it should be made applicable to both broadcasters and nonbroadcast communication media.

So, gentlemen, I hope, and I am sure the House will vote down the amendment of the gentleman from Illinois (Mr. SPRINGER), because you know that the veto message of the President clearly spelled out to Congress that he would not sign into law any bill that provided for regulation of broadcasters only. Therefore, we had to include the press and other media in this most urgent reform bill.

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

Mr. TIERNAN. I yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman talking about a card rate which takes into account several factors including the number of insertions and so on?

There is quite a difference as to whether a card rate is used which takes into account the frequency of advertising insertions or frequency of broadcasters. When we speak of class A or prime time on television or radio, the lowest per unit cost might be class C time. It seems to me that we ought to have a clarification of what the gentleman is talking about.

Mr. TIERNAN. If the gentleman will refer to page 3, it clearly states that it will not exceed the charge made for a comparable use for such space for other purposes. That language is acceptable. It was the language suggested in the hearings before the committee by representatives of the National Newspaper Association, in fact, by the publisher of the paper in my hometown.

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

Mr. Chairman, there is no constitutional question here serious enough to deserve long consideration, but since the question has been raised and since the school of journalism's report has been cited, I have taken the opportunity to

look at it, and it does not deal with the question here at all. What it deals with is the question of whether or not a private advertiser in competition with other advertisers may demand that his advertisement be taken by a newspaper where there is no statutory provision that demands that it do so. The courts have obviously held that the refusal to accept the other advertiser's advertisement is in no wise prohibited by law.

The other kind of case cited in the school of journalism's survey was that which involved a State law which required a newspaper to print public notices, and in that instance the court said that it would not be so required, being a private enterprise.

But these cases do not involve the question of Congress exercising its authority under the commerce clause or under the specific provisions of the Constitution authorizing Congress to regulate Federal elections. It is perfectly clear that the commerce clause gives Congress the power to regulate in areas affecting interstate commerce, and, of course, the commerce clause has been most broadly construed.

Furthermore, there is a specific authority contained in the Constitution in article I, section 4:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of choosing Senators.

The bill and the section which is sought to be amended does not require newspapers to print any political advertising. All it says is if any person sells space in any newspaper or magazine to any legally qualified candidate for Federal elective office or nomination thereto in connection with such candidate's campaign, they have to sell to all. They do not have to sell to any, but if they sell to any, they must sell to all.

There is no question but what Congress can enter this field of Federal elections, and this title is wholly limited to Federal elections. Congress has regulated Federal elections with respect to contributions by corporations and with respect to contributions by labor unions. It has dealt with all manner of questions regarding Federal elections, and clearly this is justified under the Constitution.

Now then, some would attempt to stretch in some peculiar way the first amendment to some kind of protection to the newspapers to do precisely what they want to do with respect to using space. What the first amendment protects is the people's right not to have their right of free speech abridged. It is in plain terms. It says that Congress shall make no law abridging the right of free speech.

Do we abridge free speech by requiring that if a newspaper prints one political advertisement it must likewise print another political advertisement by the opponent of that person running for office? Obviously the first amendment is not involved in any sense of the word.

The only question that could possibly have been raised was the question of the power of Congress. That has so long been resolved that it seems futile and ridiculous to raise the point here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SPRINGER) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

TELLER VOTE WITH CLERKS

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

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SPRINGER, MACDONALD of Massachusetts, HAYS, and THOMPSON of Georgia.

The Committee divided, and the tellers reported that there were—ayes 145, noes 219, not voting 67, as follows:

[Roll No. 412]

[Recorded Teller Vote]

AYES—145

| | | |
|---|---|---|
| Abernethy | Fuqua | Price, Tex. |
| Anderson, Ill. | Goldwater | Quie |
| Andrews, N. Dak. | Goodling | Quillen |
| Archer | Grover | Randall |
| Arends | Gude | Rarick |
| Baker | Hall | Roberts |
| Belcher | Hammer-schmidt | Robinson, Va. |
| Betts | Hansen, Idaho | Robison, N.Y. |
| Biester | Harsha | Rogers |
| Blackburn | Harvey | Rousselot |
| Bow | Hastings | Runnels |
| Bray | Heckler, Mass. | Ruppe |
| Brinkley | Heinz | Ruth |
| Broomfield | Hicks, Wash. | Satterfield |
| Brotzman | Hosmer | Schmitz |
| Brown, Ohio | Hungate | Schwengel |
| Broyhill, N.C. | Hunt | Scott |
| Broyhill, Va. | Jarman | Sebelius |
| Buchanan | Johnson, Pa. | Shoup |
| Burke, Fla. | Keating | Shriver |
| Byrnes, Wis. | Kemp | Skubitz |
| Byron | King | Smith, Calif. |
| Caffery | Kuykendall | Smith, N.Y. |
| Carter | Kyl | Spence |
| Chamberlain | Landgrebe | Springer |
| Clancy | Latta | Stanton, J. William |
| Clausen, Don H. | Lent | Steed |
| Clawson, Del | Long, La. | Steele |
| Cleveland | McClure | Steiger, Ariz. |
| Collier | McCollister | Steiger, Wis. |
| Collins, Tex. | McCulloch | Stubblefield |
| Coughlin | McDade | Talcott |
| Crane | McDonald, Mich. | Thomson, Wis. |
| Daniel, Va. | McEwen | Thone |
| Davis, Wis. | McKinney | Veysey |
| de la Garza | Mahon | Waggonner |
| Dennis | Martin | Wampler |
| Devine | Mathias, Calif. | Ware |
| Duncan | Mathis, Ga. | Whalen |
| Dwyer | Mayne | Whalley |
| Edwards, Ala. | Melcher | Widnall |
| Esch | Minshall | Wiggins |
| Fascell | Mizell | Wilson, Bob |
| Findley | Montgomery | Winn |
| Fish | Morse | Wyatt |
| Ford, Gerald R. | Mosher | Wylie |
| Frenzel | O'Konski | Young, Fla. |
| Frey | Powell | Zion |
| | | Zwach |

NOES—219

| | | |
|---|---|---|
| Abbitt | Bennett | Carey, N.Y. |
| Abourezk | Bergland | Carney |
| Abzug | Biaggi | Casey, Tex. |
| Adams | Bingham | Celler |
| Addabbo | Blanton | Collins, Ill. |
| Albert | Boggs | Conable |
| Alexander | Boland | Conte |
| Anderson, Tenn. | Brademas | Conyers |
| Annunzio | Brasco | Corman |
| Ashbrook | Brooks | Culver |
| Ashley | Brown, Mich. | Daniels, N.J. |
| Aspin | Burke, Mass. | Danielson |
| Baring | Burleson, Tex. | Davis, Ga. |
| Begich | Burlison, Mo. | Delaney |
| Bell | Cabell | Dellenback |
| Dellums | Jones, Tenn. | Price, Ill. |
| Denholm | Karth | Pucinski |
| Dent | Kastenmeier | Purcell |
| Dingell | Kazen | Rangel |
| Donohue | Keith | Rees |
| Dorn | Kluczynski | Reid, N.Y. |
| Dow | Koch | Riegle |
| Downing | Kyros | Roe |
| Drinan | Lennon | Roncalio |
| Dulski | Link | Rooney, N.Y. |
| du Pont | Lloyd | Rooney, Pa. |
| Eckhardt | Long, Md. | Rosenthal |
| Edmondson | Lujan | Rostenkowski |
| Edwards, Calif. | McCormack | Roush |
| Evans, Colo. | McFall | Roy |
| Fisher | McKay | Ryan |
| Flood | McMillan | St Germain |
| Flynt | Macdonald, Mass. | Sandman |
| Foley | Madden | Sarbanes |
| Forsythe | Mailliard | Scherle |
| Fountain | Mann | Scheuer |
| Fraser | Matsunaga | Schneebeli |
| Frelinghuysen | Mazzoli | Seiberling |
| Fulton, Tenn. | Meeds | Shipley |
| Galifianakis | Metcalfe | Sisk |
| Garmatz | Mikva | Smith, Iowa |
| Gaydos | Miller, Calif. | Snyder |
| Gettys | Miller, Ohio | Staggers |
| Giaimo | Mills, Ark. | Stanton, James V. |
| Gibbons | Mills, Md. | Stephens |
| Gonzalez | Minish | Stokes |
| Grasso | Mink | Stratton |
| Green, Oreg. | Monagan | Sullivan |
| Green, Pa. | Moorhead | Symington |
| Griffin | Morgan | Taylor |
| Griffiths | Moss | Teague, Calif. |
| Gross | Murphy, Ill. | Teague, Tex. |
| Hagan | Murphy, N.Y. | Terry |
| Haley | Myers | Thompson, Ga. |
| Hamilton | Natcher | Thompson, N.J. |
| Hanley | Nedzi | Tiernan |
| Hansen, Wash. | Nix | Udall |
| Harrington | Obey | Ullman |
| Hathaway | O'Hara | Van Deerlin |
| Hawkins | O'Neill | Vander Jagt |
| Hays | Passman | Vanik |
| Hechler, W. Va. | Patman | Vigorito |
| Helstoski | Patten | Waldie |
| Henderson | Pelly | White |
| Hicks, Mass. | Pepper | Williams |
| Holifield | Perkins | Wolff |
| Horton | Pettis | Wright |
| Howard | Peyser | Wydler |
| Hull | Pickle | Wyman |
| Hutchinson | Pike | Yates |
| Ichord | Podell | Yatron |
| Jacobs | Poff | Young, Tex. |
| Johnson, Calif. | Preyer, N.C. | Zablocki |
| Jonas | | |

NOT VOTING—67

| | | |
|---|---|---|
| Anderson, Calif. | Dowdy | McKevitt |
| Andrews, Ala. | Edwards, La. | Michel |
| Aspinall | Eilberg | Mitchell |
| Badillo | Erlenborn | Mollohan |
| Barrett | Eshleman | Nelsen |
| Bell | Evins, Tenn. | Nichols |
| Bevill | Flowers | Pirnie |
| Blatnik | Ford, William D. | Poage |
| Bolling | Gallagher | Pryor, Ark. |
| Burton | Gray | Railsback |
| Byrne, Pa. | Gubser | Reuss |
| Camp | Halpern | Rhodes |
| Cederberg | Hanna | Rodino |
| Chappell | Hébert | Roybal |
| Chisholm | Hillis | Saylor |
| Clark | Hogan | Sikes |
| Clay | Jones, Ala. | Slack |
| Colmer | Jones, N.C. | Stuckey |
| Cotter | Kee | Whitehurst |
| Davis, S.C. | Landrum | Whitten |
| Derwinski | Leggett | Wilson, Charles H. |
| Dickinson | McClory | |
| Diggs | McCloskey | |

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. PICKLE. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The Clerk read as follows:

Amendment offered by Mr. PICKLE to the amendment offered by Mr. MACDONALD of

Massachusetts: On page 3 of H.R. 11231 strike out line 9 and all that is following through line 13 and insert in lieu thereof the following:

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

Mr. PICKLE. Mr. Chairman, the amendment which I have offered will place broadcasters, newspapers, and magazines under the same rule, that is, under the earned or under the comparable rate. The Macdonald bill provides that newspapers will be able to charge the comparable or earned rate.

The same bill, though, provides that broadcasters would be required to charge the lowest unit rate.

It seems to me that we ought to make both media the same. If it is fair for one then logically it ought to be fair for the other.

I think the committee would be interested in knowing that this amendment was adopted in our committee.

As a bit of background, our committee had an amendment offered at one time to take newspapers out of the bill entirely. It was pointed out that the bill a year ago was vetoed by the President primarily on the ground that it was not fair to put limitations or restrictions solely on broadcasters and not on newspapers, and for that reason, among others, he vetoed it.

The committee felt then, that we were on solid ground in including newspapers into this bill, and therefore the committee voted down the amendment offered that would take newspapers entirely out of this bill.

I pointed out that the votes ought to be the same. Then the gentleman from Massachusetts (Mr. MACDONALD), offered an amendment that would make newspapers be allowed to charge this comparable rate. I pointed out that that ought to apply also for the broadcasters. Therefore, I offered this amendment which is before us now, and it was adopted in the committee by a vote of 19 to 4.

At the very end of the debate, however, as we passed out the bill, a substitute was offered, and this particular amendment was swallowed up and lost, but it had been approved by the committee.

Now, the intent of my amendment is simply to say that a man buying time, whether he goes to the newspaper office, or to the radio station, in effect ought to be charged an earned rate on the local card. We do not use the term "local card," because that term, legally speaking, varies so much over the country that it was very difficult to say what was or what was not a "local card."

My intent is to say that a man buying time whether in broadcasting or for newspapers would be able to get an earned rate, that is the discount rate based on the number of inches he buys or based on the number of times he runs a spot.

It is not my intent to say that he can charge the one time national rate.

You will notice the language says that he is allowed the actual charges. This means if in the broadcasting business you give a rate to any person, you have to give everybody else in effect that same rate. The same would apply to newspapers. You cannot discriminate one as against the other.

I think it is eminently fair and this would simply make these two units and the charges the same.

In view of the fact that we have just voted down the amendment offered by the gentleman from Illinois (Mr. SPRINGER), I would assume and I would hope that he and his side would now support this particular amendment.

So we say to both these medias, broadcasting and newspapers, you would actually be charging the same unit of rate, and that would mean the earned rate.

I cannot expand on the technicalities of it any more fully than to say simply that they should charge the same rate. I think it is fair.

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

Mr. PICKLE. I yield to the gentleman from Virginia.

Mr. ABBITT. Mr. Chairman, I commend the gentleman from Texas on offering this amendment. I think it will be a great improvement. As the gentleman has so ably pointed out, it simply puts television and newspapers and other media in the same category. I think it is unfair for candidates to expect to get the lowest rate. The only thing they should ask for is equal treatment and that is what your amendment does and I hope the amendment will be adopted.

Mr. PICKLE. I thank the gentleman.

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

Mr. PICKLE. I yield to the gentleman.

Mr. ABOUREZK. Mr. Chairman, I do not want to burden Members with another lengthy exposition of the need for reform of campaign finances. Many Members have spoken far more eloquently than I could about the effect of unlimited spending on the quality of public life in this Nation. Many have worked hard to insure that the legislation we are writing here today is truly effective. It is my understanding that Congressmen UDALL and ANDERSON will also be proposing a series of perfecting changes. I hope that the House will see fit to accept their recommendations.

I do, however, want to express my concern about the provision we are examining here. It seems to me that asking broadcasters or newspapermen to sell advertising to political candidates at artificially low rates is nothing more than asking them to subsidize political campaigns. Passage of this provision would mean that the lower total amounts that can be spent will be nullified by a lower per unit cost with the net result that the average citizen will still face a blizzard of 30-second spots every Halloween.

If a used car salesman were asked to sell cars to political candidates at a reduced rate it would be a scandal. Yet we think nothing of requiring broadcasters to do the very same thing. If a campaign subsidy is to be provided at all, and there are good arguments to suggest that it should be, then the Government, not the media, should provide that subsidy.

I know there are many here who find it hard to work up much sympathy for large television outlets or major newspapers. But in States like South Dakota, our newspapers and radio and television stations are considerably smaller. They have much less income, and they usually operate with a very small profit margin. Reducing income to these people by forcing them to sell at below their normal local advertising rates, could be a financial blow to an already marginal operation.

Please keep in mind, Mr. Chairman, that these are small operations run locally in small towns often as a "Ma and Pa" family business. Certainly, I want campaign spending reform, but I also want these small newspapers and broadcasters to survive. For this reason, I intend to support strong spending reform legislation, but I would hope we could do it without forcing the lowest unit rate provision on these small-town operations.

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

Mr. PICKLE. I yield to the gentleman.

Mr. WRIGHT. Is it not true that the President vetoed the bill last year on the ground that it discriminated against the broadcasting media and did not treat the broadcasting media the same as the newspapers? Would this amendment not correct that situation?

Mr. PICKLE. That is correct. It would make them the same.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is with some reluctance that I come to the well to oppose this amendment. However, I think the idea behind the amendment goes to the very heart of the bill.

With all due respect to Mr. PICKLE and his statement which was absolutely correct, that this amendment did pass the committee, the gentleman recalls that it passed with no debate and it was tacked on under a time limitation and not everyone was quite sure what it meant. Could I ask the gentleman from Texas if he feels that the position of newspapers and broadcasters is the same so far as the media is concerned?

Mr. PICKLE. I think the unit charge should be the same. The argument can be made and has been made that broadcasters should give the lowest unit rate, because they have a license and, therefore, they must protect and operate in the public interest.

If I may expand on that and if I take up too much of the gentleman's time, I will ask for additional time for the gentleman—that is an argument that I know many of us here in the House envisioned at the time—that broadcasters ought to give special consideration, or a special rate.

Years ago, right after the war, I had an interest in a radio station—I have not had for 20 years, but I did then—and

I can say to you that a radio station gives a great deal of time in the public interest. We carried an endless amount of time in the public service. If the gentleman would want to differentiate between the two and say the only test for public service is the unit rate he charges for advertisements, then I think he is taking a very limited and narrow view.

Mr. MACDONALD of Massachusetts. I appreciate the gentleman's remarks. I would like to point out to the gentleman that the Congress will not be setting rates to be charged by broadcasters. The broadcasters will be setting their own rates, and as the gentleman wisely said—and I hope he agrees with what he did say—they get a license to operate in the public interest, and not only do they get a license to operate in the public interest, but they get a monopoly to operate in the public interest. If you lived in Austin, Tex., and a broadcast station there—I think there is one, and I do not know how many newspapers——

Mr. PICKLE. There are three television stations.

Mr. MACDONALD of Massachusetts. Three—but my point is that if you feel you want to serve the public and also want to make some money by starting a newspaper, you can do it. But you do it with your own money. You do not come to the FCC or any other arm of the Government and say, "Give me a license to operate in the public interest," and then refuse to serve the public interest by bringing to the public qualified candidates who are running for office who just do not have as much money as their opponent. As a matter of fact, I think that this amendment has some merit, but I think it should be defeated for the reasons I have advanced, the main reason being that the broadcasters and the newspapers are not the same. They are not treated the same and should not be treated the same. Newspapers are not licensed, never will be, and never should be. Broadcasters are and will continue to be, despite what has been said by certain officials downtown who have urged that virtually all regulations be taken away from broadcasters.

Personally, I have not been contacted by one broadcaster who indicated that he felt this was unfair. I have talked to the presidents of the three networks and they are in favor of giving lowest unit rate.

As you recall, this whole thing started some 2 years ago when a bill was presented to our committee in which it was urged that the broadcasters be forced to give free time in the public interest. We defeated that. We thought that was going too far. But certainly I do not think there is any Member of this House who thinks it is going too far to make somebody who has literally a license to steal, once that license comes out, to, in the public interest, give the lowest unit cost, not just to incumbents, but to anybody who is a legally qualified candidate who is ready to run for a Federal office, and I urge defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division (demanded by Mr. MACDONALD of Massachusetts) there were—ayes 74, noes 52.

TELLER VOTE WITH CLERKS

Mr. JAMES V. STANTON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. JAMES V. STANTON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. PICKLE, MACDONALD of Massachusetts, HARVEY, and THOMPSON of New Jersey.

The Committee divided, and the tellers reported that there were—ayes 219, noes 150, not voting 61, as follows:

[Roll No. 413]

[Recorded Teller Vote]

AYES—219

| | | |
|---|---|---|
| Abbitt | Flood | Mathias, Calif. |
| Abernethy | Flowers | Mathis, Ga. |
| Abourezk | Flynt | Mazzoli |
| Adams | Ford, Gerald R. | Melcher |
| Anderson, Ill. | Forsythe | Mills, Ark. |
| Andrews, N. Dak. | Fountain | Mills, Md. |
| Archer | Frelinghuysen | Mizell |
| Arends | Frenzel | Montgomery |
| Ashbrook | Frey | Morse |
| Aspinall | Galifianakis | Mosher |
| Baker | Gettys | Myers |
| Baring | Giaimo | Natcher |
| Begich | Goldwater | Nedzi |
| Belcher | Gonzalez | Nichols |
| Bennett | Goodling | O'Hara |
| Betts | Griffin | O'Konski |
| Bevill | Gross | Passman |
| Biester | Grover | Pelly |
| Blanton | Gubser | Pettis |
| Boland | Gude | Pickle |
| Bow | Hagan | Poff |
| Bray | Haley | Powell |
| Brinkley | Hall | Preyer, N.C. |
| Broomfield | Hamilton | Price, Tex. |
| Brotzman | Hammer-schmidt | Pucinski |
| Brown, Mich. | Hanley | Purcell |
| Brown, Ohio | Hansen, Idaho | Quie |
| Broyhill, N.C. | Harvey | Quillen |
| Broyhill, Va. | Hastings | Randall |
| Burke, Fla. | Heinz | Rarick |
| Burleson, Tex. | Henderson | Riegle |
| Byron | Hicks, Wash. | Roberts |
| Cabell | Horton | Robinson, Va. |
| Caffery | Hosmer | Robison, N.Y. |
| Carter | Hull | Rogers |
| Casey, Tex. | Hungate | Roush |
| Cederberg | Hunt | Rousselot |
| Chamberlain | Hutchinson | Runnels |
| Clancy | Jacobs | Ruth |
| Clausen, Don H. | Jarman | Sandman |
| Clawson, Del | Johnson, Pa. | Satterfield |
| Cleveland | Jonas | Scherle |
| Collins, Tex. | Jones, Tenn. | Schmitz |
| Conable | Kazen | Schneebeli |
| Conte | Keating | Schwengel |
| Coughlin | Kee | Sebelius |
| Crane | Keith | Shoup |
| Culver | Kemp | Shriver |
| Daniel, Va. | King | Skubitz |
| Daniels, N.J. | Kuykendall | Smith, N.Y. |
| Davis, Ga. | Landgrebe | Snyder |
| Davis, Wis. | Lennon | Spence |
| de la Garza | Lent | Stanton, J. William |
| Dellenback | Lloyd | Steed |
| Denholm | Long, La. | Steiger, Wis. |
| Dennis | Lujan | Stephens |
| Dorn | McClory | Stratton |
| Downing | McCollister | Stubblefield |
| Dulski | McCulloch | Symington |
| Duncan | McDade | Talcott |
| du Pont | McDonald, Mich. | Taylor |
| Dwyer | McEwen | Teague, Calif. |
| Edmondson | McFall | Terry |
| Esch | McKinney | Thompson, Ga. |
| Evans, Colo. | McMillan | Thomson, Wis. |
| Findley | Mahon | Vander Jagt |
| Fish | Mailliard | Veysey |
| Fisher | Mann | Vigorito |
| | | Waggonner |
| Wampler | Williams | Young, Fla. |
| Ware | Wilson, Bob | Young, Tex. |
| Whalley | Wright | Zion |
| White | Wylie | Zwach |
| Widnall | Wyman | |

NOES—150

| | | |
|---|---|---|
| Abzug | Hansen, Wash. | Peyser |
| Addabbo | Harrington | Pike |
| Alexander | Harsha | Podell |
| Anderson, Tenn. | Hathaway | Price, Ill. |
| Annunzio | Hawkins | Rangel |
| Ashley | Hays | Rees |
| Aspin | Hechler, W. Va. | Reid, N.Y. |
| Bergland | Heckler, Mass. | Roe |
| Biaggi | Helstoski | Roncalio |
| Bingham | Hicks, Mass. | Rooney, N.Y. |
| Blackburn | Holifield | Rooney, Pa. |
| Boggs | Howard | Rosenthal |
| Brademas | Ichord | Rostenkowski |
| Brasco | Johnson, Calif. | Roy |
| Brooks | Karth | Ruppe |
| Buchanan | Kastenmeier | Ryan |
| Burke, Mass. | Kluczynski | St Germain |
| Burlison, Mo. | Koch | Sarbanes |
| Byrnes, Wis. | Kyl | Scheuer |
| Carney | Kyros | Scott |
| Celler | Latta | Seiberling |
| Collier | Leggett | Shipley |
| Collins, Ill. | Link | Sisk |
| Conyers | Long, Md. | Smith, Calif. |
| Corman | McCormack | Smith, Iowa |
| Danielson | McKay | Springer |
| Delaney | Macdonald, Mass. | Staggers |
| Dellums | Madden | Stanton, James V. |
| Dent | Martin | Steele |
| Dingell | Matsunaga | Steiger, Ariz. |
| Donohue | Mayne | Stokes |
| Dow | Meeds | Sullivan |
| Drinan | Metcalfe | Thompson, N.J. |
| Eckhardt | Mikva | Thone |
| Edwards, Ala. | Miller, Calif. | Tiernan |
| Edwards, Calif. | Miller, Ohio | Udall |
| Fascell | Minish | Ullman |
| Foley | Mink | Van Deerlin |
| Ford, William D. | Minshall | Vanik |
| Fraser | Mollohan | Waldie |
| Fulton, Tenn. | Monagan | Whalen |
| Fuqua | Moorhead | Wiggins |
| Gallagher | Morgan | Winn |
| Garmatz | Moss | Wolff |
| Gaydos | Murphy, Ill. | Wyatt |
| Gibbons | Nix | Wydler |
| Grasso | Obey | Yates |
| Green, Oreg. | O'Neill | Yatron |
| Green, Pa. | Patten | Zablocki |
| Griffiths | Pepper | |
| | Perkins | |

NOT VOTING—61

| | | |
|---|---|---|
| Anderson, Calif. | Dickinson | Mitchell |
| Andrews, Ala. | Diggs | Murphy, N.Y. |
| Badillo | Dowdy | Nelsen |
| Barrett | Edwards, La. | Patman |
| Bell | Eilberg | Pirnie |
| Blatnik | Erlenborn | Poage |
| Bolling | Eshleman | Pryor, Ark. |
| Burton | Evins, Tenn. | Railsback |
| Byrne, Pa. | Gray | Reuss |
| Camp | Halpern | Rhodes |
| Carey, N.Y. | Hanna | Rodino |
| Chappell | Hébert | Roybal |
| Chisholm | Hillis | Saylor |
| Clark | Hogan | Sikes |
| Clay | Jones, Ala. | Slack |
| Colmer | Jones, N.C. | Stuckey |
| Cotter | Landrum | Teague, Tex. |
| Davis, S.C. | McCloskey | Whitehurst |
| Derwinski | McClure | Whitten |
| Devine | McKevitt | Wilson, Charles H. |
| | Michel | |

Mr. CULVER changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. SYMINGTON TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. SYMINGTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMINGTON to the amendment offered by Mr. MACDONALD of Massachusetts: Page 8, insert after line 4 the following:

"(7) For purposes of this section and sec-

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

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

Mr. SYMINGTON. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I have asked the gentleman to yield for the purpose of trying to arrive at a limitation of debate on the Macdonald of Massachusetts amendment. I wonder how many more amendments are pending? Are there any more at the desk?

The CHAIRMAN. There are three at the desk in addition to the one which has been offered by the gentleman from Missouri.

Mr. HAYS. I thank the gentleman for yielding.

Mr. Chairman, in due time I shall ask unanimous consent to close debate on the Macdonald of Massachusetts amendment.

Mr. SYMINGTON. Mr. Chairman, I have a very brief amendment and I shall briefly speak to it.

The purpose of this amendment is simply to protect the intent of this House, the intent of Congress in passing whatever legislation we do pass that achieves the objective of limiting campaign expenses. I do not think that the Reading Clerk's presentation was well heard here and, therefore, I would like to state what is hoped to be achieved as a result of the adoption of this amendment.

Mr. Chairman, we know now that all of these bills provide limits for both the primary election and the general election, and you can spend the upper limit in each of those two elections. What we want to be sure does not happen is that a candidate accrues debts in the primary election campaign and pays them then for communications media purposes which are actually used for the general election, during the time in which the general election campaign is carried on.

The bill is not really sufficiently clear as it stands right now to prevent an imaginative finance chairman and a very necessitous candidate from achieving this subversion of the intent of Congress in this way.

Since I do have the time, I will turn your attention to page 8 of Mr. MACDONALD's bill which would read at the end of line 4 as follows:

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

That is the language carefully chosen to achieve the result.

Mr. Chairman, I have had the opportunity to speak to various leaders here today who are sponsors of the various bills, and I hope it is no presumption to say that they have given me encouragement to believe that they favor this amendment.

We want to be very sure, for example, should we establish let us say a $50,000 limit for the primary and a $50,000 limit for the general election, that we do not permit a fellow who has no primary opposition or very weak primary opposition to accumulate a lot of debts during his primary for purposes that he intends to use in the general campaign, and charge them to his primary campaign limit and, therefore, go into the general election with, effectively, a $100,000 limit instead of a $50,000 limit.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, the gentleman is saying that you cannot pay for time during the primary, and then not use it, and then carry it over and use it in a general election. Is that the sense of the amendment?

Mr. SYMINGTON. That is correct.

Mr. HAYS. Mr. Chairman, as far as I am concerned, for whatever worth it is, I accept the amendment.

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

Mr. SYMINGTON. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of time. Does this also apply to newspaper advertising?

Mr. SYMINGTON. It would apply.

Mr. GROSS. To both media?

Mr. SYMINGTON. To all communications media, yes. That is, if you would buy newspaper advertising and magazine advertising, and then find it inconvenient, let us say, to use it for the purpose of your primary election, and save that space and use it in the general election, it would be charged to the general election.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman would yield, the gentleman from Missouri talked to me about this amendment and, as I recollect, he had one for the Macdonald bill, one to the Senate version, and one to the Hays bill, and the one that the gentleman has offered here is only applicable to the electronics media and the newspaper media?

Mr. SYMINGTON. That is right; the gentleman is correct. This amendment is merely offered to the Macdonald bill, which covers only the communications media.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the Macdonald of Massachusetts amendment close at 5:30.

Mr. SPRINGER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I ask the distinguished gentleman from Missouri (Mr. SYMINGTON) some questions, as I may not be opposed to his amendment? However, I am not sure from the reading of the amendment that I understand exactly what the gentleman has in mind.

Now, it is the purpose of your amendment to limit expenditures in the primary to a total of $50,000?

Mr. SYMINGTON. If the gentleman will yield; no, I merely used that as an illustration.

Mr. SPRINGER. What is the purpose of the amendment?

Mr. SYMINGTON. The purpose of the amendment is to insure that whatever limitation applies upon a candidate's primary and general election campaign, that the sums that he spends for communications media will be charged to the limitation applicable to the campaign in which they are actually used.

Mr. SPRINGER. Let me ask the distinguished gentleman this question:

Suppose that the gentleman is a candidate from the State of Missouri, and he has no opposition. I am assuming the gentleman spends $50,000 in the primary, even under his amendment.

Mr. SYMINGTON. That would be possible, yes; if you are going to the $50,000 limitation.

Mr. SPRINGER. If he spends $50,000 that would be legal?

Mr. SYMINGTON. Yes, that would be legal. It is legal, certainly, to charge $50,000 to his primary campaign.

Mr. SPRINGER. Even though he is unopposed?

Mr. SYMINGTON. Yes.

Mr. SPRINGER. He applies this under this amendment solely and alone to cover the TV and radio media?

Mr. SYMINGTON. Well, the thrust of my amendment is merely to those matters covered by the Macdonald amendment which do indeed include the communications media; that is, newspapers, magazines, and broadcasters. He could spend the money on other things that are not included within the definition such as billboards and matchboxes, and this would not be covered under the amendment.

Mr. SPRINGER. In other words, he could spend an extra $50,000 in the primary with no opposition if he did not spend it on TV, radio, magazines, and newspapers; is that correct?

Mr. SYMINGTON. You are addressing your question merely to the Macdonald amendment itself, and the Macdonald amendment itself covers only the communications media. There are other bills before us which cover—and which will be before us—which will cover other forms of advertising; other forms of campaign expense.

Mr. SPRINGER. I would like to get this straightened out and that is the purpose of my taking this time.

I want to repeat—the $50,000 limitation that the gentleman is talking about, which has to do only with these forms of communication in the Macdonald bill would be for radio, television, magazines, and newspapers. Are you agreed on that?

Mr. SYMINGTON. I think it might be helpful at this point, if I were to refer the gentleman to the gentleman from Massachusetts who wishes to speak at this point.

Mr. MACDONALD of Massachusetts. I would like to point out that when the Frey amendment was adopted my bill was expanded to include billboards, so you are right if you are talking about

the Macdonald amendment, as amended.

Mr. SPRINGER. Are you then, may I ask the gentleman from Missouri, including billboards?

Mr. SYMINGTON. My amendment includes only communications media. If billboards are to be included as communications, they would be included under my amendment.

Mr. SPRINGER. All right now, that is the question I am trying to get cleared up. Is this amendment clear enough—and he is trying to make it concise and he is given credit for that in the report—I want to be sure it is—what is involved in this figure that is limited to $50,000?

Mr. HARRINGTON. I would use the $50,000 figure as a hypothetical figure. The 10 cents per eligible voter figure is covered by the Macdonald bill really—the 10 cents per eligible voter figure is in fact the figure we would use.

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

(Mr. SPRINGER asked and was given permission to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, I have asked for the additional time to get this straightened out. Perhaps I can accept this amendment.

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

Mr. SPRINGER. I yield to the gentleman.

Mr. FREY. I believe the amendment that was passed by the House redefines communication media and in the Macdonald bill, section 2, subparagraph (1) to include broadcasting stations, newspapers, magazines, and outdoor advertising, billboard.

I think my understanding of the gentleman's amendment, the gentleman from Missouri, this would in essence be the definition so it would include it.

Mr. SPRINGER. And you are talking only of those forms of media covered by your amendment within the 10-cent limit; am I right?

Mr. SYMINGTON. That is correct.

The language of my amendment covers any communication media covered by the Macdonald amendment, as adopted.

Mr. SPRINGER. You cannot carry over any part of that after the last date of the primary; is that correct?

Mr. SYMINGTON. I think—as to billboards—let us say you put up your billboards and put up $10,000 worth of billboard advertising for 1 week.

Mr. SPRINGER. And that is before the primary?

Mr. SYMINGTON. That is right—1 week before the elections—and you leave it up for a number of weeks after perhaps all the way through the general election.

I think my amendment is sufficiently clear, given the regulations that we assume to be promulgated by the Attorney General to clarify the details to permit that portion of billboard use which was used during the primary to be allocated to the primary limitation and that portion used during the general election to be allocated to the general.

Mr. SPRINGER. That is what you intend and do you think that is what your amendment does?

Mr. SYMINGTON. That is my intent and that is what I would hope to achieve by this amendment. I believe it does, because it states that it shall be charged against the limitation applicable to the election in which such media was used.

Mr. SPRINGER. Mr. Chairman, I think the legislative history has been made and if that is the gentleman's thought, I have no objection to the amendment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. SPRINGER) has expired.

(Mr. SPRINGER asked and was given permission to proceed for 2 additional minutes.)

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

Mr. SPRINGER. I yield to the gentleman.

Mr. MINSHALL. I should like to ask the gentleman from Missouri why in reference to news media and communications media; namely, radio and TV you include billboards solely?

Let me ask this question. If you had $x$ number of dollars in so many brochures and if you had $x$ number of dollars in so many match boxes and you did not use all in the primary and only used half; would those be counted or could you use those in the fall campaign—or are they to be charged against your fall campaign?

Mr. SYMINGTON. I think that the portion of materials of that kind now covered under the Macdonald amendment which would be used in the general campaign would be charged against the general campaign and the portion used in the primary would be charged against the primary.

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

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

Mr. HAYS. I think the answer to the gentleman from Ohio is that this particular amendment applies only to the Macdonald amendment. The only things covered by the Macdonald amendment are newspaper, radio, television, and billboards. So anything else would have to be covered in another way. If there is a prohibition, a ceiling, say, of $50,000, and it survives, then you would have to offer an amendment to cover that. As it stands now, the amendment applies only to newspapers, radio, television, and billboards.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SYMINGTON), to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. FREY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. FREY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FREY to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, line 19, strike out "PRESIDENT AND VICE PRESIDENT" and insert in lieu thereof "FEDERAL ELECTIVE OFFICE".

Beginning on line 24 of page 2, strike out "legally qualified candidate for the office of President or Vice President of the United States in a general election" and insert in lieu thereof "legally qualified candidate for Federal elective office (or nomination thereto)".

Mr. FREY. Mr. Chairman, I listened with a great deal of interest to the amendment offered by the gentleman from California (Mr. VAN DEERLIN). I supported that amendment and was disappointed that it was not agreed to because I thought it provided an opportunity for compromise, a chance to get something with which we all could live.

I listened also with interest to the debate about protecting the interests of the House and how the amendment could hurt the interests of the House, and what it would do to the Senate and the Presidency.

I am sure that everyone would agree that the important question is, what is best for the country? Is it wrong basically to want more debate? Is it wrong to want more interest in an election? Is it wrong to get more people to vote in an election? Is it wrong to want to keep spending down? Is it wrong to treat all candidates for Federal office equally?

I think the answer in each case is, "No." For this reason I have offered this amendment which repeals 315 for all Federal offices.

We have had section 315 repealed for the Presidency only one time since 1927. That was in 1960. Because of this we do not have a great many facts to go on, certainly not as many as we would like. But we do have some facts. For example, in 1960, when section 315 was suspended for the Presidency, we had 82 hours and 30 minutes of free time given. In 1964 we had only 26 hours, and in 1968 only 27 hours.

We had more interest in 1960. The Roper poll in 1956 asked the question, "How many people were 'very much interested' in the campaign?" Forty-six percent of the people were interested in September and 47 percent were interested in October. In 1960, when section 315 was repealed, the same question was asked. There were 45 percent interested in September, and then it jumped, when we had the debates, to 54 percent in October. Over 115 million people watched the debates.

Let us look at where it really pays off, because what we are talking about is people and votes. We are talking about people becoming involved in our political process. In 1960, we had the best turnout percentagewise in the presidential election and the election for Members of the House that we have had in recent years; 64 percent of the eligible voters participated in the presidential election—59.6 voted in the U.S. House races. That compares to an off-election year of 42 to 46 percent in the House and for instance 61.8 percent for the Presidency in 1968.

Let us look at spending. CBS, for instance, during the 1960 campaign, because of the repeal of 315, gave 32½ hours free time to the President and the Vice President, which they stated was equal to $2 million. If you use that figure as a basis you will see that the networks

gave about $6 million of free time in 1960. If we are talking about cutting down costs, here is a chance to provide the opportunity across the board in all Federal elections.

Furthermore, we heard a great deal about how the Presidency is different than the Senate and House—nobody will deny that. But I think also no one will deny that the House and the other body together are equally important.

Certainly one congressional race is not going to attract the attention that the presidential race will or that a Senate race may, but taken together en toto they are equally important. I think the public has a right to have Federal office seekers stand up and debate or discuss the issues whether the person is a candidate for the presidency, the Senate, or the House. I think the public should know what we believe.

We have heard a great deal about not trusting the radio or TV people. I do not distrust the TV and radio as many here do. Furthermore, if I had to choose, I would much rather take a chance on the local people than I would on the networks.

For these reasons, I would like to see section 315 repealed across the board. It should apply to everybody in Federal office equally. Discrimination against the President just does not make sense.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment. This is a very simple decision we have to make. If the Members want every television announcer in the United States to be running for Congress, they should vote for this amendment, because this releases the stations and the networks from any responsibility whatever to treat anybody fairly or to give equal time. We can envision a television announcer in our districts—and I saw it happen in the district next to mine—run for Congress, and if this is repealed, at the beginning of a newscast an announcer can say, "This is Joe Doakes, candidate for Congress, bringing you the news," and at the end of his broadcast he can say, "The news has been presented by Joe Doakes, candidate for Congress."

That is exactly what this amendment will do. I can predict if this passes that in about 250 districts around the country that is exactly what we will find will happen.

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

Mr. HAYS. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, there is a little bit of confusion between 315 and the fairness doctrine. If 315 is repealed, the fairness doctrine would still apply.

Mr. HAYS. I suggest that the gentleman get the 315 fairness applied in time for his campaign if he can, but I am opposed to this amendment, and I think everyone in this House who wants to preserve some ability to have some fairness, whether he is a challenger or an incumbent, should vote against the amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from Ohio has characterized this amendment accurately. It should by all means be defeated. It is so transparent it needs no further explanation than that which the gentleman has given.

Mr. HAYS. I thank the gentleman from New Jersey.

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

Mr. Chairman, I rise in opposition to this very dangerous amendment. I think it is terribly dangerous because anybody who tries to pull a rabbit out of the hat and say that the fairness doctrine is going to protect candidates for office just does not understand the fairness doctrine.

In the first place, 315, the equal time provision, is law, and the fairness doctrine is merely a rule. The fairness doctrine does not go to political debates. It covers controversial issues. If somebody is given time on a TV or radio station to present his point of view about a controversial issue—busing or something like that—then the responsible opponent gets, under the fairness doctrine, also such time to be heard. But under the fairness doctrine the opponent does not have to be given the same time level or the same time socket.

I have said before—and I am getting bored with myself saying it—that if we repeal 315, the broadcasters of this country are going to run our political life.

I would like to clear up the matter of debates. Of course, the debates in 1960 were a high point, as has been said several times, in our political life, but obviously there is nothing in our bill that would make it mandatory for anyone to debate anyone he did not want to debate. It merely is a shield against the arrogance and the power—not potential power, but actual power—of the broadcasters to pick candidates for the Senate and to pick candidates for the House in certain areas, and it will not affect all areas.

If it affects two areas, that is two too many. I do not believe we should abrogate our protection.

I do not believe we should turn the political process over to the broadcasters, and especially the TV broadcasters who have such tremendous control already.

I point out, for those Members who were not here before, if we repeal 315 a TV station can give time to your opponent, just give him time, and refuse to sell you time, and there would not be a blessed thing you could do about it.

If you really want to put a dent in our political system, adopt this amendment. I urge you not to.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

I also voted for the Van Deerlin amendment, and I hope the maker of that amendment will keep it around until he has an opportunity to use it again later. Nevertheless, faced with the choice we have before us now, it seems to me elementary we should vote in favor of the Frey amendment. What we are being told by the chairman of the subcommittee, the gentleman from Massachusetts, the chairman of the Committee on House Administration, the gentleman from Ohio, and others, is that what is fair for some of us is not fair for the rest of us, and it is a bad thing for the broadcasters to pick the people who will take charge of one office but not another.

It seems to me what is fair for one should be fair for all. If we are going to have a repeal, it should be a total repeal or no repeal at all. If we are going to have real fairness, it seems to me that the Frey amendment is worthy of our total support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FREY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

TELLER VOTE WITH CLERKS

Mr. FREY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FREY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FREY, HAYS, MACDONALD of Massachusetts, and FRENZEL.

The Committee divided, and the tellers reported that there were—ayes 95, noes 277, not voting 59, as follows:

[Roll No. 414]

[Recorded Teller Vote]

AYES—95

| | | |
|---|---|---|
| Anderson, Ill. | Esch | Powell |
| Andrews, N. Dak. | Fish | Quie |
| Archer | Flowers | Quillen |
| Arends | Ford, Gerald R. | Reid, N.Y. |
| Belcher | Frenzel | Robinson, Va. |
| Biester | Frey | Robison, N.Y. |
| Bow | Goldwater | Ruppe |
| Bray | Grover | Ruth |
| Brinkley | Gubser | Schneebeli |
| Broomfield | Hansen, Idaho | Schwengel |
| Brotzman | Harsha | Scott |
| Brown, Mich. | Harvey | Sebelius |
| Brown, Ohio | Hastings | Shoup |
| Broyhill, N.C. | Heckler, Mass. | Shriver |
| Byrnes, Wis. | Heinz | Steiger, Wis. |
| Carter | Horton | Talcott |
| Cederberg | Jarman | Terry |
| Chamberlain | Keating | Thomson, Wis. |
| Clausen, Don H. | Kemp | Thone |
| Clawson, Del | Kuykendall | Vigorito |
| Cleveland | Latta | Waldie |
| Collier | McCollister | Wampler |
| Collins, Tex. | McDade | Ware |
| Conable | McEwen | Whalen |
| Conte | McKinney | Wiggins |
| Coughlin | Mathias, Calif. | Wilson, Bob |
| Dellenback | Mathis, Ga. | Wyatt |
| Dennis | Mayne | Wydler |
| Devine | Mills, Md. | Wylie |
| Duncan | Morse | Zion |
| du Pont | Mosher | Zwach |
| | O'Konski | |
| | Passman | |

NOES—277

| | | |
|---|---|---|
| Abbitt | Boland | Davis, Wis. |
| Abernethy | Brademas | de la Garza |
| Abourezk | Brasco | Delaney |
| Abzug | Brooks | Dellums |
| Adams | Broyhill, Va. | Denholm |
| Addabbo | Buchanan | Dent |
| Albert | Burke, Fla. | Dingell |
| Alexander | Burke, Mass. | Donohue |
| Anderson, Tenn. | Burleson, Tex. | Dorn |
| | Burlison, Mo. | Dow |
| Annunzio | Byron | Downing |
| Ashbrook | Cabell | Drinan |
| Ashley | Caffery | Dulski |
| Aspin | Carey, N.Y. | Dwyer |
| Aspinall | Carney | Eckhardt |
| Badillo | Casey, Tex. | Edmondson |
| Baring | Celler | Edwards, Ala. |
| Begich | Clancy | Edwards, Calif. |
| Bennett | Collins, Ill. | Evans, Colo. |
| Bergland | Conyers | Fascell |
| Betts | Corman | Findley |
| Bevill | Crane | Fisher |
| Biaggi | Culver | Flood |
| Bingham | Daniel, Va. | Flynt |
| Blackburn | Daniels, N.J. | Foley |
| Blanton | Danielson | Ford, William D. |
| Boggs | Davis, Ga. | |

| | | |
|---|---|---|
| Forsythe | Lujan | Rogers |
| Fountain | McClory | Roncalio |
| Fraser | McCormack | Rooney, N.Y. |
| Frelinghuysen | McCulloch | Rooney, Pa. |
| Fulton, Tenn. | McDonald, Mich. | Rosenthal |
| Fuqua | McFall | Rostenkowski |
| Galifianakis | McKay | Roush |
| Gallagher | McMillan | Rousselot |
| Gaydos | Macdonald, Mass. | Roy |
| Gettys | Madden | Runnels |
| Giaimo | Mahon | Ryan |
| Gibbons | Mailliard | St Germain |
| Gonzalez | Mann | Sandman |
| Goodling | Martin | Sarbanes |
| Grasso | Matsunaga | Satterfield |
| Gray | Mazzoli | Scherle |
| Green, Oreg. | Meeds | Scheuer |
| Green, Pa. | Melcher | Schmitz |
| Griffin | Metcalfe | Seiberling |
| Griffiths | Mikva | Shipley |
| Gross | Miller, Calif. | Sisk |
| Gude | Miller, Ohio | Skubitz |
| Hagan | Mills, Ark. | Smith, Calif. |
| Haley | Minish | Smith, Iowa |
| Hall | Mink | Smith, N.Y. |
| Hamilton | Minshall | Snyder |
| Hammer-schmidt | Mizell | Spence |
| Hanley | Mollohan | Springer |
| Hansen, Wash. | Monagan | Staggers |
| Harrington | Montgomery | Stanton, J. William |
| Hathaway | Moorhead | Stanton, James V. |
| Hays | Morgan | Steele |
| Hechler, W. Va. | Moss | Steiger, Ariz. |
| Helstoski | Murphy, Ill. | Stephens |
| Henderson | Murphy, N.Y. | Stokes |
| Hicks, Mass. | Myers | Stratton |
| Hicks, Wash. | Natcher | Stubblefield |
| Holifield | Nedzi | Sullivan |
| Hosmer | Nichols | Symington |
| Howard | Nix | Taylor |
| Hull | Obey | Teague, Calif. |
| Hungate | O'Hara | Teague, Tex. |
| Hunt | O'Neill | Thompson, Ga. |
| Hutchinson | Patman | Thompson, N.J. |
| Ichord | Patten | Tiernan |
| Jacobs | Pelly | Udall |
| Johnson, Calif. | Pepper | Ullman |
| Johnson, Pa. | Perkins | Van Deerlin |
| Jonas | Pettis | Vander Jagt |
| Jones, Tenn. | Peyser | Vanik |
| Karth | Pickle | Veysey |
| Kastenmeier | Pike | Waggonner |
| Kazen | Podell | Whalley |
| Keith | Poff | White |
| King | Preyer, N.C. | Widnall |
| Kluczynski | Price, Ill. | Williams |
| Koch | Price, Tex. | Winn |
| Kyl | Pucinski | Wolff |
| Kyros | Purcell | Wright |
| Landgrebe | Randall | Wyman |
| Leggett | Rangel | Yates |
| Lennon | Rarick | Yatron |
| Lent | Rees | Young, Fla. |
| Link | Riegle | Young, Tex. |
| Lloyd | Roberts | Zablocki |
| Long, La. | Roe | |
| Long, Md. | | |

NOT VOTING—59

| | | |
|---|---|---|
| Anderson, Calif. | Dowdy | Mitchell |
| Andrews, Ala. | Edwards, La. | Nelsen |
| Baker | Eilberg | Pirnie |
| Barrett | Erlenborn | Poage |
| Bell | Eshleman | Pryor, Ark. |
| Blatnik | Evins, Tenn. | Railsback |
| Bolling | Garmatz | Reuss |
| Burton | Halpern | Rhodes |
| Byrne, Pa. | Hanna | Rodino |
| Camp | Hawkins | Roybal |
| Chappell | Hébert | Saylor |
| Chisholm | Hillis | Sikes |
| Clark | Hogan | Slack |
| Clay | Jones, Ala. | Steed |
| Colmer | Jones, N.C. | Stuckey |
| Cotter | Kee | Whitehurst |
| Davis, S.C. | Landrum | Whitten |
| Derwinski | McCloskey | Wilson, Charles H. |
| Dickinson | McClure | |
| Diggs | McKevitt | |
| | Michel | |

So the amendment to the amendment was rejected.

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

Mr. HARVEY. Mr. Chairman, I offer an amendment to the amendment offered by Mr. MACDONALD of Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. HARVEY to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, line 7, strike out "104" and insert in lieu thereof "103".

Page 2, strike out line 18 and all that follows down through line 5 on page 3.

Page 3, line 7, strike out "SEC. 104" and insert in lieu thereof "SEC. 103".

Page 4, line 8, strike out "SEC. 105" and insert in lieu thereof "SEC. 104".

Page 8, line 24, strike out "105" and insert in lieu thereof "104".

Page 9, line 14, strike out "SEC. 106" and insert in lieu thereof "SEC. 105".

Page 9, strike out line 16 and insert in lieu thereof the following: "out sections 102, 103(b), 104(a), and 104(b) of this Act."

Page 9, line 18, strike out "SEC. 107" and insert in lieu thereof "SEC. 106".

Page 9, strike out line 19 and insert in lieu thereof the following: "103(b), 104(a), or 104(b) or any regulation under section 105 shall".

Page 9, strike out line 23 and insert in lieu thereof the following: "lates section 104(a) or any regulation under section 105 shall be".

Page 10, strike out line 4 and insert in lieu thereof the following:

"SEC. 107. Section 103 of this Act and the amend—".

Page 10, line 6, strike out "105" and insert in lieu thereof "104".

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

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

There was no objection.

Mr. HARVEY. Mr. Chairman, the reason I made the unanimous-consent request to dispense with further reading of the amendment is because the amendment is lengthy, but what it does is very simply this: This is the all-or-nothing amendment with regard to section 315. It does just the reverse of the previous amendment offered by the gentleman from Florida (Mr. FREY). Instead of completely repealing section 315 as to the President, as to the Senate, and as to the House Members, my amendment does just the reverse. It says section 315 has served us well. Let it alone. Let us not do anything with it with regard to the President, with regard to the Senate, and with regard to the House Members. Let us treat them all equally. Let us leave section 315 of the Communications Act in the law as it is written right now.

Mr. Chairman, once again the basic question for this House on what to do with section 315 is the question whether or not we trust our broadcasters. I gather from the last vote which was 277 to 95 against repealing section 315 that the House resoundingly went on record that they did trust the broadcasters, and they do not want to repeal section 315. I hope the same number of people are now going to march down the aisle and say just exactly that, that we do not want to repeal section 315; that we should leave section 315 in the law as it is, and as it applies to the President, to the Senate, and the House Members as well.

Let me just say this. This Communications Act goes all the way back to 1934. It is not a new law we are talking of. The equal time amendment has served us very well. You can make a good argument either way here whether you believe in the equal time section 315 or whether you oppose it.

Back in 1958 there was considered the question before the House at that time whether the equal time amendment was actually preventing some appearances on television. So at that time the Congress saw fit to amend it, and they put in what they called the Lar-Daly amendment, named after the gentleman from Chicago. That specifically exempted from the section 315 statute and I quote:

First. Bona fide newcast.

Second. Bona fide news interviews.

Third. Bona fide news documentaries.

Fourth. On-the-spot coverage of bona fide news events.

These are excluded from section 315 and, therefore, they are not covered. An appearance can be made on a broadcast station that is covered by the equal time law by a candidate for President, Senate, or the House, and providing it fits into these "news" exceptions, it is still not a violation of section 315. I am referring now to such programs as "Face the Nation," "Issues and Answers," Huntley and Brinkley, Walter Cronkite, and the other news programs that the Lar-Daly amendment to section 315 was intended and does exclude. My point is that we can adopt my amendment, thereby leaving section 315 as it is, and candidates for Federal office can still appear as they have been appearing in the past on these programs.

Let me point out one other advantage of leaving it the way it is. Section 315 now providing equal time is written into the law. I think that is important. There has been a case history of this law. Lawyers understand it and candidates can be advised.

If you do not believe me, I might refer you back to the several very eloquent statements made over on the other side of the aisle with regard to why we should not repeal section 315 just a few moments ago.

I hope you heed this statement now and do not repeal it.

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

Mr. HARVEY. I yield to the gentleman.

Mr. GROSS. Do I understand that this reinstates section 315 into the law? Precisely what does the gentleman's amendment do?

Mr. HARVEY. What the amendment does is to strike from the Macdonald amendment all references to the repeal of section 315, as they apply only to the President and it leaves in the law section 315 as it applies to the President, the Senate and the House Members at the present time.

Mr. GROSS. Were not there amendments adopted here today that go to section 315?

Mr. HARVEY. No, none have been adopted thus far, I will advise my friend.

The Macdonald amendment goes to section 315 and would affect only the President, but it is pending at this time

and has not been voted upon, I will say to the gentleman.

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

Mr. HARVEY. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I intend to support the amendment offered by the gentleman from Michigan for no repeal of section 315 even though I previously supported what I felt was a viable compromise in an attempt to erect statutory safeguards as well in an across-the-board repeal including the House, the Senate, and the President.

It seems to me that the time has come, as the gentleman has said, in view of all the trouble that this issue seems to be causing for this reform bill, to lay it aside and send it back to the committee with the hope that they will in due time come back to the House with a better provision.

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

(Mr. HARVEY, at the request of Mr. ANDERSON of Illinois, was granted permission to proceed for 2 additional minutes.)

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

Mr. HARVEY. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, as I was saying, with the hope that in time the Commerce Committee of the House will come back with an acceptable provision dealing with this very sensitive subject.

I am not sure I can agree that section 315 has served us so well over the years. I am reminded of some figures that were brought in in hearings that were held before your committee.

In 1964 there were 20 States where there were only 2 candidates running as candidates of major parties. In other words, there were no minority party candidates or so-called frivolous fringe candidates.

Yet, despite that fact in the broadcasting industry in those 20 States, only 27 percent of the television stations offered any free time at all to the major party candidates.

So I am afraid that all too often equal time has simply meant no time for political candidates to discuss the issues. Nevertheless, I support the gentleman in his effort because I think it does make sense in view of the action the House has taken earlier this afternoon to try to lay aside this issue and get on with the balance of the bill.

Mr. HARVEY. I thank the gentleman for his support.

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

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

Mr. HAYS. I just want to ask the gentleman this question: If his amendment prevails, are you then going to support the substitute, which will turn around and repeal everything again?

Mr. HARVEY. No; I will say to the gentleman at that point that if the amendment prevails, I will support the substitute without the section in it which would repeal section 315.

Mr. HAYS. In other words, you want to go through all this again in the substitute?

Mr. HARVEY. I do not——

Mr. HAYS. Yes or no?

Mr. HARVEY. I intend to offer a substitute, and the substitute will not contain that.

Mr. HAYS. It will not contain that?

Mr. HARVEY. Not if this amendment prevails.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I am constrained to agree with the gentleman from Michigan and the gentleman from Illinois, and think that in effect the gentleman's amendment would let section 315 alone as it is now. Is that correct?

Mr. HARVEY. That is correct.

Mr. THOMPSON of New Jersey. I would hope that your amendment would prevail.

Mr. HARVEY. I thank the gentleman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. MACDONALD of Massachusetts. Mr. Chairman, the amendment is rather unique. I must say there is some merit in what the gentleman has said but also I have some reservations about the amendment. I might point out to the gentleman that I do not think the vote which was just taken shows we do not trust broadcasters. We just do not like to see them put in the position of great temptation, and I do not think that they would be in a position of great temptation as far as presidential equal time is concerned or even senatorial time. So, I repeat, I think the position I have expressed is consistent.

The amendment came as a surprise to me, although maybe the amendment has been seen by others on the floor. I think it is a terribly serious amendment. I still believe in my opening remarks. I think that the broadcasters do a better job than any other media, the TV people do a better job than anybody in bringing the candidates into the living rooms of the people of the United States. It gives the public a chance, if there are debates, to see what candidates stand for, how they handle themselves, et cetera. I therefore, feel that in the public interest, although I am not convinced that there will be any presidential debates this year no matter what we do here today, I am not convinced that the incumbent President—and I am not sure I blame him for it—I am not sure he wants to debate. However, the general public has a right to see the candidates, to see what they stand for. We have talked about 1960, the great number of people who participated in our govermental process by watching those debates, and while it appears to be a simple answer merely to say "Leave 315 alone," I think 315 has served us well. I think we should not tamper with it. As it stands now, 315 has been suspended in the past, and I think we owe it to the public to give them the right to see their candidates and to make their own judgments.

That is the reason the licensees have their license to serve the public interest. I believe the public interest is best served by repealing 315 for presidential and vice presidential candidates to permit the networks not to be burdened by the choice of no free time for major candidates, or to better serve our country.

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

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SPRINGER. I think there are two things that everyone should know. There is what is called the fairness doctrine, which has nothing to do with equal time, which this amendment goes to the heart of. The fairness doctrine applies in those instances where someone says something over TV or radio on some public or positive position on a question involving the local community, the State or the Nation. The fairness doctrine demands that the people who do that do one of two things: They either report it in balance or, if it is not reported in balance, the person on the other side in all fairness may have a right to answer.

They can do it in either one of those two ways. That is the fairness doctrine.

Let us come now to the equal time, which is an entirely different section, the equal time section, which is section 315. Equal time has to do with public candidates. All the talk that is going on here today would make us think only the President and House and Senate are involved. From all I have heard this afternoon, I know there is a very definite impression in the minds of many Members that 315 is applicable solely to the President and Members of the House and Senate. But 315 applies to any office for which anybody runs, from dogcatcher, through the State legislature, to Congress and the Presidency.

For any office equal time would apply. If a local candidate for mayor is put on, then the other candidate may demand equal time and get it.

When we are talking about repeal of the equal time, we are talking about repeal for everybody. The point I am trying to make here today in the light of the amendment offered by the gentleman from Michigan is that we ought not to tamper with this under any circumstances.

Section 315 was put in this bill in 1934, and if the people who wrote that into the 1934 act on both sides of the aisle knew what we were doing with this in the last few years, they would turn over in their graves.

Section 315 is applicable to us and to the Senate—and that is in essence what we have said, I take it, by the defeat of the amendment offered by the gentleman from California. We have said it is applicable only to the President, but not to us nor to the Senate. If it should be applicable to the President because, as they say, they bring him to more people in their living rooms, why should it not be just as applicable to us in the House or in the Senate?

I think the gentleman from Ohio made

a good statement a few minutes ago that if we just want to see our opponents on and not be able to appear, then we should vote 315 out. Why is not 315 as applicable to us as to the Senate or to the Presidency? It is as applicable to one as to the other. Section 315 ought not be tampered with for any purpose. If we want more people in their living rooms to hear the President of the United States, we ought to be able to bring ourselves and our opponents into the living rooms. This ought to be as applicable to us as to the President, and part of being able to demand equal time.

Let me say that in 1964 I did everything I could with the networks to see if we could get some kind of equal time. Even though 315 was not repealed, I could not get an answer from NBC, CBS, or ABC as to equal time in 1964. In other words, they just said, "We are not going to give anybody any time."

But if anybody has any time in this election, it ought to be within the province of the Republican President or his challenger to say, "I want equal time," and be able to get it. The gentleman from Massachusetts indicated there may not be any debate, but the point I am trying to get over is if the President makes a political statement, his opponent ought to be able to ask for equal time, and if his opponent makes a statement on TV, then the President of the United States, if he wants it, ought to be able to ask for equal time.

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

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, this 315 is, in my estimation, one of the very fundamental things upon which the whole electoral process in this country depends. We just must have 315 available. I am not saying it ought to be used every time. I am saying it ought to be available to any candidate for any office. Where any media such as radio or TV uses it for one candidate, then the other candidate ought to be able to say, "I want equal time," and get it under the law, and not have to ask the TV owner if he will give the time as a matter of grace, but be able to ask it as a matter of right under the law.

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

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

Mr. UDALL. Mr. Chairman, I want to say to the gentleman I very reluctantly have come here this afternoon to the same conclusion the gentleman has.

I shall vote for the amendment.

There are two important lessons for us here.

One is that no incumbent President is going to debate. Lyndon Johnson did not want to do it in 1964, and President Nixon does not want to do it in 1972.

If we hang on to this very divisive issue, it may be that we will lose the whole bill in the thought that we somehow can force an incumbent President to debate. We cannot.

The second lesson is that we should not decide important issues like this too close to an election. It was just a year ago that this same provision passed the House by an overwhelming margin. The fact is that in the shadow of an election we cannot resolve it.

Tonight I believe the thing to do is to take 315 out of the debate entirely. It does not amount to a hill of beans. I urge those who want a bill this year, who want to get at the reporting, at the disclosure, and to do something about TV blitzes, to vote for this amendment and take this whole thing out of contention.

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

Mr. SPRINGER. I yield to my colleague from Washington, a member of the committee.

Mr. ADAMS. I should like to say that the difference between House races and presidential races is the very reason why we passed the bill which the House passed 2 years ago.

For example, in 1968 there was a suggestion that there be debate, but there were 18 candidates for President, and nobody wanted that, not President Nixon or challenger HUMPHREY.

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

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

If I might continue my colloquy with my colleague on the committee, we did go through this in 1968. Many of us will remember that we debated it very late at night, and finally passed it, and passed it only with regard to the Presidency, for this reason: NBC, CBS, and others indicated in the 1968 election they would make debate time available for the two major candidates. They were not saying either one would take it, but it would be available. The American people wanted this.

The only basis on which they could do it for the Presidency was in some way to avoid making time available to 18 candidates.

In the election of the gentleman, or in my election, or elections of Members of the House or of the Senate, yes, sometimes we end up with three or four parties, but they still manage to get us all on and allow other parties to participate.

There is a fundamental difference between the Presidency and other offices.

For my colleague from Arizona I would say I, too, would like to see a bill passed, but I believe it is important, with respect to 315, not only for this election facing us but for the next one and the next one after that. The people of America would like to have the candidates offered an opportunity to debate. If they wish to refuse, they can refuse.

The present circumstances are very different from those of 1934. One cannot go to the major networks and say, "We will have a debate with 18 candidates."

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

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

Mr. UDALL. I said that I would support the amendment, and one of my colleagues asked me a question about it, and I should like to ask a question of the gentleman from Illinois.

All the amendment does is to leave 315 exactly where it is today, with no change in the law, and it does not tamper with any other provisions of the bill?

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

Mr. SPRINGER. I believe it would be better for the author of the amendment to answer the question.

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. HARVEY. The answer is "Yes."

Mr. UDALL. My support is predicated on the understanding that what we are doing is leaving 315 exactly where it is, and that the gentleman makes no other changes in the committee bill.

Mr. ADAMS. Mr. Chairman, I hope the House will adhere to its position of 1968 and defeat the amendment, so that there will be an opportunity, at least, to debate. Then the Members can go home and say to their constituents, "We gave the candidates an opportunity to debate, whether they want to or not."

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

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. HATHAWAY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. HATHAWAY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY to the amendment offered to Mr. MACDONALD of Massachusetts: On page 3, line 22, strike out "sells" and insert "makes available."

The CHAIRMAN. The gentleman from Maine will be recognized for 5 minutes in support of his amendment.

Mr. HATHAWAY. Mr. Chairman and members of the committee, this is a rather simple amendment to cover up what I believe to be a gaping loophole in the section in question.

The section is very brief, and I shall read it. It begins on line 22, page 3, of the Macdonald amendment, and it states:

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

The loophole I envisage is, in view of the fact that it says if a publisher sells space, he has to make available equivalent space to the opposition candidate at the same rate, it does not cover the situation of the publisher simply giving a candidate the space. That is all my amendment does. It covers both the sale and the gift of advertising space.

Mr. COLLIER. Will the gentleman yield?

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

Mr. COLLIER. I think, to clarify that, to avoid what could be a very serious

situation, might I suggest you say "advertising space," because as your amendment is written this would apply to making any space available, which, of course, is news space as well as advertising.

Mr. HATHAWAY. I think we can clairfy that by the colloquy we are having on the floor that this is not intended in any way to abridge the rights of the press under the first amendment to the Constitution, that it does not apply to news and it does not apply to editorial comment, but it does apply only to advertising. I think that taken in the context of section 104, "Media Rate Requirements" would be so interpreted.

I yield further to the gentleman.

Mr. COLLIER. I still feel that this could create, as the amendment is proposed, a grave question, and by the insertion of the word "advertising," I think you eliminate any possibility of such confusion.

Mr. HATHAWAY. If the gentleman wants to offer that as an amendment to my amendment, I will accept it.

Mr. COLLIER. Thank you.

Mr. MACDONALD of Massachusetts. Will the gentleman yield for one question?

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

Mr. MACDONALD of Massachusetts. What does "makes available" actually mean?

Mr. HATHAWAY. Well, it means makes open on any basis whatsoever. The reason I chose the phrase is because the same phrase is used later on in the same section, page 4, line 2, where it says "such person shall make equivalent space available." It would mean, in my opinion, whether they sell or in any way convey to any individual advertising space.

Mr. MACDONALD of Massachusetts. Is it aimed at, let us say, a large labor union or a large corporation giving a candidate space and, if that happens, then the paper has to make available the same amount of space?

Mr. HATHAWAY. No. It means only if the newspaper publisher himself is making available that space.

Mr. MACDONALD of Massachusetts. Right; but make available for free or make available for money?

Mr. HATHAWAY. Make available for either—free or for money.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from California.

Mr. VAN DEERLIN. Is it the gentleman's intention for this amendment to deal exclusively with advertising and not with news and editorial opinion?

Mr. HATHAWAY. Yes; it is the gentleman's intention to deal only with advertising and not with news or editorial comment.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

May I ask this question: As we all know, corporations are prohibited from making financial contributions to political candidates. I will have to confess that I am not knowledgeable enough to know whether or not a corporation—a newspaper operating under a corporate structure—is prohibited from giving advertising space to a political candidate.

Does the gentleman from Maine know what the answer is to that question?

Mr. HATHAWAY. In my opinion they would be so prohibited, but I shall yield to the chairman of the committee or the subcommittee for the purpose of answering the gentleman's question.

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

(By unanimous consent (at the request of Mr. THOMPSON of Georgia) Mr. HATHAWAY was allowed to proceed for 3 additional minutes.)

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield further, I will repeat the question in order that the chairman of the subcommittee, if the gentleman will yield for that purpose may answer the question.

Mr. HATHAWAY. I yield for that purpose.

Mr. THOMPSON of Georgia. May a newspaper operating under a corporate structure give advertising space to a candidate?

Mr. MACDONALD of Massachusetts. Under the terms of title I, because we close the loophole by saying "money" and this would be a form of money or a contribution which must be okayed by the donee and he must signify in writing the amount of money.

Mr. THOMPSON of Georgia. Mr. Chairman, I could not hear the gentleman's answer.

Mr. MACDONALD of Massachusetts. In section 104, on page 3, we indicate that any money spent by or on behalf of a candidate—and I would think if an opponent raised this question that that would be considered as money even though it was donated in lieu of money, and I think would be included within the prohibitions of this bill.

Mr. THOMPSON of Georgia. If I understand the gentleman's answer, the gentleman is simply stating that that would be in lieu of money and included in the limitations of the bill?

Mr. MACDONALD of Massachusetts. Money spent on behalf of a candidate is covered.

Mr. THOMPSON of Georgia. My question, actually, goes to the law which prohibits a corporation from making a cash contribution to a candidate.

Would the giving of space by a newspaper operating under a corporate structure be prohibited under another law—not this law—in other words, may a newspaper legitimately give space without running afoul of other Federal laws, give space to any one candidate?

Mr. MACDONALD of Massachusetts. That question the gentleman cannot answer, but as the gentleman knows it is not presently included in this bill.

Mr. THOMPSON of Georgia. So, we do not have an answer to that question.

Mr. HATHAWAY. Let me say to the gentleman that I assume the gentleman is correct to the effect that a corporation cannot make a contribution of this kind. Nevertheless there are some newspapers owned by individuals and I suppose they would be free to give space.

The CHAIRMAN. The time of the gentleman from Maine has again expired.

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

Will the gentleman in the well tell me whether by the adoption of his amendment he intends to make editorial space available?

Mr. HATHAWAY. Mr. Chairman, if the gentleman will yield; no, this applies to advertising only. This in no way is intended to fringe upon the newspaper's right to comment editorially in favor of or against any candidate or to affect news policy. But it does apply to advertising only.

Mr. KAZEN. Newspapers generally endorse candidates, so if a particular newspaper endorsed one candidate, under this amendment they would not be obligated to give equal editorial space to the other candidate?

Mr. HATHAWAY. That is correct.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division (demanded by Mr. HATHAWAY) there were—ayes 46, noes 32.

So the amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. KEITH TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. KEITH. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The Clerk read as follows:

Amendment offered by Mr. KEITH to the amendment offered by Mr. MACDONALD of Massachusetts, as follows: Insert on page 9 after line 12 a new section, as follows:

"EXTENSION OF CREDIT BY REGULATED INDUSTRIES

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

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I rise to make a point of order against the amendment in that the amendment is not germane to the amendment.

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard on his point of order?

Mr. STAGGERS. I do, Mr. Chairman, if the Chair would indulge me.

The facts are that we are now considering a bill for the limitation of ex-

penditures by candidates for TV, radio, CATV, newspapers and magazines. The amendment offered by the gentleman from Massachusetts (Mr. KEITH) limits the extension of credit to candidates on an entirely different subject not covered by the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD) in any way. For that reason I say that it is not germane.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. KEITH. I do, Mr. Chairman.

Mr. Chairman, I offered this amendment in committee. It was discussed and rejected, but a point of order was not made against it at that time.

It is argued by the chairman now that the bill does not deal with the regulation of newspapers, radio and telephone communications.

I think in its present form the bill has been amended and is truly a reform bill that speaks to this point and that certainly this is within the jurisdiction of the committee and within the jurisdiction of the bill.

It is an abuse recognized on the Senate side where candidates for high public office ran up telephone bills and air travel bills and, then having lost the election, were unable to pay those bills.

The Commerce Committee does have jurisdiction over this subject matter. It truly is a reform thing and all my amendment will do is to require agencies to issue regulations to deal with this problem. It certainly is germane to the problem, and I believe it is germane to the bill.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The Chair has had an opportunity to examine both the Macdonald amendment and the amendment offered thereto by the gentleman from Massachusetts (Mr. KEITH).

The provisions of the Macdonald amendment deal with a limited area; limitation of expenditures by candidates for radio, TV, newspapers, and billboards. The provisions of the amendment of the gentleman from Massachusetts (Mr. KEITH) go well beyond that area—extension of credit, as well as Civil Aeronautics Board and other regulatory agency rules.

Therefore, the Chair holds the amendment not germane and sustains the point of order.

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

Mr. Chairman, I am disappointed, of course, in the ruling of the Chair. I understand the logic. The Senate bill however does contain my amendment. It seems this is an appropriate time to make the point that I hope in some form this amendment will be before us. In this way we can show our great concern for the abuses that have occurred in recent campaigns.

There is a problem confronting the Congress—particularly those Members whose committee assignments give them specific jurisdiction in regulation of communications and air travel.

Here we find, for example, the case of a candidate, a member of such a committee, running up extensive bills for services rendered in connection with his campaign, then being unable to pay these bills. How does he vote when the question comes as to tightening up, or correcting abuses, on legislation affecting airlines?

To remedy this problem, I intend to offer the amendment which I offered in the executive session of the full Commerce Committee. This amendment would have prohibited federally regulated industries from advancing credit to candidates for Federal elective office unless the debt so created is secured by a bond or by other collateral. It would have required the Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission to promulgate regulations to implement this requirement. But the Parliamentarian has declared that it is not germane.

I shall press for these reforms because I believe it imperative that the Congress act now to bring an end to the practice under which, all too often, money is the prime determining factor in nomination and election to Federal office.

If we are going to go ahead with the kind of reform that we have shown here today that we really want, then the problem of extension of credit by regulated industries is something we must get to later in this debate. We can do so when we take up the Senate substitute.

I hope that the House will at that time agree that it will make this legislation much more effective in coping with this very real abuse.

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

Mr. Chairman, on November 18, during the debate on H.R. 11060, I spoke of certain reservations I had about whether the several elements of election finance reform under consideration would, in fact, accomplish any true and lasting reform in this knotty problem area.

I also spoke of several vital elements of any genuine reform plan, which are not now a part of any of the measures we will be considering.

Principal among these missing elements is any focus on how to actively generate, from the proper sources, the moneys legitimately needed for this most essential and basic political communication. Clearly, the answer lies in the creation of a public mechanism to encourage, and properly discipline the flow of numerous small campaign contributions into the fundamental political process.

In my remarks I stated that I would soon offer for the consideration of my colleagues, a program intended to meet not only this primary objective, but one that would also reach to the full spectrum of the campaign finance dilemma.

The program I offer is to supplement whatever we may eventually enact now, but, if it holds to its promise and to the prophecies of quite a number of knowledgeable individuals in this field, it may in a short time prove to be all that we need to dispose of this problem once and for all.

I regret that as yet the program has not been researched in all the minute details that should be examined before it is offered in the form of legislation. Thus I do not intend to officially introduce it at this time. But that research is going on and when it has been satisfied it will be appropriately presented.

My purpose in introducing my colleagues to the plan at this time is so that they will know that there is more to come. More that can be counted on to get to the positive side of the issue, while not interfering with whatever steps in the right direction we can accomplish now. I respectfully ask my colleagues to consider the proposal and offer their most forthright comment and criticism.

The plan can best be set forth in the following excerpt from a paper prepared to explain its function. It first establishes 14 objectives, which are as follows:

That the right solution to the problem should:

Not restrict necessary political dialogue;
Be flexible enough to accommodate to widely varying resources requirements;
Support year around political party machinery;
Take into account minority and dissident party efforts when they have sufficient constituency to be viable;
Not overly insulate incumbents;
Be essentially non-partisan in application;
Cover all elective offices in the U.S.;
Involve contribution increments small enough for the donor to expect nothing in return yet large enough to generate a sense of involvement;
Provide a more direct link between the contributor and his choices;
Eliminate corrupt practices reporting hypocrisy;
Be accountable;
Involve minimum change from existing means of fund raising;
Provide dignity for the contributor and the candidate; and
Above all be constitutional.

More will be said about these later.

Neither the present law nor the proposals so far advanced even come close to filling this bill. What is needed is a wholly different attack, rethought along the lines of finding an internally disciplined laissez faire approach. The rethinking must encompass more than the traditional legislative technique of prohibition and sanction, it must involve disciplines like merchandising, banking and any other that contributes to the attainment of the desired end. Stated another way, a system regulated by natural law has a higher reliability potential than a strictly police method of control.

Having in mind the complexity of the problems involved in financing a modern-day political campaign, let us examine on the basis of certain assumptions, an entirely different approach.

First, assume at the worst Oswald Spengler's contention that "Money organizes elections in the interest of those who possess it." While this is only partially true—for there are numerous campaign resources other than money—it nevertheless does have more versatility than any other. Money being the single best equalizer of other inherent disparities that are natural in any contest, then let us further assume a source of money

in small enough increments to be free of any potential conflict of interest, available in direct proportion to the size of the constituency to which the candidacy is aimed.

Let us next assume that any candidate prefers no-strings contributions—a safe assumption—and that the public will respond to an intelligently marketed self-interest approach to monetary campaign participation.

Within such an assumptive framework, could a program be developed that might well accomplish all the objectives set forth earlier?

Let us explore the possibilities.

For now, let us set up a program and call it operation clean bill.

Operation clean bill involves thinking in terms of three concepts: Clean bill candidates, clean bill organizations, and clean bill certificates. Its operations would be carried out by a federally chartered nonprofit corporation, which we will call for the moment the American campaign fund trust.

A clean bill candidate would be any duly qualified candidate for any elective office in the United States. At the time of filing and certification by the appropriate election authority, the candidate would be provided with a form to identify himself to the trust and the trust would in turn establish an account for the candidate and authorize him to advertise himself as a "clean bill candidate"—something like a seal-of-approval.

A clean bill organization would be any national political party—as defined by law—or any State or local branch of such. The organization would similarly apply to the trust for participation as a clean bill organization and be authorized similar privileges.

The clean bill certificate would be serial numbered, coded for data processing, legally protected against counterfeiting, savings bond like, two-part form. For reasons of simplicity and accountability, it should be in a single denomination—say $20.

The governance of the trust would be by a blue-ribbon board of trustees representing such interests as business, labor, education, political parties, State and local governments, the public and the trust itself. While most of these interests would be expected to have political bias, the balance of the interests should insure ultimate fairness in the trust's operation. It should be financed initially by the sale of Government guaranteed bonds so that no appropriated funds would be involved in the operations. The trust also should be able to accept tax deductible contributions of up to, say $100, from anyone, corporate, union or individual.

Come election time anywhere, and borrowing heavily on Madison Avenue methods, the trust would initiate a highly professional plan of merchandising clean bill certificates and the entire clean bill concept, much in the same manner as the marketing of savings bonds.

Using as its marketing premise, the same that all sound promotions do, the self-interest of the purchaser, the trust would aggressively promote "get out the vote" and the sale of "clean bills" through over 30,000 post offices, 50,000 bank and credit union offices, credit card solicitations, company and government payroll deduction, union checkoffs, income tax refunds and numerous other outlets. The trust's direct promotion would be assisted by tie-ins with commercial advertisers, public service radio and TV, flyers in bank statements, credit card billing, monthly statements, co-advertising with the candidates, and so forth.

With such distribution machinery at work, virtually anyone who is persuaded to buy a clean bill will find the opportunity to do so not only easy but recurring. If he happens not to have the $20 available when he is next in his post office, bank, savings and loan, or credit union office—where of course he would be reminded by point-of-purchase display material—then he may have, when he is canvassed by his local political organization, or at the meeting of his civic club. Or even if not at any of these times then he might make a deferred purchase arrangement by "ordering" one on his credit card, or by signing up for a payroll deduction or union checkoff plan.

The idea here is simply the same that effective mass marketers long ago learned; that, however salable a product, it must have distribution machinery immediately available after a successive number of motivations to buy has stimulated the latent demand.

When the sale of a clean bill certificate has been consummated, the purchaser would detach the receipt portion and retain it. On the other portion he would fill in the name of the candidate or political organization whom he is supporting and hand it over directly. This might be by mail, by handing it to the candidate at a conventional fundraising event, or any way at all.

The clean bill candidate or organization receiving it would then forward this portion singly or in multiples to the Trust for immediate reimbursement according to the method explained below.

The purchaser would attach his retained portion of the "clean bill" to his next Federal income tax filing and claim a tax credit for one-half or $10, or in multiples, a tax deduction for purchases up to $100. This would be per individual, so double these figures would apply to joint returns. Later the two portions of the clean bill certificate would be reconciled by the Trust.

So far the plan involves essentially a matching Federal subsidy, plus a system of merchandising. But its perhaps most unique aspect lies in the method of redemption from the Trust to the candidate or political party organization.

Suppose a candidate for Governor had qualified with the Trust to run as a "clean bill" as well as had his State and county political party units. He then has a fundraising event—barbecue, corn roast, testimonial dinner, a direct mail request to the party faithful, or what have you. From the event he receives a hundred clean bills—$2,000 face value—from his supporters.

Along with a simple cover sheet he forwards these to the Trust and the same day it is received he is mailed a check for 75 percent of the face amount, or $1,500. Simultaneously a check for 20 percent of the face amount, or $400, is mailed to the previously qualified national political party or the State or local branch of one, designated by the person redeeming the certificate. If the party redeeming the clean bill certificates happens to be a political organization it still must designate another. The remaining 5 percent or $100 is retained by the Trust for its cost of operations.

To objections that the original purchaser has no control over where 20 percent of his contribution is going there are two responses. First, that after taxes the purchaser really contributed only half the amount, and the part passed to the political party and the Trust was from the governmental subsidy. Or, the original donor might be assured by the recipient that the clean bill would be redeemed separately and the party portion would be designated to go according to the purchaser's wishes.

The arithmetic involved in the plan is not accidental. An allocation of the subsidy portion is necessary so that candidates for relatively inexpensive offices may not finance their total campaigns from their own tax deductible moneys. This would tend to create too many artificial candidates as publicity seekers or advertisers. But more important, it is a disciplined way of providing public support to party resources not dependent on handouts from higher up, and to provide more initiative to grassroots fundraising efforts.

The possibilities presented by this system of fund flow are numerous. Local political units might expect candidates which they endorse to turn back a part or all of their designated amounts to the unit treasuries or the unit might independently raise funds for the ticket. Funds could flow upward from the locals to State or National levels or downward or laterally as the demands were seen to exist.

A candidate, incumbent or challenger, could, of course, raise funds at any time he chose but actual campaigning time could be somewhat regulated by the trust fixing a specific date before the election, at which time it would commence to make redemption for candidates.

Returning to the objectives of the "right" campaign finance plan mentioned earlier, it is worthwhile to examine the anticipated results of operation clean bill on the individual points:

First. Not restrict necessary political dialog—under the clean bill system there would be no limits on spending except those set by the laws of diminishing returns and marginal productivity. Several political managers have already noted that more was learned in 1970 about what not to do again—especially with TV spots—than what to do in the future. But, more important, we focus too much on the campaign period and not enough on the continuing political education of the voter, thus enabling him to make a more considered choice at election time.

Second. Flexible enough to accommodate to widely varying resources requirements: The realities of politics do not yield to uniform financial demands. The costs of comparable offices in dif-

ferent localities may vary by a factor of 10 or more. Since more persons than just those voting in the more expensive races have a stake in the outcome it is only proper for their moneys to take some part in these contests. Under the clean bill system, assuming the budgeted figure of $400 million were achieved, $80 million or more would be available to be moved within the party structures as the priorities demanded. What such a system does not do, as some other forms of subsidies would, is to channel large sums to a single authority who in turn might reallocate them in a manner which overly obligates the recipient.

Third. Support year-round political party machinery: A large part of the party money generated by operation clean bill presumably would go for "nuts and bolts" purposes. One factor in the high cost of lower level campaigns particularly, is their slap dash organization which comes from hasty and often unprofessional planning. An ongoing party organization obviously can be better prepared for campaigns. In countries like West Germany—where political parties have a statutory organizational basis—direct subsidies can and, in fact, do work for candidates and parties alike. But in a loose knit party organization system like ours, Federal assistance must be channeled by other means if it is to bear a direct relationship to numbers in the constituency and thus be equitable. Given the legitimate role of political parties in our system and responsible functions they can perform, a wherewithal directly proportional to the membership's willingness to financially support the party efforts is vitally important to campaign reform. Of all the proposals so far mentioned none adequately provides for this type of political party assistance.

Fourth. Take into account minority and dissident party efforts when they have sufficient constituency to be viable: Most studies of this problem dwell on how to fairly support reform elements within the parties and third party efforts. Clearly if public financial assistance goes only to the two major parties, no such outside movements could succeed however well supported they may be by the electorate. Under this system one can participate with his dollars and where the numbers are sufficient the effort will be sustained. Keep in mind, the number of dollars per individual are few, so whatever the economic profile of the dissident or third party element, it still is capable of rising to whatever level the members who support it will provide. Though the history of success of such efforts is spare, the effect they have in shaping the political philosophies of the major parties has been quite considerable and such efforts should be permitted and publicly supported proportionately to any other.

Fifth. Not overly insulate incumbents: No system can fully compensate for certain inherent values built into incumbency. And that is not all bad. Public office like any other calling demands a certain know-how that naturally improves with experience. That incumbents succeed themselves more often than not is due not only to the added exposure the office provides, but also to the fact that the incumbent has a record to run on or to defend. This also means sources of campaign funds are available to support or oppose him as his record will justify, and these sources generally are better organized for the incumbent than they are for the challenger. Therefore, any system which automatically restricts both to the same resources is inherently inequitable. A flexible system on the other hand, that favors neither, except to the extent that one has more supporters than the other, should provide a means for either to win fairly and without any strings, implicit or otherwise.

Sixth. Be essentially nonpartisan in character: Historically certain segments of the electorate have been continuingly identified with one or the other political party. Therefore campaign finance reforms that weigh heavier on any one or several of these segments versus others necessarily take on partisan overtones. This adds another dimension of difficulty to an already tough enough problem. Essentially campaign giving is another form of "voting" for a person or a position and it should be regarded with the same seriousness as the Australian ballot. Any move weighted to give partisan imbalance would not only be of doubtful legality but more important would surround the debate with such acrimony as to make observance of the law unwilling at best. Though party complexions change there still remains the great body of labor and minority elements which the Democrats claim and the silent majority which the Republicans claim, both groups equally capable at the proposed contribution level to participate in numbers sufficient to pay the bill.

Seventh. Cover all elective offices in the United States: Many constitutional as well as practical questions of Federal support of State and local races exist in the current proposals for reform. But realistically the question cannot be ignored when about a third of the total budgets of these governmental units derive from Federal funds. While participation in a program such as clean bill would be voluntary, it is difficult to imagine someone refusing it. Thus the same benefits accruing to Federal candidates would flow to these other offices with the resulting reduction of conflict of interest in these offices. If these results obtain, the Federal expenditure can be justified.

Eighth. Small contribution increments: This general proposition—the initial premise of operation clean bill—is universally accepted as the solution to potential conflict of interest stemming from campaign contributions. But that is by no means its only value. Recently a very wealthy officeholder, who for the most part finances his campaigns from a relatively few large contributors, commented that he would much prefer more smaller contributions, even if it cost more to raise the money. His argument was that once large contributors had anted up they felt their participation to be complete. On the other hand, the contributor who put up $20 or $25 felt that he had to support his donation with additional effort, so he often did additional work in the campaign.

Full participation in the elective process involves more than just money, or as another officeholder commented "Give me the guy who will put his mouth where his money is." A system of campaign finance involving more people as well as just the dollars needed should have the effect of reducing some of the needs for which the money is raised in the first place.

Ninth. A more direct link between the contributor and his choices: Small contributors provide most of their support through organizations such as political action groups who in turn place the combined sums according to the decisions of a few at the top. For the most part the individual's participation ultimately gets to candidates or causes sympathetic with his philosophy; but by no means do all such contributors support all the recipients of their funds. With contributors of say $1,000 or more to committees of one sort or another, a different kind of dilution occurs in the transfers between committees as party fund needs vary. Though this is no serious problem, a system providing a more direct connection between the contributor and the translation of his contribution into political action would undoubtedly be more democratic.

Tenth. Eliminate corrupt practices reporting hypocrisy: The present system contains so many reporting loopholes that it can fairly be said to be no reporting system at all. The so far proposed systems indeed strive to remedy this defect, but one simple reality—cash—can render these as useless as the present. In the absence of an auditable reporting system the remaining discipline of limits—except for broadcast expenditures—likewise becomes uncontrollable. The system proposed here also would be open to circumvention by the passing of cash but if the premise that the system can and will generate adequate resources with clean bill certificates, the use of cash would be obviated, and with the tax incentive surely the contributor would prefer to buy a clean bill than to pass the straight cash.

Eleventh. Be accountable: With the clean bill certificate coded for data processing and with the subsequent reconciliation of the two parts after completion of the transaction, the greatest amount of information ever developed on this phase of national expenditure would be at fingertip. We could finally learn what elections cost, where, and the true effect of money on our most basic process. Chances are that there would be revealed much less to rue than the present obfuscated mess insinuates.

Twelfth. Involve minimum charge from existing fund raising techniques: Political campaigns like other human experience tend to habituate into certain provincialisms. A barbecue at one place is a corn roast at another, a black tie dinner at another, a fish fry at another. Not only candidates but supporters have accustomed themselves to these quaint bits of Americana and for more reasons

than one they should survive. Even so durable a system as ours cannot survive too much shock, so our proven institutions should continue to be used as they fit the localities and situations where they have arisen. The system proposed here accommodates to every type of existing fundraising effort in addition to opening up many new ones. If big money in small sums is to be realized, the maximum number of opportunities for contribution is vital.

Thirteenth. Provide dignity to contributor and candidate: Something of an elitism has grown up around campaign giving. Society pages carrying pictures and stories of dignitaries at $1,000 per plate dinners naturally tend to suggest to those who cannot afford to attend such affairs that those who do enjoy some preferential treatment, whether true or not. That the pecking order is still apparent at these or even lesser priced affairs, does not abate the generally bad taste that the climate, and too often the food, leave with the guests as well as the public. With a basic contribution increment of $20, after taxes reduced to $10, virtually everyone can participate.

Fourteenth. Be constitutional: Of late, more emphasis has been placed on this problem with respect to limits, and so forth, than heretofore. Of course one cannot predict what the courts might hold on whether limiting one's ability to financially support his position abridges free speech, but prominent constitutional scholars by no means dismiss the implications. A program like clean bill, involving only tax incentives and an initial loan guarantee, certainly is less open to constitutionality hazards than the other proposed means of control.

Would the public respond in the kind of numbers necessary to raise a substantial, if not the total amount of the funds needed? At least two experiences suggest an affirmative answer. Last year a total of over $4.66 billion of new money went into the purchase of savings bonds. True, there were almost as many redemptions, but it still was by no means the most profitable investment available in this period of extremely high interest rates. So, one could conclude that effective marketing based on a public interest appeal was productive.

As of mid-June 1971 the public interest lobby, Common Cause, according to a Wall Street Journal article, had enlisted in a 10-month period over 170,000 members at $15 each and reported new recruitments coming in at the rate of 4,000 to 5,000 per week. This is not savings, in fact the $15 is even a nondeductible expenditure. This too suggests the public's willingness to support public interest undertakings.

It is interesting to note that a reliable research center found, following the 1968 elections, that of a sample of 1,346 adults surveyed, some 8.3 percent had made political contributions. But, only 23 percent of the sample had been asked to contribute. Of that number 38 percent gave. If some less than half that proportion of the voting population bought just one $20 clean bill, it would more than cover the costs of every elective office in the United States in 1972.

Though the funds projections properly should be viewed over a 4-year cycle, even the presidential year campaigns, which would account for half the 4-year totals, present a seemingly, easily attainable goal.

The November 1972 population total is projected to be about 210 million with approximately 140 million of voting age. It would require some less than 15 percent of this total, or 20 million persons buying single clean bills to cover every election cost in the United States. Since many will make multiple purchases, the participation percentage will lower. While the past experience of about 8 percent of the voters contributing may be insufficient, the figure mentioned earlier from the 1968 survey of 38 percent of those asked to make contributions doing so, the goal of some less than 15 percent participation seems by no means ambitious. Even if the fullest desired effects were not attainable from the outset, what was accomplished would be salutary.

Though such a notion may seem incompatible with the seriousness with which this entire issue should be treated, a very sure way to insure the sales of enough clean bills to do the job, would be to add a lottery feature to it. At the outset, at least, the psychological factors involved might tend to obscure the real purposes of the undertaking and thus diminish the sense of participation in the electoral process, which is a main element of the plan.

Perhaps a better question is what happens if the system generates more money than needed and Parkinson's Law sets in. This would mean that the "needs" would rise to the available level of funds thus reversing the main objective of the plan.

Initially, this could be managed by the trust drawing off a larger share than 5 percent and using the extra funds to provide research and other services on a strictly public and nonpartisan basis. Or if this proved insufficient or practically unmanageable, the trust could petition Congress to reduce the tax incentives thus shrinking the sales to at or near the appropriate levels.

There is undoubtedly a growing scrutiny into how we pay for our politics. That certain long standing customs may in fact be less innocuous and devoid of any effective political venality than they have been represented to be will not quiet the movement to bring the whole matter out into the open. Inertia to change is natural but so is change itself. The options are not change versus status quo but which form the changes will take. The issue is no longer one of politics, it is one of government. The chances for success of an undertaking like clean bill are only as good as the soundness of the hypotheses on which it is based, but given the known defects in the alternatives, and given the fact that any results it does produce would be a step in the right direction, it is surely worthy of being examined more closely.

Regrettably the plan sounds complicated. So would any marketing plan for the simplest 5-cent item used by every housewife in America, if viewed in its total context. The plan is not complicated if seen only from the critical viewpoint of where the dollars change hands. There is a true value to the purchaser, sufficient communication—advertising—for him to comprehend this value, recurring motivation for him to act and a distribution machinery readily available to consummate the transaction.

There will be gaps between what is conceived in the hypothetical and what will occur is practice. Between these points there should be a more detailed pro forma complete with budgets, projections, tests, comments, and so forth. If such an operation as proposed here did withstand this extra scrutiny, it would well be worth the investment even if for no other reason than better understanding of this truly knotty problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD), as amended.

The amendment, as amended, was agreed to.

Mr. HAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11060), to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, had come to no resolution thereon.

## THE POLITICS OF CANCER

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

Mr. SYMINGTON. Mr. Speaker, I would like to call the attention of my colleagues and the public to an informative article, "The Politics of Cancer," written by Cristine Russell. The item appeared in the Washington Post on Sunday, November 28, 1971.

The article is an excellent summary of congressional action against cancer. Moreover, it is a vivid account of the vital role Representative PAUL G. ROGERS has played in this legislation. As a member of Mr. ROGERS' Subcommittee on Public Health and Environment, I heartily agree with the author's assessment that "the Rogers bill represents a significantly enhanced commitment to cancer research."

Whatever the outcome of the conference on this matter, Representative ROGERS well deserves the praise given him in this article.

Mr. Speaker, I insert in the RECORD at this point the article entitled "Politics of Cancer":

THE POLITICS OF CANCER

(By Cristine Russell)

Congress is not noted for rejecting programs with deep mass appeal for quieter approaches that have a greater chance of success. Quiet successes do not win elections. But in the case of cancer research, the law-

makers, with President Nixon following behind, appear headed for the quieter attack. This approach, recently adopted by the House, provides considerably increased funding for cancer research, but it does not suggest that swift cures for cancer can be found in a crash program.

It has taken a considerable battle for this view to come to the fore—including fighting the powerful health lobby of Mary Lasker, persuading the President to change his mind for a second time, battling grassroots emotions stirred by syndicated columnist Ann Landers, and opposing one cancer-stricken lobbyist who made last-ditch telephone appeals from his hospital bed.

The first major thrust for new cancer legislation came early last December, in a report to the Senate by a group called the Panel of Consultants on the Conquest of Cancer. Calling for a national crusade to conquer cancer, the panel suggested a bold approach involving creation of an independent agency whose sole mission would be to coordinate and expand cancer research.

The stimulus behind this group: Mary Lasker, philanthropist, widow of advertising executive Albert Lasker (who died of cancer in 1952), head of the foundation bearing the Lasker name, and a major influence on much of the nation's health legislation. Mrs. Lasker, who has stressed the areas of mental health and cancer, is credited with a considerable role in persuading Congress to increase appropriations for the National Institutes of Health (NIH) from $2.5 million in 1945 to more than $1.6 billion last fiscal year.

MRS. LASKER'S IMPATIENCE

As a member of the Advisory Council for NIH's National Cancer Institute, Mrs. Lasker and her informal health lobby became increasingly frustrated with both the bureaucratic inertia which slowed down the research pace and the stagnant cancer budget. While her doctor allies indicated that research leads were increasingly promising, the cancer budget only moved from $175 million in 1967 to $190 million in 1970, not even keeping pace with inflation.

The Panel of Consultants' report reflected Mrs. Lasker's impatience with the existing structure. The cochairmen—Dr. Sidney Farber, director of the Boston Childrens Cancer Research Foundation, and Benno Schmidt, a New York investment banker—both have close ties with her. Many of the 26 panel members have also been leaders of the American Cancer Society, of which she is an honorary chairman.

Legislation to implement the panel's recommendations was introduced by then-Sen. Ralph Yarborough of Texas, another Lasker ally who was chairman of the Labor and Public Welfare subcommittee on health. Yarborough also had introduced the Senate resolution creating the panel in the first place, and Mrs. Lasker contributed $5,000 to his losing bid for reelection in 1970.

Last January, Sen. Edward M. Kennedy (D-Mass.) stepped into Yarborough's subcommittee chairmanship, and he soon reintroduced the bill to create an independent cancer agency.

Kennedy, Lasker, the American Cancer Society and such cancer specialists as Dr. Farber were convinced that a concentrated agency effort such as NASA's moon-shot program was needed to push cancer research into significant breakthroughs. "The NIH cathedral doesn't want this type of targeted, practical research," complained Mike Gorman, a longtime promoter of the Lasker health lobby.

NIH, the Laskerites charge, concentrates far too much on supporting basic research—that is, the study of fundamental life processes—and how it relates to diseases. Like many political leaders, the Laskerites don't see enough practical results—the cure of human beings—resulting from the tax dollars invested in research.

THE NIXON SWITCH

The political potency of cancer research soon made it a bipartisan issue. Elmer Bobst, an 85-year-old pharmaceutical millionaire who also served on the Panel of Consultants, prodded his close friend Richard Nixon into joining the cancer battle. Sometimes called the President's "honorary father," Bobst is a life member of the American Cancer Society as well as a $63,000 contributor to the 1968 Republican campaign.

In his January State of the Union address, President Nixon proposed an additional $100 million for cancer research this fiscal year. But he initially resisted Kennedy's tactic of moving cancer research out of the NIH. In a speech last February, his science adviser, Edward E. David Jr., said: "It is the President's belief that having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it . . . Indeed, we do not believe in an AEC or NASA for cancer."

Support for Kennedy's proposal, however, continued to snowball, particularly after Ann Landers, a friend of Mary Lasker's used her nationally syndicated column last April to endorse it.

"Who among us," she wrote, "has not lost a loved one to cancer? Is there a single person in my reading audience so incredibly lucky that his life has not been changed in some way by this dread disease? More Americans died of cancer in 1969 than were killed in the four years of World War II. Of the 200-million Americans alive today, 50 million will develop cancer. Approximately 34 million will die of it. Cancer claims the lives of more children under 15 years of age than any other illness."

Her appeal prompted hundreds of thousands of letters to Senate offices. California Sen. Alan Cranston's office alone received more than 50,000 messages.

In a May 11 announcement President Nixon reversed his position on the Kennedy bill, just as it was about to be reported out of committee. Ann Landers claimed credit for changing Mr. Nixon's mind: "When he figured he couldn't beat us, he joined us." Bobst, during visits to the White House, is also said to have influenced the President.

Mr. Nixon said he would "ask Congress to give the cancer-cure program independent budgetary status and make its director directly responsible to the President."

But the Lasker forces and their Senate friends did not feel that an administration bill, introduced the day of the President's announcement, moved far enough toward independent status. Weeks of negotiations ensued between Kennedy subcommittee aides and the administration. Changes they made in the bill were cleared, via telephone to New York, with Panel of Consultants' cochairman Benno Schmidt. Finally there emerged a compromise bill, which proposed to keep the cancer agency nominally within NIH but essentially with independent status.

"We breathed life into the President's bill, using scissors and scotch tape," remarks subcommittee staff counsel Leroy Goldman.

Only Sen. Gaylord Nelson (D-Wis.), a member of the Kennedy subcommittee, dismissed the compromise measure as a "face-saving political compromise, without scientific merit." When the bill reached the Senate floor, he was the 1 in the 79–1 vote by which it passed.

UNITING THE OPPOSITION

While the Senate vote represented an overwhelming victory for the Lasker-Kennedy forces, it also produced an effect they had not anticipated: It galvanized most major organizations of scientists into opposing the independent agency concept and favoring instead a continued effort within NIH.

This unusual mobilization was spearheaded by three Washington-based scientists—Dr. John A. D. Cooper, president of the Association of American Medical Colleges, Dr. Philip Handler, president of the National Academy of Sciences, and Dr. John Hogness, president of the Academy's newly created Institute of Medicine.

The scientific opposition hit fertile ground when the legislation reached the House. It was assigned to the Public Health and Environment Subcommittee, whose chairman, Rep. Paul G. Rogers (D-Fla.), had long disagreed with the Kennedy idea of separating cancer research from NIH. While Rogers was a newcomer to the health field, he had beaten the administration once before in the area: By parading scientific witnesses at subcommittee hearings, he had forced the Nixon administration to keep control of narcotics legislation in the Department of Health, Education and Welfare, instead of giving it to the police-minded Justice Department.

Rogers followed the same tactic after he introduced a "cancer-attack" bill in September. Rejecting the Senate bill as "a cosmetic approach to a complex problem," he held four weeks of hearings in which 51 witnesses built their case for attacking cancer through the NIH system.

Scientist after scientist testified that breakthroughs on the cancer front would depend upon long-term advances in fundamental science—virology, immunology, genetics and cell biology. Since basic research of this type is funded under several institutes at NIH, advances in the cancer area could conceivably come from any of them.

Dr. David Baltimore, a Massachusetts Institute of Technology scientist, for example, made a discovery 18 months ago about virus enzymes which has important implications for cancer causation. His work was funded by the National Institute of Allergy and Infectious Diseases. Baltimore feels that "cancers are still a mystery . . . To maintain progress, we need a strong, broadly based research effort, not a channeled, directed attack. Only when the problem is better understood will a crash program be justified."

Since no one knows exactly why a cell becomes malignant, "an all-out effort at this time would be like trying to land a man on the moon without knowing Newton's laws of motion," remarked Dr. Sol Spiegelman, a cancer specialist at Columbia University.

Moreover, cancer is not one but hundreds of diseases, and "it is likely that progress will be made in different forms of cancer at different rates. Most scientists do not believe that we are likely to have anything like a penicillin for all forms of cancer," stated Dr. Carl Baker, current director of the National Cancer Institute.

Many scientists also feared that a separate agency would be a giant step toward dismantling NIH because other institutes would press for independence. Indeed, the American Heart Association has already served notice that if cancer is put into a separate agency it will seek similar status for heart diseases, which kill twice as many Americans annually as cancer.

"OILING" THE MACHINERY

Based on the testimony, Rogers and his subcommittee found no major scientific case for separatism. The most judicious balance between fundamental and applied research seemed to be offered by intensifying the cancer effort through the NIH machinery. "Let us oil it and refuel it and shift into high gear to win the race against cancer," said Dr. Phillip Lee, former assistant secretary of health and scientific affairs at HEW.

The Rogers bill provides the "oil" by streamlining the lengthy administrative process that bothered the Panel of Consultants. The cancer institute is accorded special status, allowing the director to speed up the procedure for approving research grants and to send his budget directly to the President;

officials at NIH and its parent department, HEW, could make comments but not changes. Because of the President's desire to oversee the program, a three-man watchdog panel would monitor the cancer institute and report to him.

The House bill authorizes $1.5 billion over the next three years (the Senate bill left funding opened), adds 15 more clinical research centers and reinstates the cancer control programs that were financially phased out a year ago (these include Pap tests for cervical cancer, breast cancer detection, and personnel training). Without making false promises that a speedy cure is in the offing, the Rogers bill represents a significantly enhanced commitment to cancer research.

The Rogers subcommittee, including the three Republican members, stood firmly behind their position, despite last-minute lobbying for the Senate approach. A Citizens Committee for the Conquest of Cancer, cochaired by Dr. Farber, and backers of the American Cancer Society sponsored a $56,000 advertising campaign in three major city newspapers and 21 home papers in subcommittee members' districts. In addition, the Cancer Society's Washington lobbyist, Col. Luke C. Quinn Jr., himself stricken with cancer, made phone calls from his hospital bed to try and get subcommittee members to reverse their stand. But the Rogers bill moved easily from committee to House, where it passed two weeks ago, 350–5.

A House-Senate conference on the two bills is scheduled for this week, but the final collision of the measures is more likely to produce a dull thud than a hard-hitting clash. Through his health adviser, Dr. James Cavanaugh, who helped engineer both the Senate compromises and the final House bill, and through Rep. William Springer (R-Ill.), ranking Republican on the Commerce Committee, which cleared the Rogers bill, President Nixon is now giving tacit approval to the House version. American Cancer Society sources privately indicate that they, too, find the Rogers bill acceptable, though they formally favor the Senate version. All this should help the Rogers position prevail in conference.

Whatever the final language of the measure, the congressional battle itself has been of considerable benefit. It should make clear to the public, on the one hand, that it cannot expect instant cures to cancer—and that Congress, anyway, cannot legislate the remedies. On the other hand, it should serve as ample reminder to scientists that the public has a deep stake in their research, and that it will not tolerate for too long the ivory tower attitudes that sometimes do creep into their work. The scientists will have to give a convincing performance that they are, indeed, progressing toward practical payoffs.

## HOW OUR NAVY "SHOWS THE FLAG" IN ECUADORIAN WATERS

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

Mr. VAN DEERLIN. Mr. Speaker, our fishermen continue to play a losing game in Latin American waters, thanks to the megalomanic claims to territorial limits of some of these alleged good neighbors.

As is well known, our own Government has been sluggish in its response to the high-handed acts of piracy so regularly perpetrated against U.S.-flag fishing boats with the temerity to exercise their right to operate in these waters.

So far this year, 50 of these vessels have been seized by Ecuador alone, 23 of them in the past 3 weeks. All these boats operating beyond the 12-mile limit recognized by the United States and most other seafaring nations, but all apparently were within the 200-mile reaches claimed so extravagantly by Ecuador and six other of the minipowers to the south.

Our fishermen are used to this sort of treatment, but even so they have always tried to cooperate with our Government in its efforts, thus far unavailing, to negotiate a settlement in the fishing rights dispute.

In return, one would think, Mr. Speaker, that the fishermen should be able to expect at least a consistently decent show of concern for their plight from our State and Defense Departments, and any agencies with a piece of the diplomatic action in those troubled waters.

The fishermen, after all, are pawns of the policies—such as adherence to the concept of a 12-mile limit—which we are trying to promote down there, and on that basis alone they deserve special consideration.

So the news, last week, that one of our U.S. submarines, the *Blackfin*, was paying a "good will" visit to Ecuador at a time when U.S. tunaboats were being held in another Ecuadorean port came as a particular shock.

One group of U.S. sailors partied with the Ecuadoreans, while other groups—those who sail for a living—sweated out the release of their ships.

This seemed a bit much, even for the namby-pamby world of statecraft.

Imagine, if you can, the chagrin felt by crews of these vessels when they spotted the submarine on her way out to sea from the friendly visit. For years the fishermen have been seeking the protection of our Navy, but here all they got was contempt—or at least total indifference—to their problems.

Who in our Government would authorize such a courtesy call, by a U.S. Navy warship, in the face of the repeated and criminal indignities heaped upon our fishermen? And could we expect a repeat of this type of visit?

The answers, naturally, have been slow in coming.

But today I receive word from the State Department that future proposals for courtesy calls to Ecuador and Peru, another nation with a penchant for piracy, will be subject to higher level review in the State Department than has been the case in the past.

I assume and hope this new caution reflects increased sensitivity on the part of our officials to the distress of our fishermen. In the past, such visits by U.S. Navy ships could be authorized by our Ambassador to the country to be visited. But under the new arrangement for Peru and Ecuador, such calls will ultimately have to be approved by State Department headquarters in Washington before they can be carried out. The same precautions have been taken for some time in the case of visits to Chile, because of the political situation in that country.

While I am pleased by this slight action, I must repeat my demand for the recall of nine Navy ships now on loan to Ecuador. To permit the Ecuadoreans to retain these ships, some of which have actually been used in making seizures, seems the height of absurdity, and a gratuitous insult to the fishermen.

At this point I shall include a pertinent editorial published November 22 in the San Diego Union, and an article from yesterday's New York Times:

PIRACY CALLS FOR STERN ACTION

By now it should be apparent that the issues in the so-called "tunaboat war" in international waters off Ecuador go deeper than money, sovereignty or fishing rights.

No nation could have been more patient and understanding than the United States of America about the outright maritime robberies that have been pursued along the South American coast since 1952 by nations that claim a 200-mile maritime limit.

We have tried to discuss the matter bilaterally and in the international arena. We have pleaded, threatened, paid ransom, even withheld a little military aid as a persuader. These steps have served only to embolden the brigandage, as the seizure of more than 40 American tuna vessels by Ecuador this year alone exhibits. Now the tempo is increasing, and our inaction has encouraged other South American nations to participate in the lucrative "piracy."

Apologists remind us that the United States is a large, rich and powerful nation, one that can turn the other cheek to gnat stings, or write the ransom off as a sort of international welfare program.

It is becoming plain, however, that while we may at times turn the other cheek, we simply cannot continue to expose our heart.

In this case international law, equity and tradition are all on the side of the United States. Pure reason supports us, too. If, for example, we established a 200-mile maritime sovereignty on our own part, we could claim that Cuba lies in our territorial waters—and vice versa. If every nation did the same, there would be a chaotic effect on commerce—not to speak of peace—throughout the world.

It is plain that we must act—now—to put an end to this behavior that hurts us more with each passing day. We can begin by enforcing federal laws which require withholding of aid and military equipment from nations that illegally seize our ships. Additionally, we can escort our tuna fishermen with armed Navy vessels, leaving no doubt but that we mean business—just as the British meant business when they furnished naval protection for their fishermen off Iceland, and as the French did when they protected their shrimp fleets in the Gulf of Mexico.

Undoubtedly our action would generate a great outcry from the Communists. So be it. The United Nations might pass a resolution condemning the United States. So be it. The Latin American nations affected might threaten to expropriate private U.S. properties. Whom would that hurt most in the end?

These reactions are all unimportant—outweighed, in any event, by our obligation to protect American citizens on the high seas. Beyond this, however, our resolute conduct might well regenerate a few great qualities that have been lacking in the United States in recent years—pride, courage and a real sense of national purpose. There is a reward that exceeds all valuation.

"TUNA WAR" STAND OF NAVY ASSAILED

(By EVERETT R. HOLLES)

SAN DIEGO, November 27.—The Navy was criticized here this week because the officers and men of a United States submarine were entertained for three days as the "goodwill" guests of the Ecuadorian Navy at a time when the latter's gunboats were seizing American tuna boats off that country's coast.

Capt. James Varlay of Submarine Flotilla One here said it was "sort of an accident" that the submarine Blackfin was visiting Guayaquil last weekend while several American tuna seiners were under guard in the nearby port of Salinas after being seized 60 to 120 miles off shore.

In the last 18 days 23 American tuna boats—most of them out of San Diego—have been seized by the Ecuadorian Navy to enforce that country's claim to territorial sovereignty up to 200 miles at sea.

Many of the seizures have been carried out by naval craft acquired by Ecuador from the United States, either on loan or as outright gifts.

The Blackfin's friendship visit to Guayaquil with State Department blessing came as owners of the California-based fishing fleet were renewing demands that the Navy provide them with armed escorts.

VISIT CALLED COWARDICE

An official of the American Tuna Boat Association described the Blackfin's visit as "an act of timidity and cowardice in the face of this escalating high seas piracy."

Representative Lionel Van Deerlin, Democrat of California who lives in San Diego, said he was "flabbergasted" by the visit. Mr. Van Deerlin has proposed that nine United States Navy vessels on loan to Ecuador and reported to have been involved in the seizures be recalled by this country.

Captain Varlay said the Blackfin's call at Guayaquil following similar stops at Nicaragua and Colombia, had been scheduled long before the new outbreak of the "tuna war" and had no connection with the seizures.

Last Tuesday, immediately following the submarine's departure from Guayaquil for a visit to Peru, the 600-ton tuna seiner Vivian Ann was fired upon and seized 60 miles from shore. Two other American ships were seized later that afternoon.

Just before the Blackfin's visit, Robert H. Finch, Counselor to President Nixon, was in Quito for two days at a meeting of the Pan American Highway Conference and talked for eight hours with Ecuador's President, José María Velasco Ibarra, and other officials about the ship seizures. No understandings appeared to have been reached. Ecuadoran officials have insisted that their position is "not open to negotiation."

There were seizures of American tuna boats the day before Mr. Finch's arrival in Quito and others after his departure but none during his stay there.

$2 MILLION IN FINES

The recent seizures brought to 50 the number of American tuna boats seized by Ecuador this year and released only after payment of fines and penalties aggregating some $2-million.

Ecuador's Navy is reported to receive 76 per cent of the fines. They are levied at five times the normal $20-per-ton fee that Ecuador requires for a license to fish within 200 miles of its coast.

The fine is doubled for a second seizure and the American skippers have been threatened with confiscation of their ships for a third violation.

The American tuna fishermen say they refuse to purchase Ecuador's fishing licenses on advice of the State Department lest recognition be given to Ecuador's territorial claims.

Short of armed convoys, the tuna fleet owners are pressing for new and stronger economic sanctions against Ecuador. The State Department earlier this year was authorized to deduct the amount of the tuna boat fines and penalties from United States foreign aid allocations to Ecuador.

The Senate Commerce Committee this week held hearings on a House-approved bill that would make such recovery of the fines mandatory. The fines are guaranteed and paid by the United States Government by arrangement with the tuna fleet.

## FRAUD PERPETRATED BY PRICE COMMISSION ON TENANTS IN NEW YORK CITY

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

Mr. RYAN. Mr. Speaker, while the House was in recess, the Price Commission blew a large hole in the so-called economic stabilization policy by exempting from the freeze rents in New York City apartments which had been subject to the freeze up to that point but now face rent increases of 7.5 percent as of January. This was an outrageous fraud perpetrated upon the tenants in New York City.

One of the most outrageous aspects of the Price Commission's decision of November 22 is the fact that it violated its own previously announced procedures. On November 12 the Price Commission announced that guidelines for rents would be developed after consultations with the rent board, which was to be appointed. In the interim the freeze on rents was to continue.

Then, last Monday, after a series of meetings with New York City real estate interests, the Price Commission announced that private, rent-controlled apartments would no longer be subject to the Federal freeze when there were local rent control laws. This decision was made before the rent board had been appointed. To attempt to cover this discrepancy, the appointment of the members of the rent board was announced the next day. So the rent board was appointed the day after the rent policy was announced. This is a most reprehensible charade, played out at the expense of the tenants in New York City's 1.3 million rent-controlled apartments. For they will now be subject to rent increases of 7.5 percent per year, under a local New York City law which was passed before the administration's economic stabilization program was initiated. This is, of course, exactly what the New York City real estate interests wanted.

During this entire period of economic stabilization I have attempted to forestall such a grossly unfair circumstance from arising.

On September 28, I introduced H.R. 10945, with cosponsors, which would freeze rentals and carrying charges by statute.

On October 28, I urged the Chairman of the Cost of Living Council to continue the freeze on rents by administrative action throughout phase II of Economic Stabilization.

On November 3, I again wrote Secretary Connally urging that there be adequate tenant representation on the rent board, so that decisions rendered would be fair to tenants.

And on November 22, I telegraphed Dr. Jackson Grayson, Chairman of the Price Commission, urging that no decision on rents be reached prior to appointment of the rent board, and urging further that no decision on rents be rendered without consultation with tenant groups and other concerned parties.

And yet the Price Commission has acted in arrogant disregard of tenant interest and in flagrant violation of the Commission's own procedures. This decision should be rescinded forthwith. The rent board must be consulted on rent policy, and representatives of tenants' organizations as well as concerned public officials should be allowed to present their views before a final rent policy is formulated.

## APPLAUSE FOR DR. BUTZ

The SPEAKER pro tempore (Mr. BROOKS). Under the previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, since President Nixon nominated Earl Butz to be Secretary of Agriculture, much has been said about why he should not be confirmed for that Cabinet seat. I disagree with those who oppose Dr. Butz. On the contrary, I feel President Nixon could search the country wide and not find a man better qualified for the position.

I have written Senator TALMADGE expressing my total support for confirmation of Dr. Butz. Attached as part of these remarks is a copy of that letter.

Also attached is a statement by Richard B. Ogilvie, Governor of Illinois, and editorials from several publications which, likewise, support Dr. Butz. The statement by Governor Ogilvie expresses the views of the Nation's Republican Governors adopted at their recent conference.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., November 22, 1971.*

Hon. HERMAN E. TALMADGE,
*Chairman, Senate Committee on Agriculture and Forestry, Washington, D.C.*

DEAR MR. CHAIRMAN: As a Member of the House Committee on Agriculture I am, of course, very hopeful that the U.S. Department of Agriculture will have high quality leadership in the future. Therefore, I have followed very closely what is transpiring in the Senate concerning the nomination of Dr. Earl Butz as Secretary.

In my view, Dr. Butz is exceptionally well qualified and will fill the position with distinction. I base this assessment on what I have learned of his education, experience, talents, and commitment.

Few persons could equal his broad formal education and experience in agri-business. When to this is added his exceptional administrative experience in this same field, both in education and government, his credentials are impressive indeed. Dr. Butz's involvement in corporate agri-business adds a new desirable dimension to his experience and therefore to his understanding of farm problems.

Qualities of a more personal nature are also obvious. Integrity, candor, determination, eloquence—these will serve him well in what must be one of the most challenging assignments in public life.

It does not surprise me, and it should surprise no one, that he is not universally applauded. Indeed, it would seem to me unnatural for presidential aspirants of either party who wish to woo the farm vote to miss the chance to find fault with any nominee.

Beyond the question of presidential ambitions, farm legislative policy provokes controversy that inevitably touches the office of Secretary. Everything revealed, so far, in the course of hearings, strengthens my conviction that the nomination deserves prompt consent of the Senate. I am sure that Dr. Butz will fill the position with great honor, devotion,

skill, and success, advancing the interests of all Americans and especially farmers.

I hope you will find it possible to make this a part of the hearings.

Best wishes.

Sincerely,

PAUL FINDLEY,
*Representative in Congress.*

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[From the Wall Street Journal]

CLINGING TO THE PAST

Earl L. Butz, President Nixon's choice for Secretary of Agriculture, knows a great deal about the subject. Aside from previous duty in Washington's farm bureaucracy, Mr. Butz has spent a lifetime studying and teaching agricultural economics.

The only objection voiced by some Senators is that Mr. Butz has had ties to corporate farming, through directorships of companies with large agricultural interests. In their view, in other words, he isn't likely to show great enough dedication to saving the small family farms.

Well, saving the family farms has been a pet project of Washington politicians for about four decades now. All sorts of control mechanisms have been built, and they all wind up benefiting chiefly the bigger farmers.

What has been happening, of course, is that farms, like the rest of the economy, have been changing. New and much more efficient machines and methods have been developed, so that even a modest-size farm now requires much more than a modest investment.

In case the politicians haven't noticed, the average farm has steadily gotten bigger, whatever ideas happened to prevail in Washington. Corporations haven't been the only participants in this trend, either; the more efficient family-owned farms have expanded too.

Unlike most of the politicians, Mr. Butz has been a long-time student of this trend. Just conceivably he might be able to help devise federal policies that would not only permit the farm economy to continue to become more efficient but provide help for those farmers who really need it.

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[From the Chicago Tribune]

PHONY ISSUE

The holier-than-thou attitude on the part of some politicians is seldom illustrated better than in the ruckus over Senate confirmation of Dr. Earl L. Butz, a Purdue University dean and agricultural economist, as secretary of agriculture. The Senate Agriculture Committee approved Butz's confirmation by a close 8 to 6 vote, and his critics hope his nomination can be defeated by the full Senate.

The critics include Sen. McGovern, the Democratic Presidential hopeful from South Dakota. He sets himself up as defender of the family farmer, while accusing Dr. Butz, who has been associated with agriculture all his life, as an agent for giant agri-business firms which threaten to destroy the family farm. One of the companies Sen. McGovern seems to find so objectionable is International Minerals & Chemicals Corp., of which Butz has been a director and stockholder.

McGovern and other Democratic foes of Dr. Butz, including Sen. Humphrey of Minnesota and Sen. Talmadge of Georgia, chairman of the Senate committee, overlook the obvious fact that International Minerals and other agri-business firms depend on the solvency and success of family farms to stay in business. Family farms, which comprise more than 95 per cent of all farming units in the United States, are their customers or sources of raw materials. The companies can hardly be accused of wanting to destroy what is essential to their businesses.

Aside from that, however, Sen. McGovern has admitted to THE TRIBUNE that he accepted free airplane transportation on two occasions on a jetliner owned by International Minerals. One flight took the senator and his wife to the Virgin Islands, and another took him to Washington from Memphis. The flights occurred in 1969 and 1970 when McGovern was working with International Minerals to promote the Food for Freedom campaign, which benefited family farmers by sending surplus food abroad.

To serve his own purposes, McGovern had no qualms about accepting free plane rides and working closely with one of those giant agri-business firms he finds so obnoxious in Dr. Butz's associations. The senator's own actions point up the hypocrisy of his words.

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[From the Chicago Tribune, Nov. 22, 1971]

ANOTHER CONFIRMATION SQUABBLE

While the Senate Judiciary Committee argues over Supreme Court justices, the Agriculture Committee is concluding an equally pointless debate on the confirmation of Dr. Earl L. Butz as secretary of agriculture. Critics accuse Dr. Butz, a Purdue University dean and agricultural economist, of being an agent of "giant corporations that are destroying family farms and driving farmers off the land."

Not surprisingly, efforts to smear Dr. Butz, a Republican, are led by two Democratic Presidential hopefuls, Sen. McGovern of South Dakota and Sen. Humphrey of Minnesota, along with Sen. Harris of Oklahoma, who also had his eye on the White House until recently. Also adding their 2 cents' worth against Dr. Butz are Sen. Kennedy of Massachusetts, who spends much of his time running about the country declaring he is not running for the Presidency, and Sen. Stevenson of Illinois, whom nobody has yet accused of being Presidential timber.

This coterie apparently regards Butz's nomination as a good sounding board on which to further their political aspirations by playing upon the frustration and unrest among farmers over low farm prices and incomes. Their accusations are based largely on Dr. Butz's connections as a director and stockholder in three companies which either produce farm supplies or process food. They refuse to be mollified by his resignations from the directorships, his offer to sell his stock, and his repeated pledges that he would be a vigorous spokesman for agriculture.

Fortunately for the accusers, the nature of congressional hearings precludes their being cross-examined on their charges. The fact is that more than 95 per cent of the nation's farms are family owned and operated, and there is little evidence that they are endangered by a corporate takeover. Indeed, in recent years there have been several spectacular failures among corporate conglomerates that have tried their hand at farming.

Department of Agriculture studies clearly show an increase in the number of family farms with sufficient capital and volume of business to engage successfully in modern agriculture. On the other hand, since World War II there has been a sharp decline in the number of smaller, inefficient farms with not enough acreage, capital, or management skill to compete in an industry undergoing rapidly changing technology.

This decline was at the rate of about 100,000 farms a year during the eight years of the Johnson and Kennedy administrations when Sen. Humphrey's former Minnesota political pal, Orville Freeman, was secretary of agriculture. We didn't hear a single squawk in those days from the Humphreys, McGoverns, et al., about corporations running farmers off the land. Nor did we hear very many complaints from the Democrats in Congress when they helped the Nixon administration put over the Agriculture Act of 1970, under which Dr. Butz will have to operate as secretary.

Both political parties must share the blame for the farmer's plight. As we said the other day on this page, Dr. Butz is a good choice for secretary of agriculture and should be confirmed. But it doesn't make much difference who has the job as long as the politicians in Congress and in whatever administration occupies the White House continue to place politics over economics in trying to solve the farmer's problems.

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[From the Journal & Courier (Lafayette, Ind.), Nov. 15, 1971]

RIGHT MAN FOR THE JOB

It is with great pride that the Lafayette community and Purdue University share Dr. Earl L. Butz with the nation.

For more than 30 years, Dr. Butz has been one of our first citizens and now, as the new U.S. Secretary of Agriculture he receives that recognition from the nation.

Dr. Butz is regarded as one of the founders of modern agricultural economics, and he quickly built the Purdue department into a major fount of such knowledge for the world. Students and teachers who studied under him carried his work and ideas afar.

Then, as dean of Purdue's School of Agriculture, he did much to modernize and strengthen this Purdue powerhouse of prestige, research, teaching and service.

And most recently as Purdue vice president for continuing education, Purdue Research Foundation vice president for development, and director of the multi-million Purdue Centennial Fund Appeal, he helped even more to improve the university's prospects.

In the meantime he served during the Eisenhower Administration as assistant Secretary of Agriculture, administering the department's surplus commodities programs; ran for the Republican nomination for governor of Indiana; and headed the state Republican Campaign Finance Committee, raising the amounts needed for the conduct of the 1970 Indiana campaign.

While all of this was going on, Dr. Butz was helping as always with civic and organizational worthy causes, contributing more of his talent and leadership.

So it is a most able, experienced and talented man of rare humor and perspective that President Richard M. Nixon obtains for the nation to handle and solve the pressing and vexing problems of agriculture. That it is a tough job, George Doup, Indiana Farm Bureau president, emphasized when he declared that, "If anybody can do the job, Earl is the man."

Dr. Butz is a trailblazer who for some years has been itching to have a part in taking off the patches and weaving a new fabric of agricultural service and policy. He now has the office. It remains for the Administration, the Congress and the farmers to give him the chance.

His ultimate goal, he says, is a reduction of government involvement in agriculture and a better position for the farmer in the free marketplace.

It is a fitting recognition for a distinguished man and a wise choice for solving difficult problems to place the 61-year-old Dr. Earl L. Butz in this Cabinet position.

One friend, Dr. John Hicks of the Purdue president's staff, said the appointment was "a marvelous climax" for a great career.

But we believe there will be still more deserved recognition for, and distinguished service from, this great fellow townsman. And we look forward to it.

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[From the Daily Pantagraph, Bloomington, Ill.]

NO OFFICIALDOM CAN REVERSE FARM TREND OF HALF-CENTURY

The best farm policy for the United States is one which insures that agriculture shares in over-all economic growth and provides job opportunities for low-income rural families.

The naming of Dr. Earl Butz to the post of agriculture secretary (or anyone else, for that matter) will have little impact on the broad

problem posed by loss of income and loss of people in rural America. In the recent past, at least, the occupant of the office of secretary of agriculture had relatively little to do with the establishment of farm policy.

The farm policies of the United States are written by the members of Congress who serve on the agriculture committees. The secretary outlines Administration goals. No president since Harry Truman has had an easily understood farm program, one which was translated into new law.

American agriculture will not be reborn, change the course of the last 50 years or die on the vine because Mr. Butz is involved in agricultural industries and the academic community.

Rather, he or anyone else in the job can best represent the producers of food and fibre by playing it straight with the farmer and the rest of us. Playing it straight will require that the Department of Agriculture distinguish between farms and producing farmers. The difference is critical for judging farm programs.

The revolution in American farming—tilling of larger and more productive holdings by fewer and fewer individuals—occurred in spite of, not because of, federal farm policy. Nothing Mr. Butz does can turn things around. Little that he or the government can do can halt continuation of the march to bigness.

Already two out of three American farmers receive more than half their annual earnings from off-farm sources. Off-farm income has increased at a far more rapid pace than farm income.

Even among the commercial farmers, nonfarm income is growingly important. There are about 1.1 million farmers with over $10,000 in annual farm product sales. Together they account for 90 per cent of all cash receipts from farming. Nearly all reported some off-farm income. The lower half, with average total income of $9,660, counted a third of that income as off-farm.

In McLean County in 1969, 24 per cent of farmers worked off the farm 100 days or more, according to the agricultural census. No doubt farm operators and their wives felt the need to supplement incomes, which grew much slower than the incomes of non-farm population in the last decade. But the key to the trend can also be found in the technological breakthroughs that cut deeply into the time required to operate a farm efficiently.

This is the picture of today's farming. The farm industry is not made up of bucolic folk trading farm produce for non-farm necessities. Rural life needs rescuing, certainly. But the effort to preserve rural life, and even turn back the flow to urban areas, requires different programs than do farm matters.

The boosting of farm income through subsidy will not benefit the 1.5 to 2 million small farmers. The bigs will benefit most as they have in the past.

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STATEMENT OF RICHARD B. OGILVIE, GOVERNOR OF THE STATE OF ILLINOIS

President Nixon has nominated Dr. Earl Butz to become secretary of Agriculture. Dr. Butz, born and raised on an Indiana farm, has established himself as a distinguished scholar, a tireless public servant, and an articulate spokesman for American agriculture. He has been recognized both here and abroad for his perception and his knowledge of agricultural problems.

In the confirmation hearings now being conducted by the Senate, witnesses are appearing to subject Dr. Butz to the rankest form of character assassination to serve the political motives of the assassins. Most of those who have accused Dr. Butz of being captive of big business interests have failed to recognize that agriculture IS the nation's biggest business. The problems of agriculture are complex. The solution to those problems requires a broad background, training and experience with all segments of agriculture.

Dr. Butz is a strong advocate of the competitive enterprise system. He has said repeatedly that America's commercial farmers are best equipped to manage agriculture and has opposed government management of the nation's farms. Most of those who now criticize him would prefer to turn over the management of American agriculture to the federal government.

Few men have worked harder to improve farm income, and yet Dr. Butz is now being accused of opposing the small farmer. President Nixon has outlined a broad program of rural development which recognizes the complex problems of farmers and farming. He could choose no better man to help solve those problems than Earl Butz.

If farmers want a secretary of agriculture who understands them and can work effectively to solve the farm income problem, they should support the nomination of Earl Butz, and I feel confident most of them do. If the Senate is really interested in American agriculture and its future which has a profound effect on the entire American economy, it will confirm his nomination without delay.

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[From the Republican Congressional Committee Newsletter]

VANISHING U.S. FARMS—THE RECORD

"It is a difficult job. I have no illusions about the difficulty of the job. I know you can't possibly please everyone. Even the farm organizations don't agree on most issues."

As a realist, the new Secretary of Agriculture-designate, Earl L. Butz, holds no illusions about a "magic" answer to the farm problem, as he stated to the Senate Agriculture and Forestry Committee at hearings on his confirmation.

Democrats immediately jumped to the offensive. They attempted to exhume rural class warfare—to divide agriculture into the "little man" versus the "giant corporations" and to claim that Butz was "against" the small farmer.

Harkening back to the days when Butz was an assistant to Secretary of Agriculture Ezra Taft Benson, the Democrats claimed that Butz was the architect of a program that has reduced the number of U.S. farms. But the Democrats' charges have been labeled as a smokescreen to hide some embarrassing figures on their party's record on "saving the family-sized farm."

The Democrats had complete control of Congress and the Executive Branch during the decade of the 1960s. During this period, 26 percent, or one in four U.S. farms, disappeared. This was under Democrat-appointed Secretaries of Agriculture and under farm programs enacted by Democratic-controlled Congresses. From 3,962,000 farms in 1960, the figure dropped to 2,924,999 in 1970. Many of these were "family-sized farms" that the Democrats "plowed under," to use their own descriptive terms.

Butz, realistically, has noted that the trend is to fewer and larger farms. Despite the Democrats' attempts to pin the blame on the GOP, the drop in the number of farms has actually come about at a steady pace since World War II. From 6,003,400 farms in 1944 to 2,876,000 farms today, the drop has been steady, regardless of Administrations.

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## TAX DEDUCTION FOR ADOPTION COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, I am today introducing a bill which is desperately needed by thousands of families wishing to adopt children. This bill allows a deduction of up to $1,500 for the expenses incurred in adopting a child.

The sad facts are that many Americans would like to adopt children, many children are available for adoption; yet the expense is often prohibitive. We should do all we can to encourage adoption, and yet the current tax laws make it difficult for many people who simply cannot afford these expenses.

Under current law a taxpayer is allowed to deduct all of his own and his family's medical costs—including maternity expenses—over 3 percent of his adjusted gross income. But taxpayers cannot deduct expenses involved in the adoption of a child, such as legal fees, which can go as high as $750; medical costs, which may reach $600; and correspondingly steep agency fees. My bill would permit deduction of actual adoption costs, as well as these agency fees and other costs, up to a total of $1,500.

Mr. Speaker, the present system is all wrong. We should be providing real incentives for families to adopt children, not keep costs so high that many people are discouraged from adoption. Today, the number of adoptions lags behind the number of children available. For example, while the number of people trying to adopt a child nearly doubled from 1958 to 1967, the number of children eligible for adoption tripled during the same period. By increasing the number of adoptions, we can also relieve city and State adoption agencies of the high costs of raising a child in foster homes or institutions.

Mr. Speaker, I hope that this legislation will receive full and prompt attention, so that we can begin to provide the type of incentive we need to encourage adoption.

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## LOUIE WADSWORTH TYPIFIED CONTRIBUTION OF WEEKLY PAPERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, an era in American journalism has ended.

Louie C. Wadsworth has retired as publisher of the Suwannee Democrat in Live Oak, Fla., and thus closes a distinguished career of service by an outstanding gentleman.

The weekly newspaper, typified by the Suwannee Democrat, is very much a part of life in these United States. Their impact far exceeds their circulation and their influence is felt far and wide when a paper is in the hands of a dynamic and dedicated newspaperman—men like Louie C. Wadsworth.

His has been a great career of service, leaving a mark of excellence in the world of journalism and in the military.

The one thing that each of his friends has denoted about General Wadsworth is his courage. Many of the things for

which he fought for his community have borne fruit and much of the progress of this fine agricultural section came from his innovative approaches to problems and tireless efforts to see his plans become a reality—often in the face of overwhelming odds.

On a more personal note, Louie Wadsworth has been my friend and adviser. He counseled me nearly a decade ago when a very inexperienced young State legislator asked for the opportunity to serve in the Congress.

I could never forget his insight and his predictions that we would win made some of the darkest moments in that stimulating race brighter.

What he did then is typical of what so many others have told me about this fine gentleman.

He was one of those who first supported a young man for Governor before World War II, when most people knew very little about that candidate. That man won the governorship and went on to become the greatest statesman our State has produced—the late U.S. Senator Spessard L. Holland.

Florida's commissioner of agriculture, Doyle Conner, had his support in a race when only a few papers supported him. Now my friend and colleague, LAWTON CHILES, has been the recipient of his support—again and again Louie Wadsworth has taken those candidates he believed in, and time and time again he has been proved to be correct in his analysis.

In 1966, I had the opportunity to join in paying tribute to General Wadsworth as he retired as a major general in Florida's National Guard. He established a record of service in the military that will serve as an example for years to come for members of that Guard.

Perhaps the most fitting tribute of his life came when the National Guard named its handsome new armory in Live Oak in his honor.

A man of integrity, vision, courage, and ability. What tribute can we pay a friend? It is this—he has been my friend and my life has been richer because of his friendship.

A dedicated newspaperman, he spent most of his adult life in the service of the Suwannee Democrat. A strong belief in public service and love of his country have permeated his years as head of one of Florida's oldest and most recognized weekly newspapers.

A firm believer in publishing a weekly newspaper that the people it serves will respect, support, and have confidence in has been his philosophy as a journalist.

In response to an inquiry regarding the publication of a weekly paper sometime ago he noted:

> I believe the community does not owe its newspaper its support, but rather prefer to believe that a newspaper owes a responsibility to the community it serves. The more successful the newspaper, the greater this responsibility becomes . . . I believe that a newspaper should have a strong editorial policy that deals with issues and not personalities. A newspaperman should use his influence to see that policies of his newspaper are adopted and should never dodge his community service responsibility. Properly handled, a newspaper can be a powerful force in a small community and a publisher should strive to see that his newspaper is just that.

Under his leadership, the Suwannee Democrat has been cited with most of Florida's major weekly newspaper awards, but more important has been in the forefront of activities which lead to the progress of the county and its people. A review of issues over the past years will reveal a strong and fervent interest in the development of this county and the providing of progressive movements for its people.

Born on May 30, 1906, in Mayo, he moved to Live Oak at the age of six and has made his home here since that time with the exception of the time spent in college and in the armed services.

The son of Mrs. Nellie Wadsworth, of Live Oak, and the late Charles Randell Wadsworth, Sr., he attended Suwannee High School and graduated with the class of 1924.

Following graduation, he entered Davidson College in North Carolina and was graduated in 1929.

While in college he received the Gold Quill Award for outstanding work on the college newspaper, which foreshadowed the profession he was to enter in later years. He gained his degree in political science and was a member of Theta Upsilon Omega social fraternity and served as manager of the basketball team.

Following graduation, he worked for the Addressograph Co. for 1 year as a salesman and returned to Live Oak in 1930.

In January of 1931 he became editor of the Suwannee Democrat and has been connected with this paper since, with the exception of the years spent in active service during World War II.

He began his military service in 1923 when he joined the Live Oak National Guard and rose to the rank of second lieutenant when he was called into active Federal service in November 1940. He was promoted five times through the ranks and was separated with the rank of colonel on April 26, 1946, the same day he purchased the Democrat from C. P. Helfenstein.

He served as president of the National Guard Officers Association in Florida in 1950. As I noted at the outset, he retired as a major general after a brilliant career of leadership and service.

The Suwannee County Chamber of Commerce is another organization which claimed much of his time and energies. He served two terms as president in 1954–55 and 1955–56. During this time he saw the chamber grow to a record membership with an unprecedented number of projects undertaken.

For his service in this position, in addition to long years of community service, he was named the "Man of the Year" for Suwannee County for 1955.

One of the organizers of the chamber in 1946, he served as a director for 11 years.

Another primary interest in his civic life was his membership on the board of trustees of the Suwannee County Hospital, a position he has held for many years beginning in 1953. In those years he saw much progress made in adding new facilities for the care of the people of the area, and delighted in an expansion program that kept the hospital second to none in the country among small county hospitals.

He is a member of the Kiwanis Club and has been active in various other civic groups. He served as lieutenant governor of the Florida District of Kiwanis Clubs.

He served as president of the Rotary Club in 1938, and was president of the Junior Chamber of Commerce in 1940. He served as commander of the Suwannee Post 107, American Legion, in 1951.

One of his continuing interests has been the Suwannee County Fair, having served twice as president. He was one of the founders of the fair.

He served as postmaster in Live Oak from July of 1947 to September of 1948.

In 1956, he served as chairman of a county commission-appointed committee to construct the coliseum for large public gatherings and events.

The publication of the Suwannee Democrat and the operation of its plant, however, was his primary interest and concern through the years. Active in the Florida Press Association, he served as president in 1948–49, and served for 11 years as a director of the association.

As publisher of the paper, he directed the Suwannee Democrat to a position of high regard among the press of Florida.

He also published the Dixie County Advocate in Cross City, the Mayo Free Press in Mayo, and the Branford Herald for Branford, for a number of years.

The Wadsworths make their home on the corner of 11th Street and Pine Avenue in Like Oak. He is married to the former Miss Clara Staley of Live Oak, and they have two married daughters, Mrs. Gayle McCrimon of Live Oak and Mrs. Charlotte Casey of Lake City.

Perhaps the greatest source of pride are five grandsons—all active and inquisitive youngsters who continue to make life exciting.

This month, Louie Wadsworth turned the reins of the Suwannee Democrat over to Danny McCrimon, his son-in-law, and Walter Lee Olive.

Now he can enjoy the rest which he so richly deserves.

Might I say that I feel I am speaking here not only for myself, but for so many others who know of the inner man, who have benefited by his counsel, who have been inspired by his example.

Those of us who have been privileged to know him count it as a rare privilege, and for them and for myself, might I make this sincere tribute to him for a life well spent in service to others.

The world is richer because of what Louie Wadsworth was able to accomplish.

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## WHEN IS A PROMISE NOT A PROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 30 minutes.

Mr. PODELL. Mr. Speaker, the recent disclosure that the United States would

refuse Israel's request for additional supersonic Phantom jet planes on the basis of a State Department finding that the balance of power has not changed in the Middle East is a serious disappointment to all of us who are concerned about Israel's national security.

If, as Clemenceau said, war is too important to be left to the generals, then pursuit of a lasting peace in the Middle East is too vital to be left to the Arabists who occupy positions of power in our State Department. One wonders how evenhanded these specialists can be after spending their foreign service careers almost exclusively in Arab countries. It may also be questioned how evenhanded the State Department as a whole can be in view of the influence exerted upon the Department continuously, over the past half century, by the silver-tongued lobbyists of the oil industry—an industry which quivers when any official in the Arab world raises his voice.

I too favor the use of quiet diplomacy to achieve a solution to the Middle East crisis. Certainly, diplomacy is preferable to a contest of arms. But quiet diplomacy is not doing its job when it is used to quiet the truth and to endanger Israel, America's only true friend in that troubled part of the world.

For 23 years, the Israelis have defended themselves from Arab aggressors who seek their destruction. Throughout her existence, by contrast, Israel has sought as her first priority a lasting peace with her Arab neighbors. This remains Israel's goal today.

But the issue is no longer an insulated Arab-Israeli conflict, as it was 4 years ago during the unforgettable 6-day war. Israel today faces the most up-to-date Soviet jet aircraft, flown by Russian pilots and serviced by Russian technicians. All of Egypt bristles with the latest Soviet missiles manned by Soviet personnel.

Three times during the last 23 years, Israel has shown how well she can fight to defend herself. Unlike the South Vietnamese, Israel does not need American combat soldiers to assist her, nor does she want them. What Israel does need is the right to purchase American military equipment with which to defend herself against her enemies.

In 1968, during his campaign for the Presidency, Mr. Nixon declared his firm and unqualified support for Israel's position in the Middle East. He stated:

> Israel must possess sufficient power to deter an attack. As long as the threat of an Arab attack remains imminent, sufficient power means the balance must be tipped in Israel's favor.

Then he continued:

> We support Israel because we oppose aggression in every form. We support Israel because it is threatened by Soviet imperialism, and we support Israel because it offers hope in the Middle East. . . . Israel cannot afford to lose even once.

Unfortunately, although Mr. Nixon asserted that his administration would support Israel in the hour of her need, the past 3 years have been marked by postponements and other delaying games in response to urgent Israeli requests for military assistance.

During this period, the military balance of power in the Middle East, without a shadow of doubt, has tilted precariously in favor of Israel's opponents as the leaders of the Soviet Union have embarked on a major program of rebuilding and modernizing the shattered Arab military machine. The Soviets have supplied Egypt with some of the most sophisticated weapons in Moscow's arsenal, including self-propelled SA–4 and SA–6 missiles, Sukhoi 11's, Mig–23 and Badger bombers and other offensive instruments of mass destruction.

The Israelis are especially concerned about the recent supply to Egypt of nine Soviet long-range bombers of the Tupolev–16 type. With this latest consignment, Egypt now is believed to have some 25 such bombers. These Tupolev–16 planes are fitted with air-to-ground rockets with a range exceeding 60 miles.

They are a low-flying aircraft which can come close to an opponent's lines without being detected by conventional radar. These rockets which the Soviets have so far supplied are of the type code-named "Kennel" by NATO. They have nonatomic warheads weighing about a half-ton each. The mere presence of this potent weapon in the Egyptian arsenal increases the burden of the Israeli Air Force, regardless of whether fighting is in progress.

In addition, the Soviets have supplied the Egyptians with a number of Russian-made 203-millimeter long-range guns with high destructive power which are part of the Egyptian arsenal on the Suez Canal front. At present, the strength of Egyptian troops on the Suez Canal front is estimated by Israeli sources at six or seven troop divisions of 11,000 men each. They are believed to be equipped with 1,000 pieces of artillery and slightly less than 1,000 tanks.

Soviet leaders Brezhnev and Kosygin are not pursuing an "even-handed" policy in the Middle East, Unlike the United States, which seeks an accommodation between the warring parties, the Soviets are eager to "keep the pot boiling" in order to make possible the continued expansion of Soviet influence in the Eastern Mediterranean. The presence in Egypt of some 20,000 Soviet personnel along with sophisticated Russian military hardware is an unmistakable indication of Communist intentions in this corner of the world.

As a result of the combination of repeated American delays and steady Soviet shipments, Egypt today possesses more than twice as many aircraft as Israel and more than three times as many supersonic planes. Clearly, contrary to State Department utterances, the balance of power in the Middle East which previous administrations have labored to preserve has obviously shifted in the direction of Egyptian superiority.

Elated by extensive Soviet military assistance, Egyptian President Sadat recently told his people that war with Israel was inevitable. His statement followed closely on the heels of his return from a visit to Moscow, where, upon his departure, the Russians and Egyptians issued a joint communique stating bluntly that the two nations had agreed on "measures aimed at strengthening the military might of Egypt."

Israel is a Western-oriented multiparty democracy, a nation that has had a close and lasting friendship with the United States. In contrast, the Arab nations are controlled by anti-American dictators who, despite their abundant natural oil resources and the military assistance received from the Soviet Union, have failed to shatter the glass of antiquity and enter the 20th century in such vital areas as education, industry, health care and even agriculture.

Israel's current conflict with Egypt and the Soviet Union, combined with Israel's proven readiness to sacrifice her own blood and treasure, calls for the extension of the Nixon Doctrine to the Middle East. First enunciated at Guam and explained in the President's State of the World message a year ago, this doctrine states:

> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression, we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Israel qualifies, under that doctrine, for American help and support—not only against her Arab foes, but against the Soviet Union as well. For the sake of preserving the balance of power in the Middle East, the United States should supply Israel with Phantom planes and whatever other military assistance this valiant little nation needs to defend herself against the array of forces that have sworn to end her national existence.

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## THE BUSINESS OF GIVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, retarded children will have it a little better next year thanks to Cheri Marek and the Mentally Retarded Olympian Program, Inc. Cheri is studying at MacMurray College in Jacksonville, Ill., on a scholarship provided her by the Olympian program. Out of 300 applicants from a dozen colleges and universities throughout the State of Illinois, Cheri was selected as one of three award recipients to be granted a full-year scholarship to study special education.

When she entered MacMurray College, Cheri wanted to teach.

> I had always enjoyed working with children and teaching seemed like an acceptable thing to do.

But, not long into her freshman year, Cheri began volunteer work at the Pathway School for the mentally retarded in Jacksonville.

> It was a mere three hours a week, which quickly became a focal point in my life.

Cheri has a realistic view of her approaching career—she calls it "educational equality."

> A disadvantaged child cannot be placed in a class with the so-called normal children. They cannot achieve at the same levels. To pressure the disadvantaged child beyond his physical or mental capabilities is emotionally detrimental . . . If you expect too much from

a handicapped child, then you are defeating the expressed purpose of Special Education. And, if you expect too little, the child may fail to progress to the point of becoming self-dependent and a useful member of society.

Behind this new scholarship program is the Mentally Retarded Olympian Program Inc., and its president John McHugh.

Since 1968, the Olympian program has entered 3,500 retarded athletes in national competition and countless numbers in local and State competition. From the 50-yard dash, to exhibition diving contests, these children are given the unique opportunity to exhibit their talents and skills in rewarding competitive games. In mid 1972 the Olympian calender will expand into the arts, sponsoring competitions in music and crafts.

Mr. McHugh and his program have, with the aid of the Joseph P. Kennedy, Jr. Foundation, opened doors wide for mentally retarded children and special education. These children who "love without hate and share their joy and pride unselfishly," are a valuable resource in this country and, as yet, a shamefully untapped resource.

I am proud that Chicago is the home of the Mentally Retarded Olympian Program, Inc. I am proud to be associated with Jack McHugh and his fine work.

Mr. Speaker, it is good to note, on occasion, that the business of giving, thrives.

## CONGRATULATIONS TO DR. ROBERT R. MARTIN

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, on November 9. the American Association of State Colleges and Universities inaugurated as its president a distinguished educator from my home State of Kentucky.

Dr. Robert R. Martin is president of Eastern Kentucky State University in Richmond, Ky.

For nearly 40 years, he has worked in the service of education in our State, having served as a teacher, a school administrator, as the elected State Superintendent of Public Instruction, and as Commissioner of Finance in the administration of former Kentucky Governor Bert T. Combs.

Dr. Martin is no ivory-tower educator, but a man dedicated to his profession and accustomed to the hard, nuts-and-bolts, knuckle-skinning task of making theories work in the classroom and in the laboratories—and more importantly, in the practical, workaday world of men.

I would like to share with the House some of the press comment from Kentucky newspapers on Dr. Martin's latest recognition as president of the American Association of State Colleges and Universities:

[From the Richmond (Ky.) Daily Register, Nov. 5, 1971]

EKU PRESIDENT TO HEAD NATIONAL ASSOCIATION

Dr. Robert R. Martin, president of Eastern Kentucky University, will become president Tuesday of the American Association of State Colleges and Universities during its annual meeting at Denver.

Dr. Martin, who has served one year as president-elect of the association, succeeds Dr. Darrell Holmes, president of East Stroudsburg (Pa.) State College.

The incoming president has also served as a director of the association and as chairman of its Committee on Federal Relations. The association has a membership of 275 colleges and universities representing a total enrollment of more than 1.7 million students.

The membership spans the U.S. and reaches to Guam and the Virgin Islands. Representing about 25 per cent of college and university students, the Association is made up of state supported institutions, most of them former teachers' colleges.

[From the Lexington (Ky.) Herald, Nov. 8, 1971]

HONOR FOR DR. MARTIN

Nearly 40 years ago Dr. Robert Martin began an educational career as a high school history teacher in Mason County.

On Tuesday he will become president of the American Association of State Colleges and Universities—an organization of 275 colleges and universities.

For Dr. Martin it will be the high point of a long and distinguished career which has seen him rise from teacher to state superintendent of public instruction to president of Eastern Kentucky University.

Dr. Martin's leadership and drive, as well as his business and financial management skill, have turned Eastern into a large, sprawling university of which all Kentuckians can be proud.

We congratulate him on his new lofty position. May his tenure be as successful.

[From the Sunday Herald-Leader, Sunday, Nov. 14, 1971]

THE RISE OF DR. MARTIN

Our congratulations to Dr. Robert R. Martin, Eastern Kentucky University president who has become president of the American Association of Colleges and Universities.

Dr. Martin is a brilliant man—one whose imprint as an educator and leader lies heavily on the teeming and orderly campus of Eastern.

By intelligence and good judgment he has risen to university president from a high school teacher's job in Mason County during the depression years.

He long has been an education leader in Kentucky and through his important job his influence can become more widespread and more widely beneficial.

[From the Courier-Journal, Louisville, Ky., Nov. 10, 1971]

MARTIN TAKES HELM OF NATIONAL GROUP

(By Richard Wilson)

Eastern Kentucky University President Robert R. Martin, 60, who began his career in education nearly 40 years ago as a high-school history teacher, last night became the national president of the association whose member institutions produce nearly half of the nation's public-school teachers.

He was installed for a one-year term as head of the American Association of State Colleges and Universities at the group's annual meeting in Denver.

He assumes the presidency at a time when the association's 282 member schools, enrolling 1.8 million students, are striving for a new identity.

The association's schools—located in 46 states, Guam, the Virgin Islands and the District of Columbia—have evolved from state teachers' colleges into regional universities and state colleges.

Now they are trying to find an expanded role amid the nation's rapidly growing community colleges, private colleges and the more prestigious and larger multi-purpose state universities.

DISAGREES WITH CRITICS

"We think of ourselves as institutions that can have increased roles in public service," said Martin in a recent interview. He said the association's institutions vary in size from still-small teacher-oriented colleges to large urban universities.

Goals will differ according to each school, but Martin said the association will continue to be concerned primarily "with improving the quality of teaching and research and public service focused on this mission."

He scoffed at critics who contend the state colleges and regional universities are headed toward becoming carbon copies of the larger state universities.

"The larger universities are going to have a tremendous component of research, but if we restrict ourselves to the improvement of teaching, related research and public service, that may be enough distinction for us," he said.

He stressed that this does not mean the schools will not be adding or expanding programs. He explained that colleges in the association undoubtedly will continue producing a large number of teachers, but that they will also be graduating students in such newer areas as urban affairs, law enforcement, environmental science and allied health.

In addition, he said, he hopes they also will offer expanded opportunities in fields which require less than four years of college training.

Martin, a former state superintendent of public instruction and Kentucky finance commissioner, is optimistic about the future of the association's member schools, but he also concedes that they must contend with numerous problems.

Top priority, he said, must go to finding adequate funds to meet escalating educational costs.

The association and other national higher-educating groups are hoping for new federal legislation providing general aid to the nation's colleges and universities.

IMPROVED CURRICULA WANTED

Although the government already provides large sums to colleges in research grants and other special aid, it has never before provided operating funds for institutions to use at their own discretion.

Martin said colleges also must focus more attention on improved curricula and career advising programs for students, adding: "We've got to deal with students in an effective way so they can make the best use of their time and find their best career choice."

His association post will not require Martin to relinquish any of his presidential duties at Eastern. He says the post will only require "nominal leadership," primarily because the association has a full-time Washington staff and a permanent executive director.

But the post will thrust the Eastern chief into the national spotlight as head of the agency that presently educates about 25 per cent of the nation's college and university students.

## FREQUENT EFFORTS TO WEAKEN GUN CONTROL LAWS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, efforts to weaken the Federal gun control laws have been frequent since the Congress passed the Gun Control Act of 1968. In 1969, ammunition used only in long guns was exempted from provisions of the law

which require records to be kept of all ammunition sales. In 1970, and again this year, the Ways and Means Committee has reported legislation (H.R. 3599) to further exempt .22 caliber rimfire ammunition, which is used in both long guns and handguns, from these important recordkeeping requirements.

I strongly opposed the .22 rimfire exemption bill in 1970, and have informed all Members of the House that I intend to oppose it again this year. House consideration of H.R. 3599 was scheduled for November 15, but the bill was unexpectedly removed from the agenda without explanation.

Anticipating that this legislation will be rescheduled and will yet be acted upon in the remaining days of the current session of the Congress, I want to outline my case against the bill in some detail so that all Members will have ample opportunity to reflect on it.

Proponents of H.R. 3599 say it is justified because the information required to be recorded on .22 rimfire ammunition sales has "never led to a successful investigation and prosecution of a crime." The committee report quotes an unnamed Justice Department official to that effect, and also refers to a Treasury Department statement indicating that in no instance had ammunition sales records "been helpful in law enforcement."

Such a claim, of course, infers that Federal and other law enforcement agencies have made a real effort to make use of the records of ammunition sales for criminal investigations and prosecutions. I have information from the Treasury Department indicating that such is not the case. In response to a letter from me dated January 12, 1971, inquiring to what extent the Treasury Department has attempted to use the data on .22 caliber ammunition purchases in the investigation and/or prosecution of suspected criminal activity, I received a letter dated February 8, 1971, signed by Samuel R. Pierce, Jr., general counsel. In that letter Mr. Pierce indicates that all but three of the 22 branch offices of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service indicated that they have made no such attempt. Furthermore, in response to another letter from me on this matter, Deputy Attorney General Richard G. Kleindienst replied on February 5, 1971, that: "No facilities have been developed, or are planned, to permit ammunition records to be stored and retrieved so that they may be used for the investigation and/or prosecution of suspected criminal activity," and the Treasury Department confirms that.

The Treasury letter says:

> There have been no facilities developed and none are planned by the Internal Revenue Service concerning the storage and retrieval of ammunition transactions. The recording of information concerning ammunition transactions in the records of the licensed dealer does not become the property of the Federal Government but remains the property of the dealer. The records are not collected at any location or locations nor is there any intention to accumulate them at any central location.

How does the Federal Government know that .22 caliber ammunition records are worthless for law enforcement if they have made virtually no attempt at all to make use of those records? It seems to me that what has happened here is that certain policy makers in the executive branch have seen fit to assume that these records are useless, and have proceeded to make that a self-fulfilling prophesy by making no effort to utilize the records systematically in law enforcement.

Indeed, Mr. Speaker, there is evidence that when efforts have been made to make use of .22 ammunition sales records, such information has been helpful. The same Treasury letter to which I have already referred, for example, reports the following:

> The Dallas Branch Office reported three instances where special investigators obtained .22 caliber ammunition record information for local officers which was used in the investigation and trial of three criminal cases. The Cincinnatti Branch Office reported two instances where .22 caliber ammunition records were used by State Police in the investigation of homicides. In one instance .22 caliber ammunition purchased at a local store was used in the killing of a moonshiner. The branch office reported that the ammunition transaction was verified by sales records. In the other instance, State Police arrested a juvenile for the murder of his father. The day preceding the crime, the juvenile purchased .22 caliber ammunition at a local store which was verified by disposition records of the dealer.
>
> The Los Angeles Branch Office reported that the Phoenix Police Department requested assistance in checking records concerning ammunition transactions in an investigation involving the murder of a policeman with a .22 caliber weapon.

This information seems to me directly to contradict the Treasury's contention that .22 caliber ammunition sales information is useless for law enforcement.

That contention is further contradicted by a spot check of ammunition sales records made last year by a U.S. Senate Judiciary Subcommittee. That spot check revealed that a number of known felons and others with criminal arrest records had purchased ammunition—an act which, in itself, is a violation of the law. In fact, 21 percent of the out-of-State sales checked were made by individuals with criminal records. This suggests that a systematic police check of all .22 caliber ammunition sales could provide grounds to rearrest large numbers of convicted felons, or at least make it much more difficult for them to obtain ammunition. But that has not been done, and one of the reasons it has not been done is that Federal officials charged with enforcing the laws have chosen to look upon ammunition sales records as useless.

Another argument made by proponents of H.R. 3599 is that the recordkeeping requirements on ammunition are onerous—that they impose "unreasonable burdens" on sportsmen and gun dealers. The facts are, however, that the information required to be recorded is no more extensive or complex than the information recorded whenever any consumer makes any purchase by check or credit card, and is only slightly more detailed than the information most merchants record on the ordinary sales slip or receipt for any merchandise.

I had hoped and planned, Mr. Speaker, to bring out the evidence I have obtained on this matter, and my views on it, in public hearings on this legislation. However, no such hearings have been held despite the fact that I, for one, requested an opportunity to be heard. At least one national organization representing many citizens concerned about gun control, the National Council for a Responsible Firearms Policy, also filed a written request to testify.

Mr. Speaker, it seems to me that, if anything, the evidence suggests that we should be expanding our efforts to utilize ammunition sales data in law enforcement, rather than throwing up our hands and abandoning recordkeeping altogether. It seems to me there is considerable evidence that the executive branch has chosen to ignore the intent of Congress in its treatment of .22 caliber ammunition sales records. Surely the Congress did not require these records to be kept in order then to be ignored. Yet that is exactly what is happening.

In any case, the executive branch has certainly not made a convincing case for terminating .22 caliber rimfire sales recordkeeping. If such a case can be made, let the executive branch come before the Congress in public hearings and present that case. If a case can be made that this recordkeeping is burdensome and too voluminous to be useable in law enforcement, let the Treasury Department document that argument for all the Members of this Congress and the public. But this legislation is too important to be acted upon only on the basis of the assertions of the executive branch—assertions which have little to support them and plenty that contradicts them.

In recent months an increasing number of Members of the Congress have come to realize the need to ban the manufacture and possession of cheap handguns, commonly called Saturday night specials, in view of the fact that these weapons have no sporting value and are useful only as weapons of crime. A great many of these so-called Saturday night specials use .22 caliber rimfire ammunition. Does it then make sense to terminate recordkeeping on .22 rimfire ammunition sales? I certainly think it does not.

Lest anyone suppose that .22 rimfire ammunition is harmless or is used only by sportsmen, let me remind the Members of this Congress that it was a .22 rimfire shot that killed Senator Robert Kennedy.

I urge the Members of the House to join me in opposing H.R. 3599 and any similar weakening of our gun control laws at least until these issues have been fully aired and examined in public hearings before the relevant committee of the House.

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## CONSTITUTIONALITY OF INDIVIDUAL CAMPAIGN SPENDING LIMITS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as I have previously advised my colleagues in the House, I intend at the appropriate time to offer an amendment to the substitute to be offered by the gentleman from Michigan (Mr. HARVEY) which would incorporate in the substitute the same lim-

itations on individual campaign contributions which are now contained in section 4 of H.R. 11060.

Since some question has been raised as to the constitutionality of such limitations, I have previously inserted in the RECORD—at page 41921—a letter to my friend and colleague, the gentleman from New Jersey (Mr. THOMPSON) from Professor Albert J. Rosenthal of the Columbia Law School sustaining the constitutionality of such a provision.

Mr. THOMPSON has now made available to me copies of telegrams he has received from two other distinguished professors of constitutional law, expressing the same point of view. I include these telegrams herewith:

NEW HAVEN, CONN.

Hon. FRANK THOMPSON, Jr.,
*House of Representatives, Washington, D.C.*

In my judgment a $5,000 or higher limitation on campaign contributions is a reasonable measure to insure the integrity of the Federal political process and therefore constitutional.

ALEXANDER BICKEL, *Yale Law School.*

BOSTON, MASS.

Hon. FRANK THOMPSON, Jr.
*House of Representatives, Washington, D.C.*

In my judgment it is entirely consistent with the first amendment to place a limit of $5,000 or more on individual political contributions. If the bill does not apply to direct expenditures by individuals the constitutional question virtually dissolves. Even if such expenditures are covered the limit is a fair accommodation between political activity and the need to curb the dominating power and influence of large contributions. Personal participation and expression are the central first amendment values and these are left free. The Hatch Act precedent is more than adequate for the bill.

PAUL A. FREUND, *Harvard Law School.*

## 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, it is with a deep sense of personal sadness that I bring to the attention of the House the fact that Maurice J. O'Rourke, President of the New York City Board of Elections, died Saturday night.

A man's memory is sustained by the legacy he leaves behind him. Marcy O'Rourke has left us a legacy of public dedication and personal friendship that will not be forgotten.

Understanding that citizen participation is the very foundation of our democracy, Maurice O'Rourke's dedication to making the electoral process work was unwavering. And he was untiring in his commitment to afford the opportunity of involvement in the political process to all of our citizens.

Under his innovative leadership, the New York City Board of Elections set up various programs which brought registration officials into the community through the use of mobile votemobiles and by stationing registration officials in the city's firehouses. And as a result of his efforts, the opportunity to register to vote was made available where before it had all too often been denied.

Marcy O'Rourke's keen sense of justice and fair play was reflected in the fact that during his tenure the board of elections applied the election law in a nonpartisan way, treating regular and insurgent alike regardless of personality or party faction.

He himself summed it up best when he stated that:

Our job is to make the election system work. It's the greatest thing we Americans have.

Perhaps there can be no greater tribute that we can pay to him than rededicating ourselves to the task to which he devoted his life.

Maurice O'Rourke will be missed not only by those of us who had the opportunity to know him as a warm and close friend, but by all those who had come to look upon him as a meaningful force for change for the betterment of our society.

I extend my deepest sympathy to his widow, the former Alice Russell, and to his brothers and sisters.

I include in the RECORD a tribute to Maurice J. O'Rourke which appeared in the New York Times of November 29, 1971:

[From the New York Times, Nov. 29, 1971]

MAURICE J. O'ROURKE, 58, DEAD; HEADED CITY'S ELECTION BOARD

Maurice J. O'Rourke, president of New York City's Board of Elections, died Saturday night of a heart attack at Good Samaritan Hospital in Suffern, N.Y. He was 58 years old and lived at 215 East 60th Street.

A vigorous, often ebullient advocate of election reform, Mr. O'Rourke pursued his $17,500-a-year job full time in his effort to register voters and run elections smoothly. The public knew him from his trips around the city in a police car each Election Day to look in on all kinds of troubles, from machine breakdowns to reports of voter harassment.

Mayor Lindsay, who is in Honolulu attending the 48th annual congress of the National League of Cities, issued a statement calling Mr. O'Rourke "a fine and devoted public servant, a man of gentle humor and unlimited kindness and a firm friend."

"We will all miss him very much," he said.

Known most of all in Democratic circles as an enormously friendly man and an enthusiastic story-teller, Mr. O'Rourke served as president of the National Democratic Club of New York and was a fiercely local ally of the late Senator Robert F. Kennedy.

BECAME A MAVERICK

Mr. O'Rourke, known as Marcy to his friends, joined the four-man, bipartisan Board of Elections in 1963 as a Democratic party regular from Manhattan. Within a few years, he had become something of a political maverick by turning against the board's reliance on party patronage for its own staff members and election inspectors.

He was eventually hailed by civic groups and Reform Democrats for his advocacy of change. Last year, as a member of Mayor Lindsay's election reform task force, he proposed replacement of the bipartisan board with a single commissioner and a civil service staff.

"I have no enemies," Mr. O'Rourke once said. "I just like everybody. I know that sounds corny, but I really enjoy participating with people in anything I think progressive and good."

The major changes advocated by Mr. O'Rourke required approval by the State Legislature, which, in 1970, approved instead a measure that would have created a 10-member bipartisan board and raised the members' salaries. The bill was vetoed by Governor Rockefeller on the ground that it only increased political patronage.

Mr. O'Rourke was elected president of the board this year by the members. But even when he was a commissioner, he virtually ran the elections because his fellow members were beyond retirement age and did not take a full-time interest in the job.

Although his major proposals for reform were not put through Mr. O'Rourke did accomplish some changes. Last year, for instance, he eliminated 16,000 election inspector jobs that had traditionally gone to housewives and elderly citizens as a form of political patronage. He implemented the cut by assigning the inspectors to each of the city's 1,500 r lling places, rather than to each of the 5,300 election districts.

Never shrinking from publicity to push for voter registration, Mr. O'Rourke used roving "votemobiles" and the city's fire stations to get more citizens particularly blacks and Puerto Ricans, on the rolls. More recently, he pushed for more time to register the country's newest voters, those under the age of 21.

"Our job is to make the election system work," he once said, and then added with pride: "It's the greatest thing we Americans have."

Some of Mr. O'Rourke's efforts met with hostility among the regular, and when civic groups and liberals criticized the Board of Elections for sluggishness and red tape, they often singled out Mr. O'Rourke for praise for his efforts to improve things. He thus earned his reputation as a maverick.

Asked once how he got started on this course, he replied: "I don't want to be a maverick, but when I first went to the board I let it be known that I was going to do a job. I feel obligated, as a Catholic gentleman, to fulfill that pledge."

Nevertheless, Mr. O'Rourke did on occasion find his job, as he termed it, a "frustrating adventure," and in 1969 he resigned briefly to work for Howard J. Samuels, who was then seeking the Democratic nomination for Governor. The next year, however, Mr. O'Rourke was reappointed to run the 1970 elections.

Maurice Joseph O'Rourke was born into a Roman Catholic family and educated in Roman Catholic schools. He went to Cathedral College with the idea of becoming a priest, but eventually went to work for the city's Department of Hospitals.

During World War II, he served in the Marine Corps in the Pacific. Afterwards, he worked for the Internal Revenue Service and the Civil Court, where he had a lifetime appointment as assistant general clerk.

He got his political start in Democratic clubs on Manhattan's East Side, and was secretary to the Manhattan organization when he was appointed to the Board of Elections.

Surviving are his widow, the former Alice Russell; two brothers, Thomas and Brian, and three sisters, Mrs. Nora May O'Leary, Mrs. Margaret Martin and Mrs. Cathleen Woestman.

A funeral is to be held at St. Patrick's Cathedral Wednesday at 10 A.M.

## TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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.

In Western Europe, approximately 25 percent of the worker's income goes for groceries. In Russia, the take is 50 percent, and in the Far East it is as much as 75 percent. In the United States—though we are the healthiest people on earth—only 16½ percent of the family's income goes for food products.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BURTON (at the request of Mr. VAN DEERLIN), for week of November 29, 1971, on account of official business.

Mr. EILBERG (at the request of Mr. BOGGS), for today and remainder of week, on account of official business.

Mr. ROYBAL (at the request of Mr. BOGGS), for today, on account of official business.

Mr. COTTER (at the request of Mr. BOGGS), for today, on account of illness.

Mr. DAVIS of South Carolina (at the request of Mr. BOGGS), for today, on account of official business.

Mr. BLATNIK (at the request of Mr. BOLLING), for Wednesday, November 17, Thursday, November 18, Friday, November 19, and for the week of November 29, 1971, on account of illness.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for November 29 through December 1, on account of official business.

Mr. MCKEVITT (at the request of Mr. ARENDS), for Monday, Tuesday, and Wednesday (November 29, 30, and December 1), on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHMITZ), to revise and extend their remarks, and to include extraneous matter:)

Mr. FINDLEY, today, for 5 minutes.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks and to include extraneous matter:)

Mr. ASPIN, today, for 15 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. FUQUA, today, for 10 minutes.

Mr. PODELL, today, for 30 minutes.

Mr. ROSTENKOWSKI, today, for 10 minutes.

Mr. CONYERS, on December 1, for 60 minutes.

Mr. FOUNTAIN, on December 9, for 60 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SPRINGER, to include extraneous material with his remarks today during debate in the Committee of the Whole.

(The following Members (at the request of Mr. SCHMITZ) and to include extraneous matter:)

Mr. SPRINGER.

Mr. SCHERLE in 10 instances.

Mr. FINDLEY in two instances.

Mr. CONABLE.

Mr. CONTE.

Mr. GERALD R. FORD.

Mr. GROSS.

Mr. WYMAN in two instances.

Mr. DU PONT.

Mr. LLOYD.

Mr. DERWINSKI.

Mr. ESCH in two instances.

Mr. GUBSER.

Mr. STEIGER of Arizona in three instances.

Mr. MICHEL.

Mr. RIEGLE.

Mr. SCHWENGEL.

Mr. MCDONALD of Michigan.

Mr. ASHBROOK in two instances.

Mr. KEMP in two instances.

Mr. SCHMITZ in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. CORMAN.

Mr. PUCINSKI in six instances.

Mr. FLOOD.

Mr. DRINAN in two instances.

Mr. FISHER in six instances.

Mr. HAMILTON in eight instances.

Mr. MITCHELL.

Mr. GONZALEZ in two instances.

Mr. HAGAN in three instances.

Mr. ROGERS in five instances.

Mr. KLUCZYNSKI in six instances.

Mr. FOUNTAIN in three instances.

Mr. ANDREWS of Alabama in two instances.

Mr. WALDIE in six instances.

Mr. MURPHY of New York.

Mr. RANGEL in four instances.

Mr. HUNGATE in three instances.

Mr. JONES of Tennessee in five instances.

Mr. PATTEN.

Mr. TEAGUE of Texas in eight instances.

Mr. PERKINS.

Mr. RARICK in three instances.

Mr. BEGICH in five instances.

Mr. ROONEY of Pennsylvania in four instances.

Mr. RODINO.

Mr. VANIK in two instances.

Mr. BOLAND.

Mr. BRINKLEY.

Mr. MAZZOLI.

Mr. HARRINGTON.

Mr. DAVIS of Georgia in five instances.

Mr. PICKLE in five instances.

Mr. EDWARDS of California in two instances.

Mr. ALEXANDER.

Mr. WILLIAM D. FORD in two instances.

Mr. EDMONDSON in two instances.

Mr. DENHOLM.

## SENATE BILLS JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 247. An act for the relief of Albert G. Feller and Flora Feller; to the Committee on the Judiciary.

S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez; to the Committee on the Judiciary.

S. 749. An act to authorize United States contributions to the Special Funds of the Asian Development Bank, to the Committee on Banking and Currency.

S. 888. An act for the relief of David J. Crumb; to the Committee on the Judiciary.

S. 1089. An act for the relief of Robert Rexroat; to the Committee on the Judiciary.

S. 1299. An act for the relief of Dr. Biman K. Khastagir; to the Committee on the Judiciary.

S. 1436. An act for the relief of Dr. Alfredo Soliva; to the Committee on the Judiciary.

S. 1466. An act to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii; to the Committee on Armed Services.

S. 1481. An act for the relief of Jose Amaral de Souza; to the Committee on the Judiciary.

S. 1675. An act for the relief of Antonio Plameras; to the Committee on the Judiciary.

S. 1893. An act to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1923. An act for the relief of Harold Donald Koza; to the Committee on the Judiciary.

S. 2010. An act to provide for increased participation by the United States in the International Development Association; to the Committee on Banking and Currency.

S. 2048. An act for the relief of Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee); to the Committee on the Judiciary.

S. 2601. An act 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.

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes; to the Committee on Public Works.

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year"; to the Committee on the Judiciary.

S. Con. Res. 50. Concurrent resolution authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document; to the Committee on House Administration.

## ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 1962. An act for the relief of Dah Mi Kim;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 2408. An act for the relief of Louis A. Gerbert;

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2814. An act for the relief fo Rea Republica Ramos;

H.R. 3041. An act for the relief of Mary

James Kates, owner of the Gladewater Daily Mirror;

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Tziminadis;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 5422. An act for the relief of the American Journal of Nursing;

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.;

H.R. 8356. An act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1810. An act for the relief of Dorothy G. McCarty.

## BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On November 19, 1971:

H.J. Res. 946. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

On November 23, 1971:

H.R. 1836. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

H.R. 1867. A bill for the relief of Bernadette Han Brundage;

H.R. 1899. A bill for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1931. A bill for the relief of Jesus Manuel Cabral;

H.R. 1962. A bill for the relief of Dah Mi Kim;

H.R. 1970. A bill for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 2087. A bill for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. A bill for the relief of Jose Bettencourt de Simas;

H.R. 2108. A bill for the relief of Nemesio Gomez-Sanchez;

H.R. 2408. A bill for the relief of Louis A. Gerbert;

H.R. 2706. A bill for the relief of Miguelito Ybut Benedicto;

H.R. 2803. A bill for the relief of In Kyong Yi;

H.R. 2814. A bill for the relief of Rea Republica Ramos;

H.R. 3041. A bill for the relief of Mary James Kates, owner of the Gladewater Daily Mirror;

H.R. 3082. A bill for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. A bill for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. A bill for the relief of Helen Tziminadis;

H.R. 3475. A bill for the relief of Paul Anthony Kelly;

H.R. 5422. A bill for the relief of the American Journal of Nursing;

H.R. 7085. A bill for the relief of Eugene M. Sims, Sr.;

H.R. 8356. A bill to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation; and

H.R. 10203. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

## ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 30, 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:

1304. A letter from the Secretary of State, transmitting a report on the implementation of section 620(u) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1305. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a copy of a determination of the Secretary of State No. 72–1, made pursuant to section 620(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1308. A communication from the President of the United States, reporting his determination that it is in the national interest for the Export-Import Bank of the United States to guarantee, insure, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to the Socialist Republic of Rumania, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

1309. A letter from the Director of Science and Education, Department of Agriculture, transmitting a report on the disbursement of funds during fiscal year 1971 to States to provide additional facilities for research at the State agricultural experiment stations; to the Committee on Agriculture.

1310. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Occupational Safety and Health Review Commission for the fiscal year 1972, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1311. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the transportation of dependents of certain military personnel to and from rest and recuperation centers, and for the payment of per diem allowances for such dependents, and for other purposes; to the Committee on Armed Services.

1312. A letter from the Secretary of the Air Force, transmitting a report showing the number of Air Force officers above the grade of major receiving flight pay as of October 31, 1971, and the average monthly flight pay authorized by law to be paid to such officers during the year ended on the date, pursuant to 37 U.S.C. 301(g); to the Committee on Armed Services.

1313. A letter from the Assistant Secretary of Transportation for Administration, transmitting during the period April 16 through October 31, 1971, a list of the purchases and contracts made/by the U.S. Coast Guard under 10 U.S.C. 2304(a) (11) and (16), pursuant to section 2304(e); to the Committee on Armed Services.

1314. A letter from the Secretary of the Interior, transmitting an annual report for calendar year 1970 on progress made in achieving the purposes of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

1315. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to establish a fund for activating authorized agencies, and for other purposes; to the Committee on Government Operations.

1316. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map entitled, "Major Natural Gas Pipelines, June 30, 1971," and of the publication entitled, "Sales of Firm Electric Power for Resale, 1965–1969"; to the Committee on Interstate and Foreign Commerce.

1317. A letter from the national adjutant-paymaster, Marine Corps League, transmitting the minutes of the league's 48th annual convention and the audit report for the 1970–71 fiscal year, together with similar reports for the Marine Corps League Auxiliary, pursuant to 50 Stat. 559 and 36 U.S.C. 58; to the Committee on the Judiciary.

1318. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 24, 1971, submitting a report, together with accompanying papers and illustrations, on Escambia River, Fla. and Ala., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; to the Committee on Public Works.

1319. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation 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 allowance 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.

RECEIVED FROM THE COMPTROLLER GENERAL

1306. A letter from the Comptroller General of the United States, transmitting a report on U.S. programs in Afghanistan; to the Committee on Government Operations.

1307. A letter from the Comptroller General of the United States, transmitting a report of the audit of the financial statements of the St. Lawrence Seaway Development Corporation, Department of Transportation, for the calendar year 1970 (H. Doc. No. 92–177); to the Committee on Government Operations and ordered to be printed.

1320. A letter from the Comptroller General of the United States, transmitting a report on fees allowed nonsponsored not-for-profit organizations by various Government agencies; to the Committee on Government Operations.

1321. A letter from the Comptroller General of the United States, transmitting a report on savings available by consolidating certain reserve fleet activities of the Depart-

ments of Commerce and Defense; to the Committee on Government Operations.

1322. A letter from the Comptroller General of the United States, transmitting a report on progress and problems of urban and transportation planning, Department of Housing and Urban Development and Department of Transportation; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC 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. BARING: Committee of conference. Conference report on S. 1116 (Rept. No. 92–681). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference report on S. 2007 (Rept. No. 92–682). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on third party prepaid prescription programs (Rept. No. 92–683). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. 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. 92–684). 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. ASPIN:

H.R. 11915. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 11916. A bill to convey Federal land to the Fort McDermitt Paiute and Shoshone Tribe; to the Committee on Interior and Insular Affairs.

H.R. 11917. A bill to permit the Secretary of the Treasury to purchase mined silver at such prices as he may deem appropriate; to the Committee on Banking and Currency.

By Mr. BUCHANAN:

H.R. 11918. A bill to amend section 151 of the Internal Revenue Code of 1954 to make a personal exemption available to certain taxpayers who support dependents who are under age 19 or are students but who are not the children of the taxpayer; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 11919. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 11920. A bill to amend the Internal Revenue Code of 1954 to permit the amortization, over a 60-month period, of certain solid waste treatment facilities; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 11921. A bill to provide for the designation of law schools as depository libraries; to the Committee on House Administration.

H.R. 11922. A bill to provide special advisory and counseling assistance to veterans at institutions of higher education and to authorize, on a trial basis, a special program to aid veterans with academic deficiencies to gain entrance to institutions of higher education; to the Committee on Veteran's Affairs.

By Mr. GUDE:

H.R. 11923. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING:

H.R. 11924. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING (for himself, Mr. DANIELSON, and Mr. SARBANES):

H.R. 11925. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

By Mr. LLOYD:

H.R. 11926. A bill to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of certain amounts for business gifts; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. WALDIE, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. WIGGINS, Mr. STEIGER of Arizona, Mr. WINN, Mr. SANDMAN, and Mr. KEATING):

H.R. 11927. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 11928. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 11929. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of California:

H.R. 11930. A bill to amend the Tariff Schedules of the United States with respect to the rates of duty on sets of tuned bells; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia (for himself, Mr. EILBERG, Mr. GAYDOS, Mrs. GRASSO, Mr. HARRINGTON, Mrs. HICKS of Massachusetts, Mr. CÓRDOVA, Mr. KEMP, and Mr. RANGEL):

H.R. 11931. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States or to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NATCHER:

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.

By Mr. BURKE of Florida:

H.R. 11933. A bill to provide for the issuance of a commemorative stamp in honor of the first enlisted women in the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. HANNA:

H.R. 11934. A bill to amend section 408(d)(4) of the National Housing Act (relating to certain prohibited transactions on the part of savings and loan holding companies); to the Committee on Banking and Currency.

By Mr. HARSHA (for himself and Mr. BROYHILL of Virginia):

H.R. 11935. A bill to provide for the development of certain real estate in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HÉBERT (for himself and Mr. ARENDS) (by request):

H.R. 11936. A bill to authorize the transportation of dependents of certain military personnel to and from rest and recuperation centers, and for the payment of per diem allowances for such dependents, and for other purposes; to the Committee on Armed Services.

By Mr. LONG of Maryland:

H.R. 11937. A bill to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional team sports; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 11938. A bill to amend section 6 of the United Nations Participation Act of 1945 to require approval by the Congress of the use of Armed Forces of the United States under article 42 of the Charter of the United Nations; to the Committee on Foreign Affairs.

By Mr. ASPIN:

H. Con. Res. 468. Concurrent resolution expressing the sense of the Congress with respect to speedy trials; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H. Con. Res. 469. Concurrent resolution to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black; to the Committee on House Administration.

By Mr. QUIE:

H. Res. 716. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

286. By the SPEAKER: Memorial of the Legislature of the territory of Guam, relative to acquisition by the U.S. Navy of Sella Bay; to the Committee on Interior and Insular Affairs.

287. Also, memorial of the Legislature of the State of California, relative to motor vehicle damages; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 11939. A bill for the relief of the Farmers Chemical Association, Inc.; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 11940. A bill to provide for the striking of medals in commemoration of Jim Thorpe; to the Committee on Banking and Currency.

By Mr. HELSTOSKI:

H.R. 11941. A bill for the relief of Miss Stanislawa Mazur; to the Committee on the Judiciary.

H.R. 11942. A bill for the relief of Mr. and Mrs. Salvatore Ilardi; to the Committee on the Judiciary.

By Mr. PELLY:
H.R. 11943. A bill for the relief of Kiichi Tomiyama; to the Committee on the Judiciary.
By Mr. SISK:
H.R. 11944. A bill for the relief of Sixto M. Pagaran; to the Committee on the Judiciary.
By Mr. TEAGUE of California:
H.R. 11945. A bill for the relief of Hyun Ki Hong; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

162. By the SPEAKER: Petition of the Puerto Rico Free Federation of Labor, Santurce, relative to exempting Puerto Rico from the wage-price freeze; to the Committee on Banking and Currency.

163. Also, petition of the Puerto Rico Free Federation of Labor, Santurce, relative to extending the National Labor Standards Act of 1938 to Puerto Rico; to the Committee on Education and Labor.

164. Also, petition of the Puerto Rico Free Federation of Labor, Santurce, relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

165. Also, petition of the City Council, New York, N.Y., relative to the international traffic in illegal narcotics; to the Committee on Foreign Affairs.

166. Also, petition of the Puerto Rico Free Federation of Labor, Santurce, requesting that Puerto Rico be considered on an equal footing with the States with regard to social and economic rehabilitation measures; to the Committee on Interior and Insular Affairs.

167. Also, petition of Louise Steadtler Hoff, South Norwalk, Conn., relative to redress of grievances; to the Committee on the Judiciary.

168. Also, petition of Daniel Leveque, Sheboygan, Wis., relative to redress of grievances; to the Committee on the Judiciary.

169. Also, petition of James T. Moore, Springfield, Mo., relative to renunciation of citizenship; to the Committee on the Judiciary.

# SENATE—*Monday, November 29, 1971*

The Senate met at 10 a.m. 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:

Eternal Father, who has watched over us and brought us to this time and place, we thank Thee for hours of memory and thanksgiving, for rest to frayed and fevered spirits, and for renewal of mind and body. We thank Thee for this reverential pause before demanding hours lay their firm grip upon us. Empty us of all ugly prejudices and unworthy motives which would obstruct us from being the healing channel Thou dost desire for our common humanity. Grant us this day light to guide us, courage to support us, and the boundless compassion of love to unite us.

We lift our prayer in the name of the Great Redeemer. Amen.

### REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of November 24, 1971, Mr. HUGHES, from the Committee on Labor and Public Welfare, reported favorably, with additional amendments, on November 24, 1971, the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse, and submitted a report (No. 92–509) thereon, which was printed.

### THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 24, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### PRIVILEGE OF THE FLOOR

Mr. SCOTT. Mr. President, I ask unanimous consent that my staff assistants Hannah McCornack and Ken Davis be granted the privilege of the floor for the remainder of this week.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

### ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is now recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, having received word from the able Senator from Iowa (Mr. HUGHES) that he would like to have the order vacated, I ask unanimous consent that the order be vacated and that I be recognized in his stead.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### THE U.N. ROLE IN THE MIDDLE EAST

Mr. BYRD of West Virginia. Mr. President, according to recent reports, the situation in the Middle East has come to a point where Egypt and Israel are practically poised for battle. It would appear that the diplomatic efforts of the United States and other interested countries have failed to produce a climate other than distrust and hostility between the rival states. The distinct impression is given that the differences are irreconcilable. If this is, indeed, true, the consequences for the world could be disastrous.

In this connection, it would seem that the United Nations, to which the United States contributes 32.52 percent of the total annual general budget, should be more effective than has been the case during the years of tension. I am fully aware that member nations always put their major national interests ahead of their responsibilities as members of the U.N. and that reality is one which renders agreed solutions to international problems extremely difficult, if not impossible. Nevertheless, it disturbs me that the prestige and efficacy of the world body is so lightly regarded that it has so far been unable to inject its presence to fill the gap between the Egyptian demand for full Israeli withdrawal from territory formerly held by Egypt and the Israeli position of partial cession.

A case in point is the Sinai Peninsula, which, until the 6-day war, had been Egyptian territory since 1906. No general agreement between Israel and Egypt is possible without disposition of the Sinai satisfactory to both sides. Israel has indicated a willingness to surrender the bulk of the Sinai, provided that its forces remain in Sharm el Sheikh to insure free passage of ships bound for Elath and provided these forces are connected to Israel by the coastal road Israel has built. However reasonable this may seem, it has the serious flaw that no Egyptian Government can accept a cession of territory that was Egyptian for more than half a century as a bargaining condition without incurring the fierce enmity of its own people. So we have an impasse, that lacking resolution, makes general agreement between the parties out of the question.

Nevertheless, if the saber rattling being heard on both sides of the Suez is to be stilled, a workable formula has to be found. Unilateral, bilateral, and multilateral diplomacy appears to have made no impression—the antipathies are as strong today as they were 17 years ago. It troubles me that the United Nations seems unable to make any practical contribution other than to have had that admittedly able diplomat, Dr. Gunnar Jarring, as its special representative on the scene for 4 years. I would not advo-