considered, I have always stood for the strictest possible disclosure rule.  

But to use the terms "public financing" and "campaign reform" interchangeably or as synonyms is erroneous.  

So the campaign-finance report is really divided into two parts—the public financing part and the campaign reform part.  

I would prefer that there could be two separate votes on these issues. I would vote for campaign reform and against public financing. But that is not to be, and I must vote for or against the report. There can be no division of the question.  

But why do I oppose requiring the taxpayers to pay the cost of elections? Debates as reported in the RECORD are full of reasons that I have assigned.  

First, public financing of elections is a raid on the taxpayers' pocketbooks for the benefit of politicians. Subsidizing the candidates with funds from the Treasury only adds to the escalating costs of elections when we should be limiting and reducing election costs.  

Second, the voluntary spirit of citizen participation in elections will be lost where the public treasury is required to pay the cost; and it deprives the citizens of first amendment rights in depriving them of freedom of expression implicit in the right to contribute to the candidate or candidates of their choice.  

Third, it forces a person to contribute to a candidate whose views might be violently opposed to the views of the taxpayer. This objection cannot be met by the contention that only checkoff funds are being used, for these funds belong to all taxpayers and not just to those who participated in the checkoff.  

Fourth, Presidential primaries already are spectacle enough without the Federal Treasury adding from $5 to $7 1/2 million more to each candidate's funds.  

I have been told that there are some 6, 8, 10 or 12 candidates for the Presidency right here in this Chamber, not here on this floor at this time, but they are Members of this body. I have been told there are some 6, 8, or 10 Members of the Senate who will be candidates for the Presidency.  

This bill, of course, would make them a present provided they get enough popular support to get in excess of $5 million, up to as much as $6 or $7 1/2 million, which, if true, each of the candidates from this Senate or from the House, over the course of the campaign chest.  

Now, the time approaches for the movement of the Senate over to the House Chamber, and I would ask unanimous consent that I might yield the floor at this time, in order that the majority leader may address the motion to the Chamber, with the understanding that I remain the right to the floor when we come back.  

The PRESIDING OFFICER. The Senator from Montana.  

Mr. MANSFIELD. Mr. President, with the proviso that the distinguished Senator from Alabama retains the floor, Mr. President, will I yield the floor at this time, in order, that the majority leader may address the motion to the Chamber, or may I yield?  

Mr. ALLEN. I am delighted to yield.  

QUORUM CALL  

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

The PRESIDING OFFICER. The clerk will call the roll.  

The second assistant legislative clerk proceeded to call the roll.  

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.  

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

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield to me without losing his right to the floor?  

Mr. ALLEN. I yield.  

IMPLEMENTATION OF THE PRESIDENT'S RECOMMENDATIONS  

Mr. MANSFIELD. Mr. President, I would suggest that in line with the President's request this afternoon the Senate give consideration to the possibility of taking up tomorrow, after the deep-water ports bill is disposed of, Calendar No. 1164, S. 3978, a bill to increase the availability of reasonably priced mortgage credit for home purchases.
worth $3 million to the public, as a show or as a spectacle. But I hate to see the taxpayer called on to pay $2 million to each party so that it can meet and hold nominating conventions. That is what this conference report would do. That is a new idea by the House, agreed to by the Senate conference.

Mr. President, let us examine the record to see whether positions which I and many other Senators of similar views have advocated on and off the Senate floor have had an influence, with an assist from the House, in shaping the final provisions of the legislation we are now about to vote upon. Look in the conference report, both on the true campaign reform and even on the public financing.

To do so it is necessary to go back to August 5, 1971, when the present campaign law—Public Law 92-225—was under consideration in the Senate as S. 372. That bill—that is, the present law—sought only to limit expenditures for media advertising, pretty skimpy proposals—TV, radio, newspapers, billboards—but placed no limit—and the present law does not—on the 101 other necessary expenses the candidates will have to pay for, which is the sky limit: Brochures, handbills, printing, WATS lines, telephones, post­age, stationery, automobiles, trucks, tele­grams, campaign headquarters—State and various local ones, unlimited campaign workers, airplane rentals and the like—special and regular, campaign newspapers—distinguished from the media—movie theatre film advertisements, campaign staffs, public relations firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelty items, bumper stickers, sample ballots, and many others that I did not think of. Those were not covered under the present law. Those were not covered when S. 372 was reported.

It was quite obvious to me that this limitation was far from adequate and that there should be a limitation on total expenditures for all purposes. So, on that date I offered amendment No. 306, the purpose of which was to place a limitation on the total amount that could be spent by a candidate for any and all purposes. The amendment failed of passage by a vote of 31 to 60, but for the first time action had been taken on the Senate floor that would have put an effective limit on expenditures by a candidate in an election. Embraced in the report now is the concept of limiting all expenditures, as provided in my amendment, and not limiting media advertising only. Mr. President, the concept of the amendment that was offered limited $2,000 in total, is now carried forward in the conference report, limiting the total expenditures for all purposes and not just media advertising, as the limit is now.

Next came the passage in the Senate on May 10, 1972, by a vote of 52 to 4, of S. 372, which I supported in committee and on the floor. It had most of these desirable campaign reforms in it, but it did not have campaign financing. It did not have public financing. During the course of the consideration of this bill on the Senate floor, a public financing amendment was defeated. So just a little over a year ago, the Senate was voting down public financing. Mr. President, I voted for, and supported in committee and on the floor of the Senate, S. 372, which did provide true campaign reform.

Let us continue examining areas where the position of reform-minded op­ponents of public campaign financing was upheld. Not only did the amendment set forth in the conference report, both on the true campaign reform and even on the public financing.

By a vote of 39 years to 51, the Senate rejected the Allen amendment—this is while S. 3044 was pending in the Senate—to strike the provisions for pub­lic financing out of the bill. The Senator from Tennessee (Mr. BAKER) offered this amendment to see whether positions which I and many other Senators of similar views have advocated on and off the Senate floor have had some little success in shaping the campaign reform aspects of the legislation that is now before us.

Mr. President, those of us who have sought campaign reform and have op­posed just turning the bill over to the taxpayer have had some little success in shaping the campaign reform aspects of the legislation that is now before us.

By and large, whenever an opponent of public financing of taxpayer-subsidized financing is found, one finds a person who advocates true campaign reform: cutting down the amount of au­thorized expenditures, cutting down on the size and source of all contributions and to provide that no contributions could be made to a candidate on the day of the election, the reform-minded opponents of public financing supported this fine amendment that would have provided for disclosure.

Mr. President, while this bill S. 3044 was pending, I offered an amendment providing that no Member of the House or Senate could charge or receive any honorarium for speeches, appearances, or writings. The Senate defeated that amendment. They did not want any lim­itation on honoraria, the supporters of public financing, the reform-minded opponents. They wanted the sky to be the limit, apparently, for contributions. So that was defeated, here, in the Senate.

However, the House grabbed hold of that idea, and provided that the hon­orarium limitation be $1,000 per appear­ance or writing or speech, with a total of $10,000 permissible. Well, the confer­ence report comes here with $1,000 for each appearance or writing or speech, and a $15,000 limit. At any rate, there is some limit to it, rather than the sky being the limit, as at present. That is a victory, in which the reform-minded opponents of public financing did make their influence felt in the final conference report.

Mr. President, here, on the Senate floor, in a rare burst of economy for the taxpayer, the Senate adopted an amend­ment to cut the Senate expenditures by 20 percent. One of the effects of an amendment to cut the Senate expenditures by 20 percent is that the amount which might be spent by each candidate—that is a 20 percent reduction. It was cut from 10 cents per person of voting age to 8 cents in pri­maries and from 15 cents to 12 cents per person of voting age as the amount that could be spent in a primary or a general election.
Let me hasten to add that the conference provided very well to nullify that fine step toward economy, that would have saved the taxpayers millions of dollars, by allowing an exemption from this limit 20 percent of permissible expenditures, to be used for fundraising only. The effect of that amendment is to limit the figure to a candidate for the nomination of one of the major parties for the Presidency. The limit is $10 million in the primary for each candidate, half of which can be public. The topped that off with the cream of allowing $2 million to each candidate for the presentation to a convention which is sometimes little better than a vaudeville show, I feel is a pretty high expense for the taxpayers to be called on to pay, $2 million to each party, and then to pay up to $5 million to finance these dozens of candidates which would be running for the Presidency. So when the conference report comes up for adoption, the Senator from Alabama plans to vote "nay."

Mr. BIDEN. Mr. President, I wish to congratulate the Senate conferees, and particularly Senator CANNON, the chairman of the Committee on Rules, for the exemplary job done in a very difficult several weeks of trying to work out a compromise bill with the House. There are many features of the bill that I support.

Mr. President, on the first day of this month, conferences of the Senate and the House of Representatives agreed on details of a public financing campaign bill that we hope will eliminate the influence of "big money" and allied ills that characterize our present system of electing Presidents and Members of Congress.

I wish to add my "thank you" to the many others deservedly awarded this afternoon to Senator CANNON, chairman of the Rules Committee, who helped in a major way to work out a compromise bill between the Senate and the House-passed version.

I share the disappointment of many here in the Senate Chamber that the conference report does not include public financing of congressional primaries and general elections. But I do believe that the public financing provision in the House bill, which pleased many others deservedly awarded this afternoon to Senator CANNON, chairman of the Rules Committee, who helped in a major way to work out a compromise bill between the Senate and the House-passed version.

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ing that candidates can expend in seeking Federal elective office, particularly with regard to the Senate and House races.

We have been noble in our discussions about the need to get new blood into the political fields, but in my opinion, the chief reason for reform is to encourage new persons. This bill is to encourage new persons, to unseat incumbents, which everyone recognizes is a very difficult thing to do at best.

Mr. President, I am very concerned that we not lose sight of the shortcomings of this bill. It may very well be setting a different time 4 years from now about this bill, with some provisions that may favor incumbents, when I will be eligible for reelection. I, as an incumbent, would be very happy about the fact that a challenger is limited to the same amount of money that I am limited to expend, which is low especially for the most populous States. Yet, in addition, I have a significant weapon in incumbency with the amount that I have available for my staff paid for by the tax-payers, the franking privilege; and other benefits of being an incumbent which translate directly into immense benefit in an election year in terms of waging a campaign.

I would hope the reformers outside of Congress and the common causes of the world, who spend a good deal of time beating their breasts about what, in fact, is in the best interests of the Nation, also not lose sight of the fact that we, in my opinion, may be going to be locking in the incumbents.

This bill may perhaps have exactly the opposite effect of what it is designed to do—opening up the process to newcomers. This is because of what I consider, as opposed to the Senator from Alabama, excessively large dollar amounts that are able to be expended contributed.

When we talk about 12 cents per voter in a general election, and 10 cents per voter in a primary, in a State like California where we have 20 million residents, I suspect unknown candidates are going to have to spend all of that money just to become known as I was when in 1972 I sought the office of U.S. Senator. At that time, I was known by less than 10 percent of the people of my State 6 months before the general election. So an unknown candidate will have to spend every cent of that public-financing money just to get his or her name known. This does not leave money to inform what positions one takes, or to know anything about him or her, but merely to get the voters of that State to identify who the candidate is and that, in fact, he or she is a challenger.

Mr. President, I still am an ardent supporter of partial public financing. I have also been a strong supporter of many other of the provisions that are contained in this bill.

But the American public should be made aware that there is a tendency in the bill to lock-in the Incumbents.

For example if, in fact, I had been limited to spending the amount of money set out in this bill in the little State of Delaware for the 1972 general election when I ran, there is a possibility that I would not be standing here today taking the time of the Senate at 3:30 in the evening. I could have used the money for me to stop talking and to go home. This bill would have made it more difficult for me to have won that election—not impossible, but more difficult. The bill is much harder on candidates in more populous States. I see my good friend Mr. Buckley over there smiling, I am not sure why—but my good friend, the Senator from New York, if he were in the position of having an unknown challenger the next time I suspect it would be very difficult for a challenger to mount a campaign and look at the figures over being able to be known by 50 percent of the voters in that State. I hope I am wrong about that, but I just want to put the Senate on notice. I have not heard much about this, that if, in fact, I am right about this, that the so-called reformers and reformers by self, oligarchs and liberals, the so-called reformers, will come forward and rectify what may develop into an onerous situation. Good things can be abused as well as bad things remedied.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BIDEN. I yield.

Mr. ALLEN. Well, does this unknown challenger not benefit sometimes by how well known the incumbent is, which sometimes aids the challenger?

Mr. BIDEN. That is true, that often occurs. But the percentages do not back that up. If we look at the figures over the 70 years of this century it shows that, as bad as some of the incumbents have been, it is easier to perpetuate a bad incumbent than elect a good unknown challenger.

There is an old saying in football: "You have to beat the boy to beat somebody." I am not sure you can even convince the voters to beat somebody if that somebody does not get a chance to become known at all.

In sum, I think these spending limits in the bill are low. I think they militate and are weighted in favor of incumbents. I hope, if I am correct, that, as I said, those who talk most about reform in this body will be prepared to come forward, and, at least, recognize the fact that low limits, whether 10 cents or 20 cents, are weighted in favor of incumbents.

But I did, however, prepare some questions based on the earlier versions, and I would like to pose them to the distinguished sponsor of the bill so that I might have some clarification in my own mind and in the record. Perhaps these questions are not relevant to what has just been the emergency expenditure and, if so, I am sure I will be so advised.

I would like to ask the distinguished sponsor whether he considers that the subsidy proposal and the limits on campaign contributions are independent proposals or are they integral parts of a comprehensive plan?

Mr. CANNON. Mr. BIDEN, I am sorry I was not in good enough attention so that I could hear what the Senator was saying.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate may proceed.

Mr. BUCKLEY. Does the distinguished Senator consider that the subsidy proposal and the limits on campaign contributions are independent proposals or are they integral parts of a comprehensive plan?

Mr. CANNON. Well, no, they are certainly independent. They were arrived at in a completely independent manner.

Mr. BUCKLEY. Did the committee consider proposing these two independent parts as two independent bills?

Mr. CANNON. No. The committee made no such proposal. The bill was enacted here on the floor and contained in the Senate bill the proposal for the public financing for the Presidential elections and also for the congressional elections. In addition, the Senate wrote its will with respect to the limit on contributions and the limit on expenditures. Mr.ionale were not parts of different bills. It was all in one bill, and it was so considered by the House and by the conference.

It is quite a different manner, I may say, as the distinguished Senator from Alabama just pointed out when it was passed by the Senate.

Mr. BUCKLEY. Do the sponsors of the conference committee bill agree that subsidies to candidates are more necessary in Presidential than in congressional elections to provide for opportunities for participation in those expenditures. Mr. CANNON. Financial resources of individual candidates?

Mr. CANNON. Well, that I assume is what they believed by signing the conference report. The distinguished Senator from Alabama did not sign it. Some who signed the conference report are not overly enthusiastic about the financing part. But it was quite evident that the public financing, at least for Presidential races, was more important than that for congressional races, else the conference would have so indicated.

Mr. BUCKLEY. Should we, therefore, conclude that, in the opinion of the conference, there is a greater need to reduce...
the pressure on Presidential candidates from large campaign contributions than there is to reduce such pressure on congressional candidates?

Mr. CANNON. I do not know that that would necessarily follow. But I would say that the recent experiences in Watergate certainly demonstrate the dangers of large contributions, of the use of large amounts of cash, and I am sure that had it not been for Watergate, the facts of Watergate, that we would not have been able to have a public financing provision in this bill, that we did not have a provision for large contributions, of the kind that were made to the campaign of Mr. Nixon from Alabama pointed out a little earlier. And when this came up in S. 372 this body defeated the public financing features, and that was just a short time ago, the year before last.

Mr. BUCKLEY. I conclude, therefore, that the sponsors of the conference, individuals running for the Senate or House are less subject to these monetary pressures than someone running for the Presidency?

Mr. CANNON. Well, I do not know that that particular issue was considered, as such.

I would just say, the conference was up against a situation where the House was adamantly opposed to any public financing for congressional races, whatever their reasons may have been. Among the Senate conferees, a group of us favored public financing for congressional races, but with the House remaining adamant it was not possible to carry that out.

There was no decision made that the Members of Congress were less suspect, or more suspect. That decision was simply not made.

But the Senate conferees were not unanimous in support of public financing for congressional races, that did come out of the Senate bill.

Mr. BUCKLEY. It is my understanding when the Senate originally considered the limitations that it was the conclusion that was reached by the conference was required to run a minimal, competent House race, yet the bill before us would limit House expenditures to $70,000.

Did the sponsors consider the effect that this $70,000 limit on candidate expenditures in the House would have on the chances of incumbents seeking reelection?

Mr. CANNON. Yes, the conference did consider that, and the Senator is correct that when we passed the bill in the Senate, we wrote in the $90,000 figure for House Members.

We wrote it in thinking that was probably about the right amount, but, more importantly, we felt that the House itself should make that determination as to what was the approximately correct amount, and we made our own determinations as to what it should be in the Senate.

The House came back with a bill that had only $60,000, and if for one, I thought that was too low, and a number of our conference did. We thought it was an incumbent bill as far as House Members were concerned with that kind of limit, it favored incumbents.

This was part of our trading package, as we do in conference. We finally got the House to come up by reason of some concessions we had to make to $70,000, plus the fact that one can use up to 20 percent for fundraising purposes.

That means that the total amount that the House Member could then spend is $84,000, which is not much below the Senate total.

There has been some talk about this fund raising limit that was put in that the House had, and I did not think of it here or I would have had it in myself. I do not think it is a proper figure to be included to say that if we are going out to put in a fancy dinner and it costs $10 a person to put the dinner on and we charge $25 a person, that that $10 we have to pay for the dinner is going to be charged against the overall expenditure allowance in the campaign, because that is not what it is doing. It is helping to raise money, but it has to be shown.

If we were to go out in a mail campaign to solicit funds, as many candidates do, the cost of that mailing is rather substantial. In a Presidential race it is terrifically high, but even in a congressional race it is quite substantial. To say that is part of the expenditure limit for getting elected, I do not think is quite proper.

Therefore, I was very happy to go along with the House provision that one could spend up to 20 percent for fund raising purposes.

We do not get that exemption if we do not spend it for those purposes, and it is all fully reportable.

Mr. BUCKLEY. I thank the Senator.

Do the sponsors of the bill believe, as the Common Cause legal memorandum states, that:

Campaign contributions are all too often only an attenuated form of bribery.

Mr. CANNON. I am not familiar with that Common Cause memorandum and if the Senator wants to pose a question to me specifically as to what I think, I can give an answer to that, but I do not want to try to second-guess what somebody else has called.

Mr. BUCKLEY. Do the sponsors believe that certain forms of political advertising have become too persuasive? If so, do they regard the bill as a means of limiting the persuasiveness of such advertising?

Mr. CANNON. I cannot answer that in that context.

I would assume that all political advertising has some persuasive value, else it would not be used by candidates or by organizations.

I do not remember considering that precisely in the context in which the Senator has advanced it.

Mr. BUCKLEY. But it does not limit the amount of persuasiveness one can put into the atmosphere?

Mr. CANNON. Well, certainly, the amount one can spend, certainly, is going to limit the amount of persuasive advertising one can put forward to the public, the overall amount.

That was the intention of these limitations, to limit the overall amount, because we felt that there ought to be a limit beyond which one cannot go in saturating the airways, the radio, the TV, newspapers, and the personnel expenditures, the hiring of people, billboards, and so on, and that is the basic reason to try to limit the cost somewhat and not get into a bought campaign.

Mr. BUCKLEY. Do the sponsors believe that financial contributions are an inherently more dangerous form of political advertising than, for instance, action such as demonstrations, rallies, pamphleteering, doorbell ringing and telephone canvassing?

Mr. CANNON. I could not guess between them, I think all of those have some cost. Costs on the area one is in, the type, manner in which they are put forth, and the individuals involved.

We made no comparative judgment between those facts.

Mr. BUCKLEY. Do the sponsors believe that the bill will reduce the chances for third party candidates to make effective races for the Presidency?

Mr. CANNON. No. The intent precisely was to insure that this would not reduce the effectiveness of third-party candidates, that they should have a proper opportunity.

Now, all candidates, major and minor, independent or other, are treated alike with respect to matching grants for the primaries. Each must raise his threshold of $100,000 in each of 20 States, with the first $250 of any contribution eligible for matching grants.

Of course, in the general election, candidates are treated in a different manner, depending upon whether they are the nominated candidates of a major party or a minor party.

A major party is one whose candidate received 25 percent or more of the vote at the last general election.

A minor party is one whose candidate received less than 25 percent but at least 5 percent of the vote at the last general election.

Major party candidates could receive full public financing up to $20 million limit. And minor party candidates could receive an amount reflecting the ratio of the votes cast for the minor party candidate to the average of the votes cast for all candidates.

In the case of minor party candidates and new party candidates, if the vote at the current general election is in excess of 5 percent and better the percentage of votes cast at the last general election then the minor or new party candidate would be entitled to be reimbursed for expenditures made up to the difference as determined by the improved vote.

Now, we did this, specifically, to try to protect other than the major candidate.

Mr. BUCKLEY. But the fact is that, if one, for example, if there are actual ballots there is no right of reimbursement or financing, therefore, to that extent, there is not equality treatment, is that correct?

Mr. CANNON. Well, if the Senator interprets it that way, the facts are correct.

Then an actual appeal to the voters before they would be entitled to reimbursement. They would not be able to get any money before that time.

Mr. BUCKLEY. But they would have to finance the whole campaign before any rights of reimbursement?
Mr. President, I send to the desk a motion to recommit, with instructions that are designed to inject into this some sort of equity as between incumbents and challengers.

Mr. MANSFIELD. Will the Senator yield for 1 minute?

Mr. BUCKLEY. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that while the first vote will take 15 minutes, that the second vote, which I understand may well be limited to 10 minutes.

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

Mr. MANSFIELD. Vote.

Mr. BUCKLEY. I would like to say what this motion does, Mr. President. It would merely provide that challengers may spend 30 percent more than the limitations that are applicable to incumbent candidates.

Mr. LONG. Mr. President, I wish to congratulate the Senator from Nevada (Mr. CANNON) and his associates for the very fine work in moving forward in an attempt to assure that the person who is the President of the United States will be President because a majority of the people agree with the arguments that he has to make, and not because someone is better able to contribute to someone's campaign fund than those available to contribute to the other man.

I have been working in this area for a number of years now, Mr. President, since 1966.

I would like to discuss the background and the history of this, and the contribution made by a number of Senators.

The PRESIDING OFFICER. Does the Senator wish to call up his motion to recommit?

Mr. BUCKLEY. I call up my motion to recommit.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

MOTION TO RECOMMEND WRIT INSTRUCTIONS

That the conference report on the bill (S. 3044) be recommitted to conference, with instructions to the Senate conference to insert the following subsection at the appropriate place in section 608 of title 18, United States Code, as amended by the conference report:

"(1) The expenditure limitations under this section apply to incumbent candidates. Nonincumbent candidates who are subject to an expenditure limitation of 100 percent of any limitation applicable to an incumbent candidate.

(2) For purposes of this subsection, an incumbent candidate is a candidate who--

(A) holds an office to which he seeks re-election, or holds public elective office for which the voting constituency is the same, or includes, the voting constituency of the office to which he seeks election, or

(B) has, within the 5 years preceding the election held, been chief election official.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit with instructions. The yeas and nays have been ordered.

Mr. CANNON. Mr. President, I am sure that is subject to a point of order, but I am perfectly willing to have a vote on the matter, on the motion to recommit, because it does suggest matters that were not the subject of either of the bills and therefore could not be permitted for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBBE), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from New Hampshire (Mr. HARRIMAN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) is absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) and the Senator from Indiana (Mr. HARTKE) would each vote "nay."

Mr. HUGH SCOTT. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Oklahoma (Mr. BELLHORNE), the Senator from Utah (Mr. BENNET), the Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. STROMBOY) and the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senate from Hawaii (Mr. BRYAN), the Senator from Virginia (Mr. L. WILLIAM SCOTT), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

I further announce that, if present and voting, the Senator from Kansas (Mr. DOLE) would vote "nay."

The result was announced—yeas 17, nays 61, as follows:

[No. 465 Leg.]

YEAS—17

Allen
Bartlett
Brook
Buckley
Harry F., Jr.

Nunn
Thurmond
Tower
Weicker

NAYS—61

Abourezk
Baker
Beall
Brooke
Clark
Donald
Follette
Hart
Hastings
Hollings

Nelson
Pastore
Pell
Palmer
Randolph
Ribicoff
Santo
Tunney
Williams

INOUYE
Brock
Byrd
Cannon
Emerson
Fannin
Farb
Hatch
Hatchaway
Hollings

Packwood
Byrd,
Robert O.
Cannon
Johnson
Cannon
McClure
McGovern
Muskie

Lott
Massman
McGee
Hornbeck
Mondale
Montoya

Ervin
Baker
Jackson
Jackson
Jackson
Jackson
Jackson
Jackson
Jackson

Dole
Dole
Dole
Dole
Dole
Dole
Dole
Young

NOT VOTING—22

Aiken
Benton
Bilis
Brock
Cox
Dole

Domnick
Ervin
Ervin
Ervin
Hartke
Hatfield

Inouye
Packwood
Patterson
William L.
Sparks
Stennis
Young

Bellmon
Benton
Bille
Church
Church
Dole

Bellmon
Johnson
Gravel
Griffin
Harke
Hatfield

Weicker
Stafford
Young
Young
Young
Young
Young

CANNON. Mr. President, I am sure that is subject to a point of order, but I am perfectly willing to have a vote on the matter, on the motion to recommit, because it does suggest matters that

At least I shall try not to be negative.
So Mr. BUCKLEY's motion to recommit the conference report with instructions was rejected.

The PRESIDING OFFICER. The question now is on adoption of the conference report. The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, just 1 minute. I should like to clarify something, if I may, with the manager of the bill.

A provision of this bill amends section 1502 of title 5 relating to the activity of State or local employees in Federal campaigns. Specifically, it takes out subsection (a) (3), which prohibits a State or local officer or employee from taking an active part in political management or political campaigns, and substitutes for that a prohibition from being a candidate for Federal office.

It is my understanding, and I should like to ask the manager of the bill, my friend from Nevada (Mr. Cannon), if he agrees, that State laws which prohibit a State employee, or local laws which prohibit a local employee, from engaging in Federal campaign activities and Federal campaigns are still valid.

What we are doing is taking out of the Federal law the prohibition against State or local employees from taking an active part in political management or political campaigns? Is that correct?

I think it is quite important, because many of our States have the so-called little Hatch Act, and it was not our intent to repeal those "little Hatch Acts," or to modify them, but to take it out of the Federal law so that Federal law does not prohibit those activities, leaving it up to the States to do so.

Mr. CANNON. The Senator is absolutely correct. Section 401 of the House amendment amended section 1502 of title 5, U.S. Code, relating to influencing elections, taking part in political campaigns, prohibitions, and exceptions, to provide that State and local employees may take an active part in political management and political campaigns, except that they may not be candidates for elective office.

The conference substitute is the same as the House amendment. It was the intent of the conference that any State law regulating the political activity of State or local officers or employees is not preempted, but superseded. We did want to make it clear that if a State has not prohibited those kinds of activities, it would be permissible at the Federal level.

This would get away from the situation in which the Federal Government gives the State funds toward many different programs, and some of those employees have been fearful that they could not participate in Federal campaigns. This would remove the problem.

Mr. STEVENS. It is up to the State to determine to the extent to which they may participate in Federal elections?

Mr. CANNON. The Senator is right. The States make that determination.

Mr. JAVITS. Mr. President, I believe S. 3044 represents a real step forward in campaign reform. However, I am disappointed that it does not provide public financing at the very least on a matching basis for Senate and House races. I remain convinced that this is the only way to truly reform political campaigns and I intend to work for that reform.

The Federal Government gives to the States money and contributions on which I support. I am going to work on measures to more nearly equalize incumbents and challengers than under the present bill. A most important feature of the bill is the Presidential nominating system which will enforce the new law. The Commission will have the power to bring civil suits under the new law and will be a great improvement over the present weak system.

I also believe that the extension of the active part in political management or political campaign practices to all of the Federal Government gives to the current president of the Association of State Bar Associations, Mr. CANNON, and to the president of the Bar of the City of New York; Mr. Williams III, assistant counsel of the National Association of County Officers, and Mr. Schuyler, executive director of the conserviative party; Charles G. Moerdler, a New York City attorney; Whitney North Seymour, Jr., former U.S. attorney and president of the New York State Bar Association; Goldwater, executive director of the Citizens' Union; Cyrus R. Vance, former Deputy Secretary of Defense, Ambassador, and current president of the Association of the Bar of the City of New York; Charles E. Williams III, assistant counsel of the NAACP Legal Defense and Education Fund; and Judith T. Younger, dean of the New York University Law School.

Mr. President, I ask unanimous consent that the text of the State of New York fair campaign code, together with a forward and related material, be printed in the Record.

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

**State of New York Fair Campaign Code**

The State Board of Elections was changed by law with promulgating and adopting a "Fair Campaign Code" setting forth ethical standards of conduct for persons, political parties and committees engaged in election campaigns.

Publication of the Code, as set forth in this pamphlet, is the culmination of a lengthy developmental process, a process that has included: the holding of public hearings in 1968 and 1970; one on campus; the receipt of comments from a wide variety of organizations and individuals; the holding of several conferences; and coordination with the State and national organizations interested in the area of election reform; including, the Senate Select Committee on Campaign Activities, the House Committee on Ethics and the Fair Campaign Practice Committee, both of which have had experience in the national area, and the Secretary of the United States Senate, the Clerk of the United States House of Representatives and the Controller General; recent reports recommending action in the area of reforming campaign practices; examination of pertinent regulations and legislation adopted by our sister states; the aid and advice of a political scientist consultant of recognized experience and stature in this field, Mr. R. E. Smith and the review early on by a broad-based citizens' advisory panel.

This is the first Fair Campaign Code which is reinforced by regulations and compliance with which is mandated. It is one which carries with it an obligation by those involved in political campaigns to obey or else run the risk of substantial fines. It is in addition to other penalties, criminal and civil, which may be invoked depending upon the nature of the infraction.

The fundamental purpose of the Code is to protect the public against immoral and unethical activities, and as stated by the Legislature, "To maintain citizen confidence in and full participation in the political processes of our state to the end that the government of this state be and remain ever regionally
The Board believes that this Code provides an excellent vehicle through which to achieve this purpose. We are well aware, however, that for the Code to be meaningful, it must reflect the sound judgment of candidates and committees and, as well as that of the people of this state. To that end, the Board shall exercise its power to ensure the cooperation and full participation of the latter and the spirit of the Code’s provisions.

FAIR CAMPAIGN CODE

In order that all political campaigns be conducted in a fair manner, and in order that the people of this state may be familiar with the views and qualifications of the candidates for office, and that the people may be fully and equally informed in accordance with the provisions of the Constitution of this state, the Board of Elections pursuant to section four hundred seventy-two of the election law as the Fair Campaign Code for the State of New York.

No person, political party or committee during the course of any campaign for nomination or election to public office or party position shall engage in, or cause others to engage in, the preparation or distribution of any materials or assets, placing one’s own employees or agents in the campaign organization of another candidate, bribery of members of the public or public officials, or any other act or omission with the intent of deceiving the public or other persons or organizations. The preparation, circulation or distribution of any materials or assets shall be determined by the Board of Elections as to whether it is in the public interest and in the public’s best interest. The Board shall have the power to punish any person, political party or committee, and members thereof, for any violation of this Code.

1. Practices of political espionage including, but not limited to, the use of private means, public means, or any other means of payment of money or any other consideration, or by means of political espionage, to subvert the integrity of the campaign, or to influence the outcome of the election. The use of political espionage shall be considered a violation of the Code.

2. Political practices involving subversion of the political process including, but not limited to, the preparation or distribution of any materials or assets, placing one’s own employees or agents in the campaign organization of another candidate, bribery of members of the public or public officials, or any other act or omission with the intent of deceiving the public or other persons or organizations. The preparation, circulation or distribution of any materials or assets shall be determined by the Board of Elections as to whether it is in the public interest and in the public’s best interest. The Board shall have the power to punish any person, political party or committee, and members thereof, for any violation of this Code.

3. Misrepresentation of any candidate's qualifications including, but not limited to, the use of private means, public means, or any other means of payment of money or any other consideration, or by means of political espionage, to subvert the integrity of the campaign, or to influence the outcome of the election. The use of political espionage shall be considered a violation of the Code.

4. Misrepresentation of any candidate's qualifications including, but not limited to, the use of private means, public means, or any other means of payment of money or any other consideration, or by means of political espionage, to subvert the integrity of the campaign, or to influence the outcome of the election. The use of political espionage shall be considered a violation of the Code.

5. Misrepresentation of any candidate's position including, but not limited to, misrepresentation as to political issues or his voting record, or any other matter which may be held by a candidate, use of the phrase “elect” when, in fact, the candidate has never been elected to the office for which he is a candidate.

6. Misrepresentation of any candidate's position including, but not limited to, misrepresentation as to political issues or his voting record, or any other matter which may be held by a candidate, use of the phrase “elect” when, in fact, the candidate has never been elected to the office for which he is a candidate.

7. Misrepresentation of the content or results of a poll relating to any candidate's qualifications, position, party affiliation or anything relating to the character of the candidate, his voting record, or his personal or family life, as well as any other publication, or any other matter which may be held by a candidate, use of the phrase “elect” when, in fact, the candidate has never been elected to the office for which he is a candidate.

8. Misrepresentation of the content or results of a poll relating to any candidate's qualifications, position, party affiliation or anything relating to the character of the candidate, his voting record, or his personal or family life, as well as any other publication, or any other matter which may be held by a candidate, use of the phrase “elect” when, in fact, the candidate has never been elected to the office for which he is a candidate.

Penalties:

In addition to any other civil or criminal penalties which may be provided for by law, the Board of Elections shall impose a civil penalty, not to exceed one thousand dollars, upon any person, political party or committee, and members thereof, for any violation of this Code.
Nor should the earlier voices raised in this cause be forgotten. President Theodore Roosevelt called for public financing in 1907 and a generation later Senator Henry Cabot Lodge renewed the fight that is being won today.

These organizations have been joined by thousands of individual citizens, who demonstrated that they could be as dedicated as we were our constitutional framers, to a system of free, vigorous, fair, and meaningful elections. Without the support of these citizens, we would not have this bill before us.

I was pleased to join many of my colleagues in working for the Federal Elections Campaign Act of 1971. That bill, which contained some 13 amendments which I offered on the Senate floor, established for the first time the principle that all large contributions should be made by the taxpayers and campaigns were public business. It was followed by the "tax checkoff" amendment to the Revenue Act of 1971 which permitted an individual American to express support for a system of public financing for federal campaign expenses by designating $1 of his federal taxes for this purpose. The response to the checkoff has been very encouraging, and it is appropriate that this bill extends the scope of the checkoff to primary campaigns, and insures that all money designated by the taxpayer will be available for candidates, if needed.

In 1972, I cochaired, with Senator Stevensen, the Ad Hoc Committee for Congressional Reform. During the public hearings of this informal committee, we focused on the need for legislation of the type which we will vote on shortly. As a result of these hearings, and of the widespread concern evidenced throughout Maryland, I introduced a bill with Senator Stevensson, and another with Senator Hart, which together contained the major features of the legislation before us.

The public response to these initiatives was strong and positive. I testified before the Senate Rules Committee last September in favor of this legislation, and joined with the majority of that committee in supporting the bill. S. 3044, which was reported to the floor. In one major area, however, I feel that the bill before us now is insufficient. That is the area of public financing for congressional campaigns. The Senate expressed its support of public financing for Congress by a 60 to 26 vote. I am disappointed that the conference report we are considering does not make the significant contribution that a bill with some measure of truly meaningful reform and to congressional elections. I believe that the time was especially propitious for this action.

The House conference, however, were unanimous in their opposition. To me the question was between achieving a bill with some measure of truly meaningful reform and no bill at all.

I am pleased we have achieved some notable success:

First, we have extended public financing to Presidential primaries.

Second, we have agreed to a Federal Election Commission with an ability to act independently, and with some—if not all—of the enforcement authority recommended by the Senate.

Third, we have achieved new, realistic and salutary limits to campaign spending. In so doing we have reduced the possibilities of corruption by special interests, and the possibilities of abuse of power by those subject to such corruption.

The bill may not be a giant stride forward in election reform—I believe the Senate bill could have provided such a major advance. But the legislation which has emerged from our conference, none-theless, takes very important and history-making new steps in the right direction.

A GIANT FIRST STEP

Mr. MONDALIE. Mr. President, this is an historic day for the Senate. The campaign finance reform legislation we will vote on this afternoon represents months and years of work by many dedicated people, both in and out of the Congress. It is our best and most constructive response to the terrible abuses of Water-gate.

I am especially pleased that the bill incorporates the provisions for public financing of Presidential primaries sponsored by Senator Schweiker and myself in the Senate, and by Congressman John Brademas in the House.

This blended system of public and private financing of Presidential primaries will encourage small private contributions, and lessen the dependence of candidates on wealthy and powerful special interests. Candidates will be free, as they should be, to serve only their conscience and their constituents.

While I believe that public financing was not extended to House and Senate elections, I believe the legislation we will approve today has laid the needed groundwork for public financing of all Federal elections. It is only a first step, public financing.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the Record the following material which has been prepared by the Center for Public Financing of Elections:

A summary ... (to be printed in the Record as follows): THE CAMPAIGN

FIRST STEP

$1,000 limit on amount an individual may contribute to any candidate for U.S. House, Senate, or President in primary campaign (Presidential primaries treated as single election).

$1,000 limit on contribution to any federal candidate in general election (run-offs and special elections treated as separate elections; separate $1,000 limit applies).

No individual may contribute more than $35,000 for all federal campaigns for entire campaign period (includes contributions to party organizations supporting federal candidates).

No more than $1,000 in independent expenditures on behalf of any one candidate for federal office per entire campaign is permitted.

Certain "in-kind" contributions (up to $10,000 per candidate per election) are exempt from contribution limits.

Limits on Organization Contributions (to qualify as an organization, must be registered with Elections Commission for six months). Each organization receives contributions from more than 50 persons and, except for state party organizations, make contributions to at least five candidates).

To limit amount an organization may contribute to any candidate for U.S. House, Senate, or President in primary election campaign (Presidential primaries treated as single election).

$5,000 limit on contributions to any federal candidate in general election (run-offs and special elections treated as separate elections; separate $5,000 limit applies).
Conventions

$2 million; optional. Major parties automatically qualify. Minor parties eligible for lesser amount based on proportion of votes received in past or current election.

**Primaries**

Federal matching of private contributions up to $250, once candidate has qualified by raising $100,000 ($5,000 in each of 20 states) in matchable contributions. Only first $250 of any one donor counts. The candidates of any one party together may receive no more than 45 percent of total amount available in the Fund; no single candidate may exceed 25 percent of total available. Only private gifts raised after January 1, 1973 qualify for matching for the 1976 election; no federal payments will be made before January 1, 1976.

**Enforcement**

Creates 6-member Federal Elections Commission responsible for administering election law and public financing program, and vested with primary civil enforcement.

President and Senate Pro-Tem of Senate each appoint two members (of different parties), all subject to confirmation by both Houses of Congress. (Such members may not be officials or employees of any branch of government at time of appointment.)

Secretary of Senate and Clerk of House to serve as ex-officio, non-voting members of the Commission, and their officers to serve as custodians of records for candidates for Senate and House.

Commissioners to serve full-time, six-year staggered terms. Rotating one-year chairmanship.

Commission to receive campaign reports; make rules and regulations (subject to confirmation by both Houses of Congress). Maintains cumulative index of reports filed and not filed; make special and regular reports to Congress and President; serve as election information clearinghouse.

Criminal violations to be referred to Justice Department for prosecution; provision for advancing cases under the Act on the court docket, and judicial review.

**REPORTING AND DISCLOSURE**

Candidate required to establish one central campaign committee; all contributions and expenditures on behalf of candidate must be reported through this committee. Also required designation of specific bank depositories.

Full reports of contributions and expenditures to be filed with Commission 10 days before and 20 days after each election, and within 10 days of close of each quarter unless committee has received or expended less than $1,000 in that quarter. Year-end report due in non-election years.

Contributions of $1,000 or more received within 15 days before election must be reported to Commission within 48 hours.

Contributions from foreign national prohibited.

Contributions in name of another prohibited.

Loans treated as contributions; must have co-signer or guarantor for each $1,000 of outstanding obligation.

Requires that any organization which spends any money or commits any act for the purpose of influencing any election (such as the publication of voting records) must report as a political committee. (This would include organizations such as Common Cause, Environmental Action, A.C.A., etc., and perhaps many other traditionally non-electoral organizations.)

Every person who spends or contributes over $100, other than to or through a candidate or political committee, is required to report.

**OTHER PROVISIONS**

No elected or appointed official or employee of government may accept more than $1,000 in any one election year or article, or $15,000 in aggregate per year.

Removes Hatch Act restrictions on voluntary activities by state and local employees in federal campaigns, if not otherwise prohibited by state law.

Corporations and labor unions which are government contractors are permitted to retain separate accounts for contributions to political organizations in accordance with 18 USC 610. (Formerly all contributions by government contractors were prohibited.)

Permits use of campaign funds to defray expenses of holding federal office or for other lawful purposes.

Prohibits solicitation of funds by franchised mail.

Pre-empts state election laws for federal candidates. This section takes effect upon enactment.

**FINANCIALalties**

Increases existing fines to maximum of $50,000.

Candidate for federal offices who fails to file reports may be prohibited from running for one year or more, and up to $10,000 fine.

Effective Date: January 1, 1975 (except for immediate pre-emption of state laws).

**PUBLIC FINANCING OF THE PRESIDENTIAL CAMPAIGN**

Public financing of the 1976 Presidential election is provided under the new Campaign Reform Bill. Here is the way it works:

- Each candidate for President is limited to campaign expenditures of $20 million.
- Nominees of the major parties are eligible to receive the full $2 million in public funds; major party candidates are allowed to spend up to $2 million in addition to the $2 million in public funds.
- If the candidate "goes private," he may use private funds to defray expenses of holding federal office or for other lawful purposes.
- Candidates who raise less than 5 percent of the vote in the preceding election or $1 million in public funds may be reimbursed in proportion of current votes received.
- Candidates who raise more than 5 percent of the vote but less than 10 percent of the vote may be reimbursed for additional 20 percent of the amount spent.
- Candidates who raise more than 10 percent of the vote may be reimbursed for all monies spent in addition to the $2 million in public funds.
- Candidates are reimbursed for legal and administrative expenses as well.
- The public financing program is subject to annual congressional approval.
While an individual may contribute $1,000 and an organization may give $5,000 during the pre-nomination period only the first $250 will be eligible for matching. No cash contributions will be matched; all contributions must show the taxpayer's identification number.

In addition to the $10 million spending limit, the candidate is permitted to spend an additional 10 percent—$2 million—for fund-raising costs.

Only contributions raised after January 1, 1975, will be eligible for matching. No public funds will be given out until January 1, 1976.

The act makes the appropriations of the money checked off on individual tax returns automatic and implements the action taken already with regard to the Presidential campaign checkoff proposal of $1 optional with each taxpayer. The bill provides also that $2 million would be made available to each of the two major parties, with a formula as is spelled out elsewhere in the checkoff system for

Mr. LONG. Mr. President, the significance of this Federal Elections Campaign Act will be that this act moves us one long stride forward in the area of public financing.
appropriate reimbursement for third parties, to provide for expenses of nominating conventions.

Now, the significant thing about this measure is that it provides that hereafter candidates seeking to be nominated for President of the United States may obtain Federal matching once they have achieved enough individual small contributions to merit the thought that they are serious candidates.

To be specific, a candidate must raise $100,000 in contributions of no more than $250, and that candidate must raise as much as $5,000 in 20 States to demonstrate, in effect, that he is a serious candidate and that he has support beyond the immediate State or region from whence he hail.

As I understand this provision, once a candidate had raised the first $100,000 as stipulated, the amount that is raised under the checkoff system and, thereafter, every small contribution of $250 or less is matched by an equal amount up to $5 million. Moreover, the candidate could raise a total of $5 million and have $5 million made available to him through Treasury financing.

Mr. President, that is an extension of what this Senator sought to initiate in 1968, almost 8 years ago now, when he was the Senator from Louisiana brought in an amendment to a revenue bill suggesting that the general election of the President should be financed by a $1 tax checkoff-type proposal as is now the law. That proposal became law as an amendment to a major revenue measure. It is almost inconceivable that this amendment will dwarf the bill itself and all other amendments that were on it.

I believe that was a bill which was subsequently referred to as the first Christmas tree bill because it came late in the year and it had so many amendments to it that none of the writers of the Washington Post said:

When the bill hit the floor it lit up like a Christmas tree.

There were many amendments on the bill that were wanted on behalf of many of their constituents.

In the year 1967 there were some Democrats who felt that they made a mistake in not getting the tax checkoff to finance the Presidential election to become law, and they joined forces with those Republicans who had opposed this proposal in what developed into a rather lengthy debate to prevent this new law from ever going into effect.

It is unfortunate that the Senate from Louisiana saw that there were a lot of good people who would be supporting that first public campaign financing measure because of their liberal background and their political philosophy who were, for one reason or another, opposing it.

There was the then Senator from Tennessee, Mr. Gore, for example, who was one I would have thought would have favored this very strongly and who, in fact, had voted for it in the committee and then saw fit to lead the fight against the proposal.

There was the former Senator from New York, Mr. Robert Kennedy, who saw dangers that aroused his fears that this could be used in an improper manner.

There were quite a few on this side of the aisle who, at that time, had become disillusioned with the then President Lyndon Johnson, who felt that the President and the President Johnson wanted for his own advantage.

Now that, in my judgment, was not the truth. I had discussed this matter with President Johnson on occasion. He told me he thought I was right about it. He said he was capable of raising whatever money he cared to raise, but that the time would come when the Democrats would have another Harry Truman running for President of the United States. He recalled how difficult it was for President Truman, even as a dedicated President, to raise enough money to pay transportation expenses to move the Truman train around the country in order to take his message to the people in that very difficult election when he fought an underdog race and survived that race to become one of our great Presidents after his reelection.

So, Mr. President, after a lengthy debate of about 7 weeks, the Senate finally voted for an amendment to say that this public financing proposal would not become effective until Congress has provided further guidelines.

Thereafter, President Nixon was elected President of the United States. I have oftentimes thought, had it not been for the support of a number of our liberal Democratic friends who thought this might be something that President Johnson wanted for his own advantage, and a proposal to negate the provisions of that bill, Richard Nixon would not have been President of the United States because Senator Humphrey ran a very close race, very poorly financed, but very close.

Had Hubert Humphrey had the funds to make an equally impressive presentation on television than the money paid to his Republican opponent, it is fairly clear to all of us at this point that Hubert Humphrey then Vice President would have been elected President of the United States.

In my judgment, largely because some of our good friends on the Democratic side of the aisle, and I am sure for good conscientious reasons, voted to prevent the public financing checkoff proposal from going into effect, that the Democrats lost the next Presidential election of 1968.

Now, a few years thereafter, with reference to campaign financing and reform proposals, our majority leader (Mr. Mansfield) proposed to some of us that we should initiate a proposal to make available equal time to the candidates for both sides running for President of the United States and thereby make some tax deductions and tax credits, to help encourage small contributions to political campaigns.

As chairman of the Committee on Finance at that time, I made it clear that I did not expect to support any proposal of that sort unless we made some forward progress toward justifying some form of public financing under the checkoff proposal, or some similar proposal, because, in my judgment, it is only when we finance campaigns in a way where the outcome of the campaign does not depend in any respect on who has the most money, or who has the greatest appeal to the vested interests, that we can feel that the voice of the public and the people are being heard. I am not because of the financial power behind him but because what he has to say makes the best sense and appeals most to the hearts and minds of the American people.

So it is important that if I were to support something of that sort it would have to have at least a $1 checkoff proposal as part of the package.

So, in due course, in considering a debt limit bill, as I recall it, it was agreed that the Senator from Rhode Island (Mr. Fas­ ton) would offer this package of amendments which would provide a deduction and a tax credit for small contributions and would implement the tax checkoff approach which we had previously enacted and put on the statute books in 1066.

After a really heated and lengthy debate on the checkoff proposal, this provision finally passed. We were alerted at that time that the President of the United States expected to veto the debt limit bill if need be, rather than permit the tax checkoff to pay the expense of the candidates making their campaigns and expressing their views, as they saw it, to the public in 1972.

So while the Senate had passed the measure intending that it should be effective in 1972, by threat of Presidential veto we were compelled to settle for an effective date to 1976.

Mr. President, the checkoff proposal is on the books and people are marking it in sufficient numbers to make the assurance of adequate financing for the 1976 election a certainty. So much so that we now find we can provide that more than the cost of an election for President, the campaign authorization technique which we had previously enacted and put on the statute books in 1966, almost 8 years ago when the bill suggesting that the general election of the President should be financed by a $1 tax checkoff-type proposal as is now the law demonstrates the enormous force where the outcome of the campaign does not depend on who is right; it should be decided because we agree on what is right.

We will best know how to implement a public financing approach when we have had experience with the checkoff in the election of a President in the year 1976.

Mr. President, the vote on this measure demonstrates the enormous force
ward progress as an idea becomes understood by people.

In that long 7 weeks’ fight in 1967, with the President of the United States supporting the checkoff approach, most of us who were supporting it, won about half of the votes. On seven rollcall votes one side won four times and the other side won three times.

It was a matter of who had the most troops in town that decided how each vote would go, and on every second vote one group would win and on every alternate vote the other group would win.

Now we see a measure that can muster a majority for up to approximately 4 to 1 in the U.S. Senate. Some of that margin now represents those who did not think it was a good idea at the time. That is a mark of tolerance and a mark of ability of people to change with changing times and to recognize with experience that there is something to be said for the other fellow’s side of the argument.

Undoubtedly, the Watergate scandal contributed to this. We now see, Mr. President, that not just a matter of disclosure needed to give us a govern­ment of the people and by the people in this country.

The disclosure provisions really have in fact made it difficult for challengers to challenge incumbents. It was well discussed in a very thoughtful article by David Broder a few days ago.

Disclosure has created as many problems as it has solved. While incumbents have been able to raise adequate funds to finance a campaign, the disclosure provisions have made it very difficult, and far more complex financially, for the challengers to raise funds to finance their part of the campaign, but the public financing features properly implemented will, I am sure, make it possible for every Member who enjoys the benefit of the public financing approach to be completely free, as I hope, from the need to reject those proposals which are lacking in logic, and to support instead those things which he believes to be best for his nation.

As I say, Mr. President, I am not at all dismayed that this Congress is not at this time implementing the public financing approach to the election of Senators and Members of the House of Representatives. I am satisfied that we will learn something from experience.

The experience that we will have in electing a President of the United States by a public financing approach where each taxpayer indicates that he wants $1 to be spent in a way where the President will be equally obligated to all citizens and especially obligated to none, will lead us to finance, in time, our congressional campaigns in a way that will have equally as much merit.

With experience, the public will understand it better. In the last analysis, Senators and Congressmen want to do what the public wants. The public will be in a better position to advise us what it thinks about what we are doing especially when it has had experience with the outcome and with the implementation of what we start in 1976, which, in my judgment, is a very appropriate time to implement the type of suggestion that was implicit in the §1 checkoff proposal. That is that every citizen should have an equal amount of influence, and every person elected to public office should be equally obligated to all citizens; that no one should have any greater influence because of his money, and that no public official should be any greater beholden to someone because of that money.

This is a red-letter day for our democracy, Mr. President, and I am very pleased to have played a part in the implementation of something that we started a few years ago.

Mr. CANNON. Mr. President, I would like to express my appreciation to the conference for the tremendous assistance they gave to all of the conference during the subject under discussion.

We have very divergent views on the conference committees, and we had those who were opposed to public financing, those who favored it, those who wanted tighter disclosure provisions, and so on. However, despite the differing views we had very cooperative people and cooperated and I express my appreciation to all of the conference and to our fine staff people who assisted us in developing what I think is a very fine campaign reform bill.

The PRESIDING OFFICER (Mr. Abourezk). The question is on agreeing to the conference report. I ask the yeas and nays be entered on the journal, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BUCKLEY (when his name was called). Mr. President, on this vote I have a pair with the Senator from Oregon (Mr. Hatfield). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. Byrd. I announce that the Senator from Texas (Mr. Bentley), the Senator from Nevada (Mr. Church), the Senator from North Carolina (Mr. Ervin), the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke) is absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin) and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. Fong), the Senator from Virginia (Mr. William L. Scott), and the Senator from Vermont (Mr. Stafford) are absent on official business.

I further announce, that if present and voting, the Senator from Tennessee (Mr. Baker) and the Senator from Kansas (Mr. Dole) will each vote "yea."

The result was announced—yeas 60, nays 16, as follows:

[No. 466 Leg.]

YEAS—60

BYRD, BUCKLEY, CANNON, CASE, CHILES, CLEAVER, CRANSTON, CRANE, CROSTON, EGGELSTON, ELEGIOT, FULBRIGHT, HASKELL, HATHAWAY, HOLLINGS, MATHIS.

NAYS—16


PRESENT AND GIVING A LIVE PAIR, AS PROPERLY RECORDED—1

Buckley, against.

NOT VOTING—93

Aiken, Baker, Beloin, Benett, Benten, Bible, Block, Bruch, Cook.

So the conference report was agreed to. Mr. HUGH SCOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFELD. Mr. President, the passage of S. 3044, the Federal Election Campaign Act amendments, represents another significant breakthrough in re­forming the political processes of this Nation. So many in the Senate have been in the forefront of this great reform effort, but I wish at this time to pay tribute to those who worked so hard on this conference committee under the great leadership of the distinguished Senator from Nevada (Mr. Cannon). All members of that committee are to be commended, but Senator Cannon particularly for the broad representation he solicited even from outside his committee. The great breakthrough in public financing of Federal Presidential proceeds as well as general elections is truly the great first step toward creating a totally changed climate for future elections. The distinguished Senator from Louisiana (Mr. Long) has been the real champion of the dollar checkoff over the past several years and played such an important role in the conference committee in re-
1974 Chair per day plus the locality per diem allowance established by the Administrator of General Services, or his designee, for each locality where travel is to be performed. Employees who travel less than full day, such rates may be allocated proportionately pursuant to regulations prescribed under section 5707 of this title.

(b) During travel consuming less than full day, such rates may be allocated proportionately pursuant to regulations prescribed under section 5707 of this title.

(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed

(1) $50 per diem for travel within the continental United States when the maximum per diem otherwise allowable is determined to be inadequate; or

(2) $20 per diem plus the locality per diem allowance when travel outside the continental United States.

(d) This section does not apply to a Justice or judge, except to the extent provided by section 5701.

SEC. 3. Section 5702 of title 5, United States Code, is hereby amended to read as follows:

"§ 5702. Per diem; employees traveling on official business and servants of the private household of an employer.

In the case of employees traveling on official business and servants of the private household of an employer.

(a) An employee who is engaged on official business while traveling away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct, and is unable to return under the terms of an appropriate transportation allowance until such time as he can again travel, and to the per diem allowance and transportation expenses incurred in returning travel to his designated post of duty.

(b) For travel not exceeding less than full day, such rates may be allocated proportionately pursuant to regulations prescribed under section 5707 of this title.

(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed

(1) $50 per diem for travel within the continental United States when the maximum per diem otherwise allowable is determined to be inadequate; or

(2) $20 per diem plus the locality per diem allowance when travel outside the continental United States.

(d) This section does not apply to a Justice or judge, except to the extent provided by section 5701.

SEC. 4. Section 5703 of title 5, United States Code, is hereby amended to read as follows:

"§ 5703. Mileage and related allowances.

(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government, shall be reimbursed for the following:

(1) 18 cents a mile for the use of a privately owned automobile; or

(2) 24 cents a mile for the use of a privately owned airplane; or

(3) 24 cents a mile for the use of a privately owned airplane; or

(4) 30 cents a mile for the use of a privately owned airplane; or

Instead of actual expenses when that mode of transportation is authorized or required by the Government. A determination of advantage is not required when payment of a mileage basis is limited to the cost of travel by common carrier including less than full day.

(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for

(1) Parking fees;

(2) Ferry fees;

(3) Bridge, road, and tunnel costs; and

(4) Toll fees paid to tolls and tolls and tie-down fees.

SEC. 5. Section 5707 of title 5, United States Code, is hereby amended to read as follows:

"§ 5707. Regulations and reports.

(a) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, and representatives of organizations of employees of the Government, shall conduct periodic site visits to evaluate the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such studies to Congress at least once a year.

(b) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, and representatives of organizations of employees of the Government, shall conduct periodic site visits to evaluate the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such studies to Congress at least once a year.

(c) The seventh care per day under the heading "Administrative Provisions" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "$95" and "$90" and inserting in lieu thereof "$95" and "$900", respectively.

SEC. 6. Section 5707 of title 5, United States Code, is hereby amended to read as follows:

"§ 5707. Regulations and reports.

Mr. MANSFIELD. Mr. President, the Senate, after some effort, passed S. 3341 relating to per diem and mileage expenses on September 19. The House was scheduled to take up a similar bill, H.R. 15903, under suspension of the rules on Monday, October 7. Discussion with House staff indicates that the bill will pass in its present form, and it has passed in its present form.

I ask unanimous consent that the Senate agree to the amendments of the House, and hereby request a conference on the disagreeing votes.

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

Mr. MANSFIELD. Mr. President, the Senate, after some effort, passed S. 3341 relating to per diem and mileage expenses on September 19. The House was scheduled to take up a similar bill, H.R. 15903, under suspension of the rules on Monday, October 7. Discussion with House staff indicates that the bill will pass in its present form, and it has passed in its present form.

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