HOUSE OF REPRESENTATIVES—*Wednesday, November 3, 1971*

The House met at 12 o'clock noon.

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

Teach me Thy way, O Lord: I will walk in Thy truth. Unite my heart to fear Thy name.—Psalms 86: 11.

Almighty and eternal God, the unfailing source of light and life, we praise Thee for Thy power, Thy goodness, and Thy love.

In the time of trouble Thou art our refuge and our strength.

In the day of trial Thou art our deliverance from temptation.

When we walk in darkness and know not where to turn as we seek answers to our questions, help us to keep our minds on Thee who hast the solutions for all our problems.

In the hour of sorrow Thou art our companion and our comfort.

Teach us to love Thee with all our hearts, to love our fellow men in Thee, and to love our enemies for Thy sake.

Grant unto us such a full measure of Thy spirit that we may once again bring fresh faith and hearty hope to all mankind.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had agreed to the amendment of the House to a bill of the Senate of the following title:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10367. An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 10367) entitled "An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. GRAVEL, Mr. ALLOTT, Mr. FANNIN, and Mr. STEVENS to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON S. 1116, PROTECTION OF WILD HORSES AND BURROS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. BARING, JOHNSON of California, MELCHER, SAYLOR, and KYL.

APPOINTMENT OF CONFEREES ON S. 29, CAPITAL REEF NATIONAL PARK

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 29) to establish the Capital Reef National Park in the State of Utah, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, TAYLOR, UDALL, SAYLOR, and LLOYD.

APPOINTMENT OF CONFEREES ON H.R. 10367, LAND CLAIMS OF ALASKA NATIVES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, UDALL, MEEDS, BEGICH, SAYLOR, KYL, STEIGER of Arizona, and CAMP.

THE LATE WINFIELD K. DENTON

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

Mr. MADDEN. Mr. Speaker, I am greatly grieved to announce to the House membership that a former Member of this body, Winfield K. Denton, of Indiana, passed away at his home in Evansville, Ind., yesterday.

Our former colleague served in the House eight terms, beginning with the 81st Congress. He was a member of the Appropriations Committee during his service here. Previous to coming to Congress he served three terms in the Indiana State Legislature during which time he was minority leader in the 1941 Indiana session and caucus chairman in the 1939 session. He also served on special appointments under Indiana Governors Clifford Townsend and Henry F. Schricker. He was also a veteran of World War I, having served as second lieutenant in the Air Force and saw service in France. Winfield also entered World War II when he was 46 years of age, as a major and was promoted to lieutenant colonel in the Adjutant General's office. He graduated from DePauw in 1919 with an AB degree. He also graduated from Harvard Law School in 1922.

Colleagues of the House who served with Winfield will remember him as a hard-working, industrious, and devoted legislator. He was outstanding, both in his chosen profession as a lawyer, and in his legislative service in the Indiana State Legislature and the U.S. House of Representatives.

His devoted wife, Grace, preceded him in death some years ago.

I extend to his family my deepest sympathy.

Mrs. HANSEN of Washington. Mr. Speaker, the death of our beloved colleague, the Honorable Winfield K. Denton, of Indiana, is an occasion of great sadness for me. It was my privilege to serve with him on the Interior and Related Agencies Appropriation Subcommittee.

Winfield Denton was a fine gentleman and a truly great American. He was always serious about his responsibilities as a Congressman but one seldom saw him without his friendly smile.

I especially appreciated the thoughtful consideration he gave to all members of the subcommittee during the period he was chairman. I extend my heartfelt sympathy to his family.

Mr. JACOBS. Mr. Speaker, the Honorable Winfield K. Denton was my father's colleague and friend—mine, too.

When my father's father was dying, Winfield's lovely wife, Grace, volunteered to act as his nurse one night when none other could be found.

Winfield passed away on Tuesday.

My father and I and everybody else have lost one of God's noble people.

We sorrow in that loss and extend our love and sympathy to his lovely daughters.

GENERAL LEAVE

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and service of our late colleague, the Honorable Winfield K. Denton.

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

There was no objection.

THE LATE ELMER BROWN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, a great heart was stilled yesterday. The coal miners of West Virginia and the Nation lost a great champion in the passing of Elmer Brown of Delbar-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ton, W. Va., who died of a heart attack at his home Tuesday.

To me, this is a grievous personnel loss because I campaigned shoulder to shoulder along with Elmer Brown, who was the reform candidate for vice president of the United Mine Workers of America in the 1969 election which is still being fought out in the courts. When Jock Yablonski, his wife, and his daughter were brutally murdered in 1969, the coal miners lost another man who had the courage and decency to fight for true representation of the rank and file coal miner. Now Jock Yablonski's trusted running mate, Elmer Brown, is also gone.

To the very end, Elmer Brown was fighting for justice for those who go deep into the earth in this most hazardous occupation. On October 18, Elmer Brown was in the gallery with 80 coal miners and widows pleading with Congress to give those coal miners suffering from black lung a fair deal in the benefits due them under the law. We were beaten by only seven votes on October 18. Tomorrow we will have another chance to vote for the black lung benefits bill for which Elmer Brown and thousands of coal miners and widows have fought so hard. Despite the fact he had black lung himself, and knew he had a heart condition. Elmer fought to the last to bring justice for the miners and widows.

I hope this House will pass the black lung benefits bill tomorrow as a memorial to two towering figures who gave their lives for the coal miners of this Nation—Jock Yablonski and Elmer Brown.

THE MISSISSIPPI ELECTION

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

Mr. ABERNETHY. Mr. Speaker, some time back a so-called national committee was put together up New York way for the purpose of electing a certain person Governor of the State of Mississippi, the said candidate running on an independent ticket. A further purpose of the organization was to elect as many as possible of about 200 other candidates running on said ticket for State and county offices. The address of this national committee was Post Office Box 1592, FDR Station, New York City 10022.

I am advised that serving as cochairman of this national committee are HUBERT H. HUMPHREY, EDWARD KENNEDY, Members of the other body, and Bishop Stephen G. Spottswood who holds, or at least has held, some sort of high position in the NAACP.

I am also advised that 16 Members of the House of Representatives are members of this committee, as follows: HERMAN BADILLO, SHIRLEY CHISHOLM, WILLIAM L. CLAY, GEORGE W. COLLINS, JOHN CONYERS, JR., CHARLES C. DIGGS, JR., WALTER E. FAUNTROY, AUGUSTUS F. HAWKINS, EDWARD I. KOCH, RALPH H. METCALFE, PARREN J. MITCHELL, ROBERT N. NIX, CHARLES B. RANGEL, WILLIAM F. RYAN, JAMES H. SCHEUER, and LOUIS STOKES. From the Senate, in addition to Senators HUMPHREY and KENNEDY, I am advised that Senators BIRCH BAYH, GEORGE MCGOVERN, and ADLAI E. STEVENSON III serve as committee members. It is noteworthy that most, if not all, of these Senators are either candidates for President, or expect to be candidates for President, or were candidates for President. Among other members is Ramsey Clark, better known for being at one time a most incompetent Attorney General; and Burke Marshall, best known for being the person who planned the Chappaquidick defense. And there are others.

Some members of this committee have from time to time been mentioned in the press as having gone down to Mississippi for the purpose of campaigning for the independent candidate and his running mates. The press has reported that other Members of the House have gone down to assist the independent candidates, including the gentleman from New York, Mr. JONATHAN BINGHAM, and the gentleman from Massachusetts, Mr. ROBERT DRINAN. There are probably others. If I have omitted anyone then I offer my apologies because I would not want to leave anyone out.

We are advised that members of this committee have assisted in raising thousands upon thousands of dollars for the support of this independent candidate. The press credited Presidential Candidate MCGOVERN with having raised $15,000. When presidential candidate MUSKIE was mentioned, the independent candidate was quoted in the press as saying:

MUSKIE ain't done nothing.

The press came back with a statement from MUSKIE challenging this, saying he had raised and sent the candidate a sum in the neighborhood of $1,500.

The press, especially the Washington press, reported several fund raising cocktail parties, one of which was sponsored by EDWARD KENNEDY, Sargent Shriver and others of his family. About 100 people attended the party at $250 per head, so said a Washington paper. I also noted press reports of other contributions. Of course, no one will ever know how much money was poured into this candidate's campaign pockets. I have no doubt but that thousands upon thousands of dollars were turned over to the independent candidate through these fund raising functions in Washington, New York, and other upcountry areas.

A few days prior to yesterday's election I noted a story in the press that 90 students from Howard University would be off for Mississippi for the purpose of telling the people how to vote. Another press account reported that approximately 140 lawyers from the Northeast were headed down to see that the elections were held free of fraud. These lawyers very largely, so the papers stated, would be from the law schools of Harvard, Columbia, and City College of New York. And Mayor Lindsay of New York, the greatest example on how not to run a city also went down to tell Mississippians how to vote. He expressed strong support for the independent candidate.

Also in our midst for several days, as well as on election day, was a reporter from the Washington Post. No doubt he was accompanied by other up-country reporters. The Columbia Broadcasting System, as was to be expected, had several cameramen down there. But I hasten to say that this time they dispatched cameramen who were clean shaven; at least, those I saw were clean shaven.

For the last few days up through yesterday, a swarm of long-haired males—at least, we presumed they were males—and numerous dungaree-dressed females were on hand to help the independent slate. I am advised that several hundred U.S. Government civil service employees were ordered into the State by the Nixon administration to serve as poll watchers.

All of this now, to help elect a man to serve as Governor of my State, running on an independent ticket. And to help elect his long slate of candidates.

Who is this man: What kind of person is he?

Mr. Speaker, this man has admitted that he has engaged in the numbers racket, that he has been a whisky bootlegger, and that he had carried on sex affairs to the extent that he had three women pregnant at the same time. In addition, he has admitted that he has operated houses of prostitution and had as many as 10 prostitutes working for him at one time. He also admits that he has picked the pockets of men in a state of intoxication, stealing from them as much as $50 to $100 per night.

Mr. Speaker, can you imagine anyone giving support, financial or otherwise, to a man of this character? It is positively unthinkable that this man would have the support of anyone, much less from anyone who wants to be President.

The SPEAKER. The time of the gentleman from Mississippi has expired.

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

Mr. ANDREWS of Alabama. Mr. Speaker, I have asked for this time so that we may continue to hear the remarks of the gentleman from Mississippi (Mr. ABERNETHY) as I am interested in these nice people who visited his home State.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Speaker, as I was about to say, this candidate and his slate were buried under an avalanche of votes from both whites and blacks. This is the report I received from Jackson at about 10 o'clock this morning. Even a very substantial number of black voters walked out on this muck-monger who thought he could ballyhoo himself into the Governor's chair of my State with outside money and outside meddlers.

Mr. Speaker, this should remind us that when one takes it upon himself to attend to the affairs of others, or to med-

dle in something which is none of his business—and I have noted that under the rules of the House this is the strongest language I can use—he usually gets that which is coming to him: rejection.

But, Mr. Speaker, we do wish to convey our thanks for the thousands upon thousands upon thousands of dollars which these outsiders donated and collected, and sent down our way. It will help strengthen our economy. Next time send more. But bear in mind that we, and not outsiders, will make the decision as to who will serve as our Governor.

Mr. Speaker, I also thank my friend from Alabama for yielding.

Mr. ANDREWS of Alabama. Mr. Speaker, I yield back the balance of my time.

THE IMAGE OF CONGRESS

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

Mr. CONABLE. Mr. Speaker, I do not know how widespread this feeling is among my colleagues, but I am getting pretty distressed at having the Congress judged by the performance of the other body. If we rely on the other end of the Capitol to set the image of our legislative branch, we can be certain only of capriciousness, posturing, a high absentee rate, and an insensitivity to the public mood. The burden of personal distinction the typical Senator carries makes him a public figure, and public figures find it hard to attend to the serious business of legislating, at least judging from recent performance standards. Foreign aid is only the latest example.

Now that I have attracted your attention, I would like to ask my colleagues on both sides of the aisle to think about ways in which we can build up the image of service in the House. For too many of our bright younger Members, this body becomes only an anonymous waystation en route to service elsewhere. We initiate most legislation, our conferees dominate the joint conferences, we stay closer to the people, because of our 2-year term, we have shown a greater capacity to structure ourselves for decision and to renew ourselves through organizational reform, we seem better to understand the need for teamwork within the two-party system—in short, we in the House have reason for relative pride in our accomplishments. And yet the House is taken for granted, while the Senate is deferred to and anguished over by both the executive branch and the press.

I believe service in the House is a worthy career, and so do many of those present. But unless we can establish that fact more clearly in the American national consciousness, by deliberate design if necessary, we will continue to suffer an attrition of potential leadership from our midst. Such a brain-drain not only hurts our legislative effectiveness, but even worse, it assures that the reputation of the Congress will be left in uncertain hands at the other end of the Capitol.

PERSONAL ANNOUNCEMENT

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

Mr. CHAMBERLAIN. Mr. Speaker, in reviewing my rollcall votes for the second session, 91st Congress, I find that I was not recorded on four occasions and would like the RECORD to indicate that had I been present I would have voted as follows:

On rollcall No. 340 I would have voted "yea."

On rollcall No. 441 I would have voted "yea."

On rollcall No. 442 I would have voted "nay."

On rollcall No. 443 I would have voted "yea."

BIRMINGHAM—100 YEARS OLD—ALL-AMERICAN CITY

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

Mr. BUCHANAN. Mr. Speaker, the city of Birmingham which it is my privilege to represent will shortly be celebrating its 100th anniversary.

It has rounded out its first 100 years by being selected an all-American city by a former critic, Look magazine, and the National League of Municipalities, and has demonstrated its intention to continue the progress that has marked its life in recent years by the recent election of its dynamic and progressive mayor, George Seibels, to a second term, an election which also included the reelection of Councilmen Don Hawkins and Russell Yarborough. Results of runoff election for three city council seats yesterday included the election of a second distinguished black leader, Dr. Richard Arrington, to the city council, a charming young lady representing beauty and womanhood, Mrs. Angela Grooms Proctor, to be a second city councilwoman and David Vann, who helped lead the fight for the change to a mayor-council form of government.

I think these choices indicate Birmingham's determination to continue the great progress which has characterized the close of the first century of its life in its second 100 years.

CANNIKIN TEST HANDLED AS A "FAST SHUFFLE"

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

Mr. DOW. Mr. Speaker, I notice in the October 30 issue of the Federal Register at page 20861 that the Atomic Energy Commission has suddenly issued a regulation of warning as to the Cannikin test on Amchitka Island.

Contrary to usual practice, this regulation is "effective immediately." It sets up a warning area of 50 nautical miles from geographic coordinates that evidently center at the point of the test, and warns all persons away from the area for the period ending on November 16, 1971.

Ordinary rulemaking procedures normally give 30, 45 or 60 days to comment on a rule which affects the public in a critical way.

Mr. Speaker, I view the precipitous imposition of the regulation and its prohibition "effective immediately" as an arrogant manifestation of executive power. This is especially true because the Cannikin test is one of worldwide significance. It is provoking anxiety of the deepest sort concerning both the lives of people who have no relation to the test and a possible geological destruction of enormous consequence. The test should not be taken lightly or "put over" in a fast manner on a helpless public in many nations who have so much at stake.

HEARINGS SCHEDULED ON PRISONERS' REPRESENTATION

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

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the House Committee on the Judiciary, under my chairmanship, has scheduled 2 days of public hearings on the question of prisoners' representation. The purpose of these hearings will be to consider the issues of incarcerated offenders' access to attorneys, the courts, legal materials; incarcerated offenders' ability to adequately articulate their grievances through writs and other legal devices; and the advisability of establishing an ombudsman system, or similar approach, for incarceration facilities.

The hearings will commence on Wednesday, November 10, at 10 a.m., in room 2226, Rayburn House Office Building, and will continue on Thursday, November 11, at 10 a.m., in the same room.

UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1971

Mr. HÉBERT. 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. 2), to establish a Uniformed Services University of the Health Sciences.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

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. 2, with Mr. DORN in the chair.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section of the commit-

tee substitute amendment beginning on page 7, line 1, to the end of line 2. If there are no amendments to be proposed to this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. Title 10, United States Code, is amended as follows:

(1) By adding the following new chapters after chapter 103:

"Chapter 104.—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

"Sec.
"§ 2112. Establishment
"2113. Board of regents.
"2114. Students: selection; status; obligation.
"2115. Graduates: limitation on number electing to perform civilian Federal duty.
"2116. Reports to Congress.
"2117. Appropriations: limitation.

"§2112. Establishment

"(a) There is hereby authorized to be established within 25 miles of the District of Columbia a Uniformed Services University of the Health Sciences (hereinafter referred to as the "University"), at a site or sites to be selected by the Secretary of Defense, with authority to grant appropriate advanced degrees. It shall be so organized as to graduate not less than 100 medical students annually, with the first class graduating not later than 10 years after the date of the enactment of this chapter.

"(b) Except as provided in subsection (a), the numbers of persons to be graduated from the University shall be prescribed by the Secretary of Defense.

"(c) The development of the University may be by such phases as the Secretary of Defense may prescribe, subject to the requirements of subsection (a).

"§ 2113. Board of regents

"(a) The business of the University shall be conducted by a Board of Regents (hereinafter referred to as the "Board") with funds appropriated for and provided by the Department of Defense. The Board shall consist of—

"(1) nine persons outstanding in the fields of health and health education who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate;

"(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

"(3) the surgeons general of the uniformed services, who shall be ex officio members; and

"(d) the person covered by subsection (d).

"(b) The term of office of each member of the Board (other than ex officio members) shall be six years except that—

"(1) any member 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;

"(2) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of two years, three at the end of four years, and three at the end of six years.

"(c) One of the members of the Board (other than an ex officio member) shall be designated by the President as Chairman. He shall be the presiding officer of the Board.

"(d) The Board shall appoint a Dean of the University (hereinafter referred to as the "Dean") who shall also serve as a nonvoting ex officio member of the Board.

"(e) Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entited to receive compensation at a rate to be fixed by the Secretary of Defense, but not exceeding $100 per diem and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

"(f) The Board, after considering the recommendations of the Dean, shall obtain the services of such military and civilian professors, instructors, and administrative and other employees as may be necessary to operate the University. Civilian members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary of Defense so as to place the employees of the University on a comparable basis with the employees of fully accredited schools of the health professions within the vicinity of the District of Columbia. The Board may confer academic titles, as appropriate, upon military and civilian members of the faculty. The military members of the faculty shall include a professor of military, naval, or air science as the Board may determine.

"(g) The Board is authorized to negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in or near the District of Columbia. Under such agreements the facilities concerned will retain their identities and basic missions. The Board is also authorized to negotiate affiliation agreements with an accredited university or universities in or near the District of Columbia. Such agreements may include provisions for payments for educational services provided students participating in Department of Defense educational programs. The Board may also, subject to the approval of the Secretary of Defense, enter into an agreement under which the University would become part of a national university of health sciences should such an institution be established in the vicinity of the District of Columbia.

"(h) The Board may establish postdoctoral, postgraduate, and technological institutes.

"(i) The Board shall also establish programs in continuing medical education for military members of the health professions to the end that high standards of health care may be maintained within the military medical services.

"§ 2114. Students: selection; status; obligation

"(a) Students at the University shall be selected under procedures prescribed by the Secretary of Defense. In so prescribing, the Secretary shall consider the recommendations of the Board. However, selection procedures prescribed by the Secretary of Defense shall emphasize the basic requirement that students demonstrate sincere motivation and dedication to a career in the Uniformed Services.

"(b) Students shall be commissioned officers of a uniformed service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare. Notwithstanding any other provision of law, they shall serve on active duty in pay grade O–1 with full pay and allowances of that grade, but shall not be counted against any prescribed military strengths. Upon graduation they shall be appointed in a regular component, if qualified, unless they are covered by section 2115 of this title. Students who graduate shall be required, except as provided in section 2115 of this title, to serve thereafter on active duty under such regulations as the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may prescribe for not less than seven years, unless sooner released. The service credit exclusions specified in section 2126 of this title shall apply to students covered by this section.

"(c) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(d) A member of the program, who under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"§ 2115. Graduates: limitation on number electing to perform civilian Federal duty

"Not more than 20 per centum of the graduates of any one class at the University may agree in writing to perform civilian Federal duty for not less than seven years following the completion of their professional education in lieu of active duty in a uniformed service. Such persons shall be released from active duty upon the completion of their professional education. The location and type of their duty shall be determined by the Secretary of Defense after consultation with the heads of Federal agencies concerned.

"§ 2116. Reports to Congress

"The Secretary of Defense shall report to the Committees on Armed Services of the Senate and House of Representatives on the feasibility of establishing educational institutions similar or identical to the Uniformed Services University of the Health Sciences at any other locations he deems appropriate. The last such report shall be submitted by June 30, 1976.

"§ 2117. Appropriations: limitation

"Annual and supplemental appropriations for the Department of Defense are authorized for the planning, construction, development, improvement, operation, and maintenance of the University and to otherwise accomplish the purposes of this title. However, when utilized for construction of facilities, the portion of the authorization for appropriations so utilized will not exceed $20,000,000 in any one fiscal year unless otherwise specifically authorized by the Congress.

"Chapter 105—ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

"Sec.
"2120. Definitions.
"2121. Establishment.
"2122. Eligibility for participation.
"2123. Members of the program: active duty obligation; failure to complete training; release from program.
"2124. Members of the program; numbers appointed.
"2125. Members of the program; exclusion from authorized strengths.
"2126. Members of the program; service credit.
"2127. Contracts for scholarships; payments.

"§ 2120. Definitions

"In this chapter—

"(1) 'program' means the Armed Forces Health Professions Scholarship program;

"(2) 'member of the program' means a student officer who is enrolled in the Armed Forces Health Professions Scholarship program; and

"(3) 'course of study' means education received at an accredited college, university, or institution in medicine, dentistry, or other health profession, leading, respectively, to a degree related to the health professions as determined under regulations prescribed by the Secretary of Defense.

"§ 2121. Establishment

"(a) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified in the various health professions, the Secretary of each military department, under regulations prescribed by

the Secretary of Defense, may establish and maintain a health professions scholarship program for his department.

"(b) The program shall consist of no more than four years of courses of study, with obligatory periods of military training.

"(c) Persons participating in the program shall be commissioned officers. Members of the program shall serve on active duty in pay grade O–1 with full pay and allowances of that grade. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction. However, members of the program authorized under the provisions of this chapter shall not be detailed as students to any institution of higher learning if that institution has adopted a policy which bars recruiting personnel of any of the Armed Forces from the premises of that institution or if such institution of higher learning has directed the disestablishment of Reserve Officers' Training Corps units at the institution despite the desire of the Armed Forces to continue such training at the institution.

"§ 2122. Eligibility for participation

"To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

"(1) be accepted for admission to, or enrolled in, an institution in a course of study, as that term is defined in section 2120(3) of this title;

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational phase of the program;

"(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

"(C) participate in the intern program of his service if selected for such participation or, if not so selected, be released from active duty, under regulations prescribed by the Secretary of Defense, for a period of approximately one year to undergo intern training at a civilian hospital;

"(D) participate in the residency program of his service, if selected; and

"(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

"(3) meet the requirements for appointment as a commissioned officer.

"§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

"A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

"(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from any obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

"(e) Any member of the program relieved before the completion of his period of obligation may, under regulations prescribed by the Secretary of Defense, be assigned to an area of health manpower shortage designated by the Secretary of Health, Education, and Welfare until the completion of his period of obligation.

"§ 2124. Members of the program: numbers appointed

"The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated in all of the programs authorized by this chapter shall not, at any time exceed 5,000.

"§ 2125. Members of the program: exclusion from authorized strengths

"Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

"§ 2126. Members of the program: service credit

"Service performed while a member of the program shall not be counted—

"(1) in determining eligibility for retirement other than by reason of a physical disability incurred while a member of the program; or

"(2) in computing years of service creditable under section 205 of title 37.

"§ 2127. Contracts for scholarships; payments

"(a) The Secretary of Defense may provide for the payment of all educational expenses incurred by a member of the program, including tuition, fees, books, laboratory expenses, and payments for educational services. Such payments, however (other than those for educational services), shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program.

"(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this chapter. Payment to such institutions may be made without regard to section 529 of title 31.

"(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a)."

(2) By inserting the following new items in the chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A:

"104. Uniformed Services University of the Health Sciences.

"105. Armed Forces Health Professions Scholarship Program."

(3) By amending section 3202(e) and 8202(e) by striking out "in grades below brigadier general" and insert in place thereof "in the various grades".

(4) By amending section 5793 by striking out "in grades below rear admiral" and inserting in place thereof "in the various grades".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that the committee substitute 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 Louisiana?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask the gentleman from Louisiana a few questions concerning this bill. First, I want to clear the period of obligated service for the doctors who will emerge from this so-called West Point for doctors.

Mr. HÉBERT. Seven years.

Mr. GROSS. Only 7 years?

Mr. HÉBERT. That is obligated service.

Mr. GROSS. What will be the cost of the education that is given these doctors? What will be the annual cost?

Mr. HÉBERT. The average cost we cannot estimate at this time, because the school will have to be established. We have proposed a scholarship program as a forerunner for the first 10 years. I would estimate the cost per student would certainly be equal or below that of a student in a civilian school once the school is established.

Mr. GROSS. Would it cost $20,000 to $25,000 a year to educate a doctor?

Mr. HÉBERT. Not being expert in the area of costs of medical schools in the country, I cannot say, but I would estimate it might be less than $20,000.

Mr. GROSS. We are not talking about medical schools in the country. We are talking about what amounts to a new and special school.

Mr. HÉBERT. I am talking about this school, without reference to other schools.

Mr. GROSS. How many years would students be in this educational process?

Mr. HÉBERT. They would have the usual number of years for premedical preparation to go to the school, and then once they had entered the school of medicine, which would be a graduate school, it would run about 4 years.

Mr. GROSS. Do I correctly understand that they must have premedical training before they go to the proposed school?

Mr. HÉBERT. That is correct. They must have all the same qualifications that an individual must have in any other area. This would be a graduate school.

Mr. GROSS. So then it would be a 4-year course thereafter, 4 years thereafter, is that correct?

Mr. HÉBERT. That is the usual course.

Mr. GROSS. Or would it be more?

Mr. HÉBERT. No.

Mr. GROSS. Would there be a requirement for more?

Mr. HÉBERT. No, the usual course is 4 years.

Mr. GROSS. But they must get their premed at other universities, private and public, is that correct?

Mr. HÉBERT. That is correct.

Mr. GROSS. So the gentleman feels that 7 years, after a cost of $20,000 to $25,000 a year per individual for education, is a sufficient period of obligated service?

Mr. HÉBERT. I did not mention a yearly cost of $20,000 to $25,000. I said less than $20,000 a year for the education.

Mr. GROSS. Now, wait a minute. The gentleman will never convince me that it is going to cost less than $20,000 a year to educate these people when it includes every element of cost.

Mr. HÉBERT. I want to point out to the gentleman that the average cost per pupil in the military schools, the three academies, is about $45,000 total for 4 years and the obligated service is only 5 years.

Mr. GROSS. I have long contended that that is far too little service, I will say to the gentleman. If it is proposed to make career soldiers and career doctors out of them, they ought to be obligated to a minimum of 10 years. The public has a huge investment in all these military education programs.

Mr. HÉBERT. The gentleman's opinion and position is shared by many others. The committee felt that 7 years was about the best compromise we could get.

Mr. GROSS Are they still flying out of West Point, Annapolis, and other military academies almost upon graduation to play football and enter into vocations other than that for which the taxpayers of this country educated them?

Mr. HÉBERT. There is no individual who has left West Point, Annapolis, or the Air Force Academy, to my knowledge, who is playing professional football and has not fulfilled his obligated service.

Only two Academy graduates to my knowledge, and they were from the Naval Academy, Joe Bellino and Roger Staubach—and they served their obligated service before they went into professional football.

Mr. GROSS. Does the gentleman mean Staubach fulfilled his obligated service before he went into professional football?

Mr. HÉBERT. Yes, he did.

Mr. GROSS. Then I must have lost all track of time. Perhaps the gentleman would like to take a second look.

Mr. HÉBERT. For the edification of my dear friend, the gentleman from Iowa, there was an attempt to reduce Roger Staubach's obligated service, and I vigorously opposed that, and he fulfilled it. I think the obligated service should be longer.

Mr. GROSS. That is the point I made, that there ought to be an extension of obligated service, and I am surprised it is not in this bill where it is proposed to spend this kind of money to educate doctors, and where we are spending large amounts of money to educate military personnel only to see them leave the services as quickly as they can get out of it at the end of their 5 years. I do not like it at all.

Mr. HÉBERT. Many of us do not.

Mr. GROSS. Then why do we not have a bill before the House to require additional service?

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

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

Mr. GROSS. Mr. Chairman, if this program becomes effective, when is it proposed to end the doctor draft?

Mr. HÉBERT. The doctor draft is going to end in 7 years. We will have no suasion at all to get a doctor or any authority to get a doctor under a draft law in 7 years.

Mr. GROSS. Is that provided for in this bill?

Mr. HÉBERT. It is provided in the draft bill; yes, sir.

Mr. GROSS. It is provided that in 7 years, come what may, the doctor draft will be ended?

The gentleman thinks he will get enough doctors out of this "West Point for doctors" to take care of all the services. Is that correct?

Mr. HÉBERT. Our hope is to alleviate the pressure on the civilian population and civilian area and to persuade enough doctors after 7 years of service to remain in the service and become career service doctors.

Mr. GROSS. The gentleman is saying if we are going to get doctors for the military services after 7 years, this is the bill we are relying on?

Mr. HÉBERT. That is correct. It goes beyond the education of doctors. The gentleman has very persuasive and broad ideas, and he will be pleased to know that this bill includes all facets and phases of medical and health care, including nurses and administrators and optometrists and technicians—all these areas are included within this bill.

Mr. GROSS. And the total cost of this bill is what?

Mr. HÉBERT. It is $240 million over a 10-year period.

Mr. GROSS. It is $240 million over a 10-year period?

Mr. HÉBERT. Yes, sir.

Mr. GROSS. I hope the gentleman is correct, that it will cost $240 million over 10 years. I will not be around to challenge the gentleman at the end of that period but I think that is very underpriced.

Mr. HÉBERT. I will be there with the gentleman to assure him on the right day.

Mr. MOLLOHAN. Mr. Chairman, as we consider legislation to establish a Uniformed Services University of the Health Sciences, I would like to point out some of the major problems of medical manpower in the military that makes this bill necessary. The bill would establish a military medical academy near Washington, D.C., as well as provide for not more than 5,000 Department of Defense scholarships to deserving and qualified medical students who would become obligated, depending upon the number of years they receive scholarships, to serve in the military.

The much publicized and debated national shortage of physicians has, of course, had its impact upon the problems of maintaining military medical manpower at adequate levels. This has also placed heavy burdens upon our young physicians, since these young men can virtually count on serving in the armed services. Our communities are also adversely affected by the clash of military medical needs and the shortage of physicians.

The answer is to educate more physicians and offer incentives for them to make a career of military medicine. The scholarship program will enable tens of thousands of young men to attend medical school who otherwise may lack the financial resources. In return the military and the community will both benefit.

Since 1967 the number of physicians serving in the military has declined steadily, and, with little incentive for physicians to pursue a career in the military, most return to civilian practice. Furthermore, the recent trend shows a decline in the number of career military physicians.

A military medical academy would reverse that trend and insure the high quality of health care so important to our servicemen. Furthermore, most civilian physicians have little more than academic awareness of tropical diseases, parasitology, and other medical problems caused by hostile environments. Such problems are faced daily by military physicians, so that we can indeed assert that there is a separate branch of medicine that must be mastered by the physician if he is to adequately care for the health needs of our servicemen. The proposed military medical academy would provide such training.

And finally, the extension of the draft law, passed just recently, poses serious problems to maintaining an adequate supply of military physicians. Under the previous law, a man could be eligible for the draft up to the age of 35, if he had previously received a deferment. Now, under the new law, with the elimination of college deferments, the susceptibility to the draft is lowered to the age of 26. Many young men do not finish their medical education by that age, and, in practice, many may choose to delay their education a year or so, to insure that they will be older than 26 when they complete their medical education, thus effectively eliminating their chances of being drafted.

Furthermore, although it is being interpreted that a young doctor is susceptible to the draft until the age of 26, it is conceivable that there could be a court test in the case of a young physician who has been ordered to report for induction although he had already fulfilled at an earlier age his legal requirement of submitting to the draft lottery.

The bill leaves it up to the Secretary of Defense to establish regulations for the appointment of young men to the military medical academy, and various methods have been proposed, such as the one now in use for appointments to the existing armed services academies.

I urge that this legislation be passed. We must give high priority to the recruitment and retention of physicians, trained in military medicine, and we must offer young physicians incentives to continue military careers. We are all aware of the immense and diverse medical needs of our fighting men, and it is crucial to the strength of our defense that these needs be fulfilled.

Mrs. GRASSO. Mr. Chairman, there is a critical shortage of career oriented mil-

itary personnel qualified in the health professions. I, therefore, support H.R. 2, the Uniformed Health Professions Revitalization Act of 1971.

H.R. 2 is an important piece of legislation. Briefly, the bill would establish a military medical school to train doctors and other health professionals for the armed services. It would eliminate the current prohibition on promotion of medical officers to flag or general office rank, and authorize a comprehensive scholarship program for health professionals, including doctors, who are planning military careers. The scholarship program, an important aspect of the legislation, would commission applicants already attending or accepted in medical school. In return for each year of subsidy, the commissioned officer would serve on active duty for a year.

The problem of maintaining sufficient numbers of qualified health professionals in the Armed Forces is crucial. It will be greatly compounded by recent changes in the draft law and the clear trend toward an all-volunteer force.

At present, 14,075 physicians serve in the Armed Forces. Only 5,301 of these are career officers, of whom 1,734 are in training and 2,138 are engaged in clinical work under supervision. This leaves a corps of 1,429, with 125 of their number involved in research and development, and 904 serving as commanders and supervisors of our medical installations around the world. Since 1967, the military services have required between 4,000 and 5,000 physicians annually to satisfy their health care requirements, with a retention rate of less than 1 percent.

When we consider the medical manpower needs of the general population of our Nation—of which military personnel needs are one aspect—we see why H.R. 2 must be enacted into law. For example, the Department of Health, Education, and Welfare estimates that the doctor shortage in the United States has reached 50,000 and the current health manpower shortage exceedes 500,00, a startling figure, indeed. Moreover, additional medical schools and schools for the training personnel in many areas of the health sciences are sorely needed.

Mr. Chairman, the problem is clear. So is the solution.

The Armed Forces must be given the opportunity to attract and retain health professionals. H.R. 2 would help achieve this goal by establishing a uniformed services university of the health sciences, and by lifting statutory restraints on the promotion of medical and dental officers.

The Armed Forces must also be given the opportunity to attract personnel for training in the health fields for careers in the military. H.R. 2 would provide a scholarship program to achieve this goal.

For these reasons, as well as the overall shortage of qualified health manpower in our Nation today, I will vote for H.R. 2.

Mr. DERWINSKI. Mr. Chairman, since I have been appointed as a delegate to the United Nations General Assembly during this fall session, I do not get back to Washington as often as I would like to vote on the important issues coming before this body. However, I do want to go on record as supporting H.R. 2, the Uniform Services Health Professions Revitalization Act.

For too long the shortage of physicians and related medical personnel has been discussed and reviewed in a manner of complacency. With the obvious growing population, an increased need for medical doctors is recognized. While we have acted with initiative in furthering research, surgery, and treatment of all types of diseases, we must not overlook the ever-increasing need for skilled personnel. With the establishment of a uniformed services university of the health sciences, which H.R. 2 provides for, we would be guaranteed not less than 100 graduate medical students annually, commencing with the first graduating class.

This would be a progressive step in the medical field. An almost immediate benefit would be skilled medical personnel for the military. After leaving military service, many of these doctors and related medical personnel go into veterans hospitals, others into regular civilian practices. Either way, they would be serving humanity in a field where the need would be greatest.

I have consistently supported legislation which would establish new and manageable programs in the field of medicine, and certainly skilled medical personnel are a key to an effective national health service. I urge all Members to support H.R. 2 which would make a great contribution to improved health services to all our citizens.

AMENDMENTS OFFERED BY MR. SEBELIUS

Mr. SEBELIUS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. SEBELIUS: Page 7, lines 10 and 11, strike out "within 25 miles of the District of Columbia".

Page 10, lines 4 and 5, strike out "within the vicinity of the District of Columbia" and insert "located nearest to the University".

Page 10, lines 12 and 16, strike out "in or near the District of Columbia" and insert "near the University".

Page 10, lines 23 and 24, strike out "District of Columbia" and insert "University".

Mr. SEBELIUS. Mr. Chairman, I offer these four amendments which are all on the same subject and ask unanimous consent that they be considered en bloc.

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

There was no objection.

Mr. SEBELIUS. Mr. Chairman, my amendment is very simple. It merely removes from the bill the requirement that the university has to be located "within 25 miles of the District of Columbia," yet it will not prevent it being so located.

Everyday we hear of the crisis in our Nation's cities. Overcrowded conditions have imposed impossible demands on urban resources to meet the requirements of transportation, education, welfare, crime control, pollution control, health care, public service and housing. This has resulted from the rural migration to our cities which have drained the resources of our rural and smalltown areas. In order to save our cities and the countryside, we should enact legislation that will insure a better distribution of our population.

It is this spirit that I offer an amendment to permit the location of the fine facility proposed in H.R. 2 to be located at some suitable location in our less populated areas close to established medical training facilities. This amendment is consistent with congressional intent established in title IX, section 901 of Public Law 91–524, the Agricultural Act of 1970, which states:

Congress hereby directs the heads of all executive departments and agencies and the Government to establish and maintain, insofar as practicable, departmental policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities.

In response to this legislation, the Department of Defense posture is as follows:

The Department recognizes the purpose of PL 91–524 and in its consideration of future requirements will comply, to the greatest extent possible, with its spirit and intent.

In view of the overcrowded conditions in the Washington, D.C., metropolitan area, the need for trained physicians throughout the uniformed services, and the availability of suitable alternative locations particularly at medical training facilities in our less populated areas, I am hopeful that it will be possible for you to give this amendment your support.

I have 57 counties in my district, a lot of clean air, wonderful climate and fine people. However, I am aware that the chances of locating it there are about as good as a humming bird flying it to the moon with the Washington Monument tied to its tail.

But the need to get away from the large population centers is great and now I earnestly ask your support for this amendment.

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

Mr. SEBELIUS. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I should like to rise in support of the gentleman's amendment and commend him for his leadership. I wish to say that for far too long we have ignored this small detail that has contributed to overcrowding and congestion in our cities. I urge the adoption of the amendment.

Mr. SEBELIUS. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. HECHLER of West Virginia. I commend the gentleman from Kansas for offering this amendment. It is certainly in keeping with the President's policy of decentralizing Federal installations. I hope the amendment will receive overwhelming support in the committee, because it certainly makes a lot of sense.

Mr. SEBELIUS. I thank the gentleman.

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

Mr. SEBELIUS. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I congratulate my colleagues from Kansas (Mr. SEBELIUS) for his amendment which would strike the language requiring the Uniformed Services University of the Health Sciences to be located within 25 miles of the District of Columbia and I support him fully.

I recognize the argument that location of this facility in the Washington area will provide for beneficial sharing of existing facilities. But, if this is such a firm argument, why are we then including in the same act, a study of the possibilities for similar schools around the country? If this facility can function in other parts of the country and if Congress has already expressed the desire to distribute Federal payrolls where they are wanted and needed and where construction will not impair social or environmental values, then Congress ought to take that step now.

I have every confidence that a university of this nature could be more beneficially located, in a manner consistent with excellent land use, where attractive and convenient facilities can be accomodated with none of the expense and environmental cost associated with another Washington complex.

With the completion of the 1970 census, the alarming proportions of the population maldistribution in the Nation were confirmed, establishing the residence of more than 70 percent of the population in a dozen metropolitan areas encompassing less than 10 percent of the land.

In this metropolitan growth, Washington has been a leader, registering a 38-percent population increase in the past decade, the second fastest growth rate in the Nation.

The grim consequences of the overcrowding are evident in the strain on social services and the environment, threatening the historic charm and beauty of a capital which in L'Enfant's conception was to be the envy of the world.

With relentless determination, the Federal Government has contributed to the congestion and chaos with construction of office building after office building in the Capital and surrounding area.

Although the consequences of overcentralization of population in a handful of cities has been dramatically and tragically recorded in rising crime rates, soaring municipal indebtedness and breakdowns in social order which seemingly defy solution, the other end of the scale is less evident.

A lack of opportunity in rural America, coupled with the lure of economically dynamic cities has in the past 45 years brought some 25 million new residents to the cities, emptying countless small communities. In the 1970 census, some 500 counties recorded a net loss in population, a blow to the nonmetropolitan areas which cannot remain unremedied.

In the absence of an official national policy on population distribution, the Congress has to take the lead in encouraging a balancing of economic opportunity through an enlightened distribution of Federal payrolls.

Congress made such an expression in title 9 of the Agriculture Act of 1970 which states:

> Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain, insofar as practicable, departmental policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities.

The House Agriculture Committee is in the process of considering H.R. 10867, the Rural Development Act of 1971 which contains even stronger language.

Under title 5 of the act, the Federal Government is directed to locate new Federal offices and other facilities in rural areas, defined as any area in a city or town which has a population not in excess of 10,000 inhbitants. Chairman POAGE, in responding to my letter of testimony supporting this title, called it one of the most important features of the bill.

Coupled with these policy directives are the legislative proposals, which I am cosponsoring, to provide tax incentives for businesses to locate in small towns and to provide grants and loans for the restoration of smalltown business districts and community facilities.

Against this background comes H.R. 2 to establish yet another Federal facility in the Washington area. I am pleased to note that the protests which I have raised throughout this session, against the Consolidated Federal Law Enforcement Training Center in Beltsville, against the Library of Congress Annex on Capitol Hill, and against the "Little Pentagon" complex at Bolling, have now found some support.

If Congress will begin now in serving notice to the executive branch that new Federal facilties can be located to advantage in nonmetropolitan areas, the revitalization of rural America in a small, but meaningful way is advanced.

In these crucial votes, I would remind my colleagues that the problems of the city and the countryside are interrelated; we literally cannot solve one without solving the other. I call on them today to see the merits of taking a stand on this issue and urging that the proposed Uniformed Services University of the Health Sciences be located outside the Greater Metropolitan Washington area.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

I commend the gentleman from Kansas for his interest in this legislation, and I certainly do understand the spirit in which he offers his amendment. However, the facts go against the adoption of the amendment.

This provision utilizes that which is already here. It is one of the attractive parts of the legislation, that we have here Bethesda, Walter Reed, the National Institutes of Health, and other great resources. Billions of dollars have been invested, of Government funds, in an area where we plan to put the bricks and mortar.

As suggested yesterday, it could be done at Walter Reed after the new hospital is built there.

So, in reality, we are accomplishing exactly that which the gentleman from Kansas suggests. We are not expanding unnecessarily. We are contracting by concentrating where resources are available.

Relative to the future, the provisions of the legislation already are that which the gentleman indicates he would like to have in his amendment; that is, there is a provision, as the institution grows, in the legislation to look around at different areas throughout the country where further facilities could be placed.

I assure the gentleman that while I appreciate his motive and his understanding of the problem, we have looked into this matter and thoroughly discussed it.

Mr. Chairman, I ask that the amendment be rejected.

Mr. GROSS. Will the gentleman yield?

Mr. HÉBERT. Yes; of course.

Mr. GROSS. Does the language that this facility be established within 25 miles of the District mean within 25 miles of the border of the District or within the District?

Mr. HÉBERT. It means within 25 miles of the border of the District.

Mr. GROSS. Well, that would exclude it from being located within the Walter Reed Hospital grounds, would it not?

Mr. HÉBERT. It would not.

Mr. GROSS. Is that beyond the border of the District of Columbia?

Mr. HÉBERT. That is the extreme radius we are talking about.

Mr. GROSS. So it could be located within the District or 25 miles from the center of the District?

Mr. HÉBERT. That is correct. I suppose it could be located within 25 miles.

Mr. GROSS. I think it is important for the record.

Mr. HÉBERT. I thank the gentleman for making that contribution as I always welcome his observations.

Let me say the availability of outstanding research resources adds to the incentives provided by this bill. The need for doctors is so serious that incentives must be provided. In this regard I would like to include with my remarks a letter from the chairman of the Department of Surgery at Wisconsin University Hospital, Dr. A. R. Curreri, who contributes important considerations to the discussion of why this legislation is urgently required.

The letter follows:

> UNIVERSITY HOSPITALS,
> UNIVERSITY OF WISCONSIN,
> *Madison, Wis., October 29, 1971.*
>
> Congressman F. EDWARD HÉBERT,
> *United States House of Representatives,*
> *Rayburn House Office Building,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN HÉBERT: Corrective measures in recruiting and retention of medical officers in the Defense Department are essential if adequate medical care is to be provided in the near future to the soldier and his family. In establishing a Uniformed

Services University of Health Sciences and in awarding scholarships to eligible students who would attend medical schools of their choosing. Bill H.R. 2 would provide long and short range approaches towards achieving the above goals. However, in addition to H.R. 2, major changes in the operation of the military medical corps are necessary for them to compete with academia and private practice of medicine.

It was my privilege to visit our military medical installations in the United States, Europe and Asia between 1956 and 1970. Up to 1962 and 1963 the esprit de corps, patient care and research achievements of the medical career officers were of the highest order. Subsequently, morale diminished markedly and discussions with officers at all levels of career development revealed that only a precious few would recommend a permanent career in military medicine. In the light of this dramatic change, both Congress and the Defense Department must inquire regarding the causes for this change in attitude and institute remedial measures at the earliest moment.

Several factors have militated against the medical military services. The first was the socio-economic-scientific explosion of the past two decades creating a tremendous demand for and upon the medical profession pool as a result of 1) increased affluence and medical insurance, 2) the availability of medicare and medicaid to the elderly and the young, 3) medical aid to foreign countries, 4) greater utilization of physicians by industry, and 5) enormous increase in research activity and teaching by medical schools, federal government and pharmaceutical companies.

Previous testimony has made evident that the number of graduates from American medical schools together with foreign graduates admitted to practice have not met our civilian needs (albeit the quality of the latter may be inferior). Even with increased enrollments in our medical schools and the establishment of seventeen new ones, the number of future graduates will not meet our civilian needs. If these predictions are true, then the needs for the military can best be met by awarding scholarships and establishing a Uniformed Services University of Health Sciences.

Second, when compared to private practice or academic medicine, military medicine falls far short in incentives in terms of income, stability of assignment, and opportunties for academic and professional growth.

The question of income is frequently brought up and compared to that of private practice. In general, medical officers feel they should be equated with their counterparts in academic medicine, providing incentives and opportunities for growth were available. After World War II, the military was able to recruit and retain medical officers because they developed the mechanism of paying physicians in training for specialties a captain's salary which was far superior to the stipends offered by universities and private hospitals. Incorporated in the training program was a pay back system in which the trainee remained in the Army an additional year for each year of training. Unfortunately, in the past five years salaries of interns and residents in universities and private hospitals has not only equated, but superseded that paid by the Defense Department.

In the past, assignments of medical officers were not necessarily tailored to a man's professional or administrative interests, abilities or goals. Thus, it was difficult for an officer to determine whether a new assignment indicated progress in his career. Moreover, the frequent changes in assignment not only precluded developing and sustaining professional or research programs, but also frequently disturbed family stability. Finally, young officers viewed attainment of a star or flag rank only to those willing to assume administrative or logistical responsibilities. Such a shift was unattractive after a life time dedicated to professional and research efforts. During the past two years, an attempt has been made to program an officer's career, but this has been difficult because of the numerous resignations, retirements and the limited recruitment.

Considerable emotion has been generated in testimony before the House Committee on Armed Services and by letters against HR2 particularly with respect to the establishment of a Uniformed Services Health Services University on the basis a Defense Department medical school would be parochial in its teaching and research and would emphasize destruction rather than conservation of life. Moreover, it was also charged that not only would the clinical exposure of students be a narrow one confined towards trauma, but also such a school would have difficulty in attracting a faculty of academic status.

To the charge of parochialism in teaching and research, the Defense Department could point with pride to its record in post-doctoral residency training. An index to the depth of teaching and the range of subject coverage would be an examination of the pass and failure rate of candidates taking Specialty Board Examinations. Here one finds the military competing on equal terms with academia and far surpassing those trained in community hospitals. With respect to the philosophy of teaching, one need only visit the hospitals in war areas to recognize that the primary aim of a military physician is to save lives and return patients to normal duty rather than advocating destruction.

In research, the allegation to destruction of life is no longer true with the discontinuance of chemical and biological warfare by the medical corps. The present range of research projects in medical military installations cover a range of investigations not unsimilar to those of universities. Indeed, whereas individual universities conduct research in depth in a few departments, the Defense Department university could engage itself in depth in many areas by transferring many of its projects to a home base. One need only consider the present efforts by the Armed Forces Institutes of Pathology, the Walter Reed Hospital and Institute for Research, The Burn Center at Brooke General Hospital, and other military installations to appreciate the depth and spectrum of research. One may add that many Defense Department investigations not only have aided the military but the general society as well. The most recent one was the vaccine against equine encephalitis which killed many horses in Mexico and Southern United States as well as endangering the lives of many people in that area. The Army made the vaccine available and the epidemic was controlled in short order.

As an example of the variety of cases a student would see in an Armed Forces University Hospital one can point to Walter Reed and the Bethesda Naval Hospital where one finds every conceivable type of medical case, many of which are rarely if ever seen in the medical school hospital. Indeed most academic hospitals are very deficient in the acute or common chronic disease and depend upon community affiliated hospitals to provide them. Often the teaching in affiliated hospitals leaves much to be desired.

What would be most exciting is the concept that the Armed Forces University could develop a global physician. This would be in marked contrast to the parochial physician presently trained in the United States whose knowledge of disease relates only to those observed in our country. In developing a global physician, the Armed Forces University could utilize two summers to expose students to the five exotic endemic diseases, producing 80% of the morbidity in South American and the Orient. With modern transportation shortening distances between all parts of the world, it might be advantageous for all physicians to have a better understanding of the exotic diseases afflicting mankind.

Recruit and train young physicians by providing a captain's salary which compared very favorably to the $600 annual stipends offered by universities and private hospitals. These young men were accepted on the promise they would pay back one year of service for each year of training. However, in the course of time, the keen competition for interns and residents by universities and private hospitals has led to salary levels ranging from $8,500 to $18,000 which surely are equal to or superior to those offered by the military. Thus, the military physician no longer enjoys the financial edge early in his career and certainly receives less in the intermediate and late periods of his career when compared to his equal in academic or private medicine.

Serious consideration should be given to giving four years credit towards retirement to the military medical student. Such credit will enable a military officer to retire at 16 years when most of them are at a Lt. Col. level. This will allow the Surgeon General to have a smaller number at the top leadership level and reward them with rank and financial returns equal to the academic market. In addition, the retirees can enter private practice at an earlier age and at a time he is still professionally oriented. If they were to complete 20 years prior to retiring, many of them would not be able to practice medicine since their last three to four years would have been devoted to a desk job and medical science would have passed them by.

Also a certain degree of disappointment has been manifest over colonels and flag ranks appointments being awarded to those willing to assume administrative and logistical responsibilities. Unfortunately, the present system relates the number of officers and their ranking to troop strength. A dichotomy has developed in which professional and research productivity and excellence is not being rewarded at the high ranks as well as in administration. Congress and the Defense Department must accept the fact that neither a medical university center or top level professional officers can be maintained and retained unless there is appropriate recognition for accomplishments. There must be either a marked increase in the number of colonels and flag officers in the medical corps or consideration be given to designating new titles for medical officers pursuing the professional track. In this way, the specialist and research officer can gain position and emoluments offered to high ranking officers. As I alluded to earlier there is precedent for this consideration with titles given during and before the Civil War. The establishment of a University for Health Sciences and appropriate titles for qualified individuals will bring academic and reasonable economic status to outstanding medical officers.

In developing medical scholarships and a Uniformed Services University of Health Sciences, one should seriously consider a four year pay back program for two reasons. First is that many states are considering similar scholarships with a pay back system based on a year to year support. Second, if a man has not been indoctrinated toward a military career after a four year period and is unhappy, he would be a detriment to the corps if allowed to continue and could well reduce the esprit de corps.

The question of political selection of candidates for scholarships as well as those admitted to the Uniformed Services University of Health Sciences has been brought up. These candidates would be selected geographically from those achieving the highest grades in the national examinations given to

premedical students who manifest an interest in a military medical career. They would be reviewed by the Dean of the University or his admission committee from the standpoint of motivation. Those failing to complete the training or resign prior to the completion of their pay back system could refund the government by an assignment to another government service such as NIH, Indian Services, OEO, etc.

Finally, there must be early action and I would suggest initiating the scholarship program immediately for time is of the essence if the medical corps is to survive. Victor Kahn once said, "My father lived his first 20 years in a manner just similar to my Grandfather. My Grandfather lived exactly as his father and their Grandfathers for generations. I will live a different life than my father, and my son will lead a totally different one. Maybe in the future a different life will be led every five to ten years."

Paraphrasing Victor Kahn one may say that while the environment or milieu changed gradually prior to a quarter century ago, times have changed so dramatically that the environment is continually changing and we must adjust to these changes or requirements. The military must be competitive with at least the academic market place.

In summary, Gentleman, in your hands rests the future of the military medical crops.

Sincerely yours,

A. R. CURRERI, M.D.,
Professor and Chairman,
Department of Surgery.

Mr. RANDALL. Mr. Chairman, I must reluctantly oppose the Sebelius amendment. It has been rumored that if this amendment should be adopted removing the specification in section 2112 of H.R. 2, that the uniformed services university of the health sciences must be established within 25 miles of the District of Columbia, then this new university could, might, or even would be established somewhere in the Midwest, perhaps as a part of the University of Kansas Medical School or the University of Missouri School of Medicine.

Of course it would be an inducement to vote for this amendment on a purely parochial or provincial basis. However if this amendment were to be adopted there would still be no assurance or guarantee as to where the Secretary of Defense would locate this new university. The Secretary and the Secretary of Defense alone, and no one else shall select the site or sites.

Now, it may be asked why would one from the Midwest, or the central part of our country, ever assume the political risk to vote that such a new university of the health sciences must be established within 25 miles of our Nation's Capital? The answer is that just about all of the arguments, and they are many and persuasive, except what is purely provincial, are heavily weighted in favor of locating this training source somewhere near the Washington, D.C., area because of the availability of existing and wholly unique medical research and training resources that are found within a radius of these 25 miles of our Nation's Capital. The situation which exists because of the location of the National Institutes of Health is only part of the story. Located in or near the Nation's Capital are military medical resources, including the famous military medical museum.

The record will clearly reveal that over the years I have favored decentralization of the Federal agencies. As far back as the 86th Congress I voted for the Coal Research Laboratory to be located in the coal fields where it properly belonged. Some years later I supported the decentralization of laboratories having to do with research into the mode of treatment for water pollution. Yes, decentralization is not only desirable but one day in the not too distant future, it may become inevitable. Before I leave this point, it may be appropriate or perhaps necessary to mention that H.R. 2 does provide for decentralization of facilities when the time should become necessary.

For the time being, it would be unfortuitous and nearsighted if we were not to make use of the present, existing, and I might add unique educational and training resources that are presently concentrated in the Washington, D.C., area. It is my judgment that all Members are indebted to the gentlemen from Missouri (Mr. HALL) for bringing these facts to our attention.

It should be clearly understood that the bill, as reported by the committee, does not prevent later decentralization of facilities when such is appropriate. Section 2116 of the bill specifically provides for reports to Congress of follow-on studies on the possibility of establishing similar institutions at other locations in the United States. The language of that section is as follows:

The Secretary of Defense shall report to the Committee on Armed Services of the Senate and House of Representatives on the feasibility of establishing educational institutions similar or identical to the Uniformed Services University of Health Sciences at other locations he deems appropriate. The last such report shall be submitted by June 30, 1976.

This provision recognizes that if the concept of a university of health services proves as effective an operation as envisioned by our committee, similar universities may prove to be desirable in other geographical areas of the United States which would offer the same type of medical resources and research facilities available in the Washington area. Therefore, I say that the language of the bill as reported by the committee is not inconsistent with the position of those of us who have long sought a further decentralization of Government operations.

In conclusion, let me express my tremendous admiration of the patience, the skill, and the fortitude which our chairman (Mr. HÉBERT) has shown for 20 years to bring this dream of an Armed Forces medical institution to fruition. Today, this idea takes a giant step toward reality, and its eventual reality will be a monument to the gentleman from Louisiana.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kansas (Mr. SEBELIUS).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 22, noes, 43.

TELLER VOTE WITH CLERKS

Mr. SEBELIUS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SEBELIUS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. SEBELIUS, Mr. HALL, and Mr. BOLAND.

The Committee divided, and the tellers reported that there were—ayes 148, noes 215, not voting 67, as follows:

[Roll No. 342]

[Recorded Teller Vote]

AYES—148

Abernethy	Fountain	Murphy, N.Y.
Alexander	Frey	Nelsen
Anderson, Calif.	Galifianakis	Obey
	Garmatz	O'Konski
Andrews, N. Dak.	Gonzalez	Patten
	Gross	Peyser
Archer	Grover	Pickle
Ashley	Hanley	Poage
Begich	Harsha	Powell
Betts	Harvey	Price, Tex.
Bevill	Hastings	Quie
Biaggi	Hays	Railsback
Blackburn	Hechler, W. Va.	Reuss
Blatnik	Hillis	Riegle
Brasco	Horton	Roberts
Brooks	Hungate	Robinson, Va.
Broomfield	Jones, Ala.	Roncalio
Brotzman	Kastenmeier	Roush
Brown, Ohio	Kazen	Roy
Burke, Fla.	Keating	Ruppe
Burleson, Tex.	Kemp	Sandman
Byrnes, Wis.	Kuykendall	Saylor
Camp	Landgrebe	Scherle
Carey, N.Y.	Landrum	Schmitz
Casey, Tex.	Latta	Schneebeli
Cleveland	Link	Schwengel
Collier	Lloyd	Sebelius
Collins, Tex.	Long, Md.	Seiberling
Conable	Lujan	Shoup
Crane	McClory	Shriver
Davis, Ga.	McCollister	Slack
Davis, Wis.	McCormack	Smith, Calif.
de la Garza	McDade	Smith, Iowa
Delaney	McKevitt	Snyder
Dellenback	Mann	Steele
Dennis	Martin	Steiger, Ariz.
Devine	Mathias, Calif.	Stephens
Dow	Mathis, Ga.	Taylor
Dowdy	Mayne	Thompson, Ga.
Duncan	Mazzoli	Thone
du Pont	Melcher	Vanik
Edwards, Ala.	Michel	Veysey
Erlenborn	Miller, Ohio	Wampler
Esch	Mills, Md.	White
Eshleman	Minshall	Williams
Evans, Colo.	Mizell	Winn
Findley	Monagan	Wright
Fisher	Montgomery	Wydler
Flowers	Morse	Yates
Flynt	Mosher	Zwach

NOES—215

Abbitt	Clawson, Del	Grasso
Abourezk	Clay	Green, Oreg.
Abzug	Collins, Ill.	Griffin
Addabbo	Conte	Griffiths
Albert	Conyers	Gude
Anderson, Ill.	Corman	Hagan
Anderson, Tenn.	Culver	Haley
	Daniel, Va.	Hall
Andrews, Ala.	Daniels, N.J.	Hamilton
Annunzio	Dellums	Hammer-schmidt
Arends	Denholm	
Aspin	Dickinson	Hanna
Aspinall	Dingell	Hansen, Idaho
Belcher	Donohue	Harrington
Bell	Dorn	Hathaway
Bennett	Downing	Hawkins
Bergland	Drinan	Hébert
Bingham	Eckhardt	Heckler, Mass.
Boland	Edmondson	Henderson
Bolling	Edwards, Calif.	Hicks, Mass.
Brademas	Eilberg	Hicks, Wash.
Bray	Evins, Tenn.	Hogan
Brinkley	Fascell	Hosmer
Brown, Mich.	Fish	Hull
Buchanan	Flood	Hunt
Burke, Mass.	Foley	Hutchinson
Burlison, Mo.	Ford, Gerald R.	Jacobs
Burton	Ford, William D.	Johnson, Calif.
Byrne, Pa.		Johnson, Pa.
Byron	Forsythe	Jonas
Caffery	Fraser	Jones, N.C.
Carney	Frelinghuysen	Jones, Tenn.
Carter	Fulton, Tenn.	Karth
Cederberg	Gaydos	King
Chamberlain	Gettys	Kluczynski
Chappell	Giaimo	Koch
Clancy	Gibbons	Kyl
Clausen, Don H.	Goldwater	Kyros
	Goodling	Leggett

Lennon	Poff	Steed
Lent	Preyer, N.C.	Steiger, Wis.
McCloskey	Price, Ill.	Stratton
McCulloch	Pryor, Ark.	Stubblefield
McDonald, Mich.	Pucinski	Sullivan
McFall	Quillen	Symington
McKay	Randall	Talcott
McKinney	Rangel	Teague, Tex.
McMillan	Rarick	Thompson, N.J.
Madden	Reid, N.Y.	Thomson, Wis.
Mahon	Rhodes	Tiernan
Mailliard	Rodino	Udall
Matsunaga	Rogers	Ullman
Meeds	Rooney, N.Y.	Van Deerlin
Metcalfe	Rooney, Pa.	Vander Jagt
Mikva	Rosenthal	Vigorito
Miller, Calif.	Rostenkowski	Waldie
Mills, Ark.	Rousselot	Ware
Minish	Roybal	Whalen
Mitchell	Runnels	Whalley
Myers	Ruth	Whitehurst
Natcher	Ryan	Whitten
Nedzi	St Germain	Widnall
Nichols	Sarbanes	Wilson, Bob
Nix	Satterfield	Wilson, Charles H.
O'Hara	Scheuer	Wolff
Passman	Scott	Wyatt
Patman	Shipley	Wylie
Pepper	Sikes	Wyman
Perkins	Sisk	Yatron
Pettis	Spence	Young, Fla.
Pike	Springer	Young, Tex.
Pirnie	Staggers	Zablocki
Podell	Stanton, James V.	Zion

NOT VOTING—67

Adams	Dulski	Mollohan
Ashbrook	Dwyer	Moorhead
Badillo	Edwards, La.	Morgan
Baker	Frenzel	Moss
Baring	Fuqua	Murphy, Ill.
Barrett	Gallagher	O'Neill
Biester	Gray	Pelly
Blanton	Green, Pa.	Purcell
Boggs	Gubser	Rees
Bow	Halpern	Robison, N.Y.
Broyhill, N.C.	Hansen, Wash.	Roe
Broyhill, Va.	Helstoski	Skubitz
Cabell	Holifield	Smith, N.Y.
Celler	Howard	Stanton, J. William
Chisholm	Ichord	Stokes
Clark	Jarman	Stuckey
Colmer	Kee	Teague, Calif.
Cotter	Keith	Terry
Coughlin	Long, La.	Waggonner
Danielson	McClure	Wiggins
Davis, S.C.	McEwen	
Dent	Macdonald, Mass.	
Derwinski	Mink	
Diggs		

So the amendments were rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DORN, 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. 2) to establish a Uniformed Services University of the Health Sciences, pursuant to House Resolution 644, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 352, nays 31, not voting 46, as follows:

[Roll No. 343]

YEAS—352

Abbitt	Eckhardt	Leggett
Abzug	Edmondson	Lennon
Addabbo	Edwards, Calif.	Lent
Alexander	Eilberg	Link
Anderson, Ill.	Erlenborn	Lloyd
Anderson, Tenn.	Esch	Long, Md.
Andrews, Ala.	Eshleman	McClory
Andrews, N. Dak.	Evans, Colo.	McCloskey
Annunzio	Evins, Tenn.	McCollister
Archer	Fascell	McCormack
Arends	Findley	McCulloch
Ashley	Fish	McDade
Aspin	Fisher	McDonald, Mich.
Aspinall	Flood	McEwen
Begich	Foley	McFall
Belcher	Ford, Gerald R.	McKay
Bell	Ford, William D.	McKevitt
Bennett	Forsythe	McKinney
Bergland	Fraser	McMillan
Betts	Frelinghuysen	Madden
Bevill	Frey	Mahon
Biaggi	Fulton, Tenn.	Mailliard
Bingham	Galifianakis	Martin
Blackburn	Gallagher	Mathias, Calif.
Blatnik	Garmatz	Matsunaga
Boggs	Gaydos	Mayne
Boland	Gettys	Mazzoli
Bolling	Giaimo	Meeds
Bow	Goldwater	Melcher
Brademas	Gonzalez	Metcalfe
Brasco	Goodling	Michel
Bray	Grasso	Mikva
Brinkley	Gray	Miller, Calif.
Brooks	Green, Oreg.	Miller, Ohio
Broomfield	Griffin	Mills, Ark.
Brotzman	Griffiths	Mills, Md.
Brown, Mich.	Grover	Minish
Brown, Ohio	Gude	Mink
Broyhill, N.C.	Hagan	Minshall
Buchanan	Haley	Mitchell
Burke, Mass.	Hall	Mizell
Burleson, Tex.	Hamilton	Mollohan
Burlison, Mo.	Hammer-schmidt	Montgomery
Burton	Hanley	Moorhead
Byrne, Pa.	Hanna	Morgan
Byron	Hansen, Idaho	Morse
Caffery	Hansen, Wash.	Mosher
Camp	Harrington	Moss
Carey, N.Y.	Harsha	Murphy, N.Y.
Carney	Harvey	Myers
Carter	Hastings	Natcher
Casey, Tex.	Hathaway	Nedzi
Cederberg	Hawkins	Nelsen
Celler	Hays	Nichols
Chamberlain	Hébert	Nix
Chappell	Hechler, W. Va.	Obey
Chisholm	Heckler, Mass.	O'Hara
Clancy	Helstoski	O'Konski
Clark	Henderson	Passman
Clausen, Don H.	Hicks, Mass.	Patten
Clawson, Del	Hicks, Wash.	Pelly
Clay	Hillis	Pepper
Cleveland	Hogan	Perkins
Collier	Holifield	Pettis
Collins, Ill.	Horton	Pike
Collins, Tex.	Hosmer	Pirnie
Conable	Howard	Poage
Conte	Hull	Podell
Conyers	Hunt	Poff
Corman	Hutchinson	Powell
Coughlin	Ichord	Preyer, N.C.
Culver	Jacobs	Price, Ill.
Daniel, Va.	Johnson, Calif.	Price, Tex.
Daniels, N.J.	Johnson, Pa.	Pryor, Ark.
Davis, Ga.	Jones, Ala.	Pucinski
Delaney	Jones, N.C.	Quie
Dellenback	Jones, Tenn.	Quillen
Denholm	Karth	Railsback
Dent	Kastenmeier	Randall
Devine	Kazen	Reid, N.Y.
Dickinson	Keating	Rhodes
Dingell	Keith	Riegle
Donohue	Kemp	Roberts
Dorn	King	Robinson, Va.
Dow	Kluczynski	Rodino
Dowdy	Koch	Roe
Downing	Kuykendall	Rogers
Drinan	Kyl	Rooney, N.Y.
Duncan	Kyros	Rooney, Pa.
du Pont	Landrum	Rosenthal
	Latta	
Rostenkowski	Springer	Veysey
Roush	Staggers	Vigorito
Rousselot	Stanton, James V.	Waldie
Roy	Steed	Wampler
Roybal	Steele	Ware
Runnels	Steiger, Ariz.	Whalen
Ruth	Steiger, Wis.	Whalley
Ryan	Stephens	White
St Germain	Stratton	Whitehurst
Sandman	Stubblefield	Widnall
Sarbanes	Stuckey	Williams
Satterfield	Sullivan	Wilson, Bob
Saylor	Symington	Wilson, Charles H.
Scheuer	Talcott	Winn
Schneebeli	Taylor	Wolff
Schwengel	Teague, Calif.	Wright
Scott	Teague, Tex.	Wyatt
Sebelius	Thompson, Ga.	Wydler
Seiberling	Thompson, N.J.	Wylie
Shipley	Thomson, Wis.	Wyman
Shriver	Thone	Yates
Sikes	Tiernan	Yatron
Sisk	Udall	Young, Fla.
Slack	Ullman	Young, Tex.
Smith, Calif.	Van Deerlin	Zablocki
Smith, Iowa	Vander Jagt	Zion
Snyder	Vanik	
Spence		

NAYS—31

Anderson, Calif.	Fountain	Rangel
Burke, Fla.	Gibbons	Rarick
Byrnes, Wis.	Gross	Reuss
Crane	Hungate	Roncalio
Davis, Wis.	Landgrebe	Ruppe
de la Garza	Lujan	Scherle
Dennis	Mann	Schmitz
Edwards, Ala.	Mathis, Ga.	Shoup
Flowers	Monagan	Whitten
Flynt	Patman	Zwach
	Pickle	

NOT VOTING—46

Abernethy	Dellums	Macdonald, Mass.
Abourezk	Derwinski	Murphy, Ill.
Adams	Diggs	O'Neill
Ashbrook	Dulski	Peyser
Badillo	Dwyer	Purcell
Baker	Edwards, La.	Rees
Baring	Frenzel	Robison, N.Y.
Barrett	Fuqua	Skubitz
Biester	Green, Pa.	Smith, N.Y.
Blanton	Gubser	Stanton, J. William
Broyhill, Va.	Halpern	Stokes
Cabell	Jarman	Terry
Colmer	Jonas	Waggonner
Cotter	Kee	Wiggins
Danielson	Long, La.	
Davis, S.C.	McClure	

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Robison of New York.
Mr. Waggonner with Mr. Jonas.
Mr Abernethy with Mr. Ashbrook.
Mr. Davis of South Carolina with Mr. Baker.
Mr. Fuqua with Mr. McClure.
Mr. Green of Pennsylvania with Mr. Biester.
Mr. Purcell with Mr. Frenzel.
Mr Macdonald of Massachusetts with Mr. Peyser.
Mr. Cabell with Mr. Broyhill of Virginia.
Mr. Barrett with Mrs. Dwyer.
Mr Blanton with Mr. Derwinski.
Mr. Adams with Mr Smith of New York.
Mr. Cotter with Mr. Skubitz.
Mr. Danielson with Mr. Gubser.
Mr Dulski with Mr. Halpern.
Mr. Gray with Mr. J. William Stanton.
Mr. Rees with Mr. Diggs.
Mr. Badillo with Mr. Dellums.
Mr. Colmer with Mr. Terry.
Mr. Jarman with Mr. Wiggins.
Mr. Baring with Mr. Stokes.
Mr. Abourezk with Mr. Kee.
Mr. Murphy of Illinois with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

The title was amended so as to read: "To establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and

other health professions, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 2.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HIGHER EDUCATION ACT OF 1971

Mrs. GREEN of Oregon. Mr. Speaker, I move 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. 7248) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education.

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. 7248, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, October 28, 1971, it had agreed that title VIII, ending on page 194, line 24, of the committee substitute amendment, would be considered as read and open to amendment.

Are there amendments to title VIII?

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Beginning with line 14 on page 181 strike out everything down through line 24 on page 194.

And, renumber subsequent titles and sections appropriately.

Mr. ERLENBORN. Mr. Chairman, the amendment I have just offered would strike title VIII from the higher education bill we are now considering which authorizes what has been commonly referred to as general institutional aid to institutions of higher education. I have addressed myself on the floor to this question before. I made it clear that I think the case has not been made that there is a general crisis in the funding of higher education. I think it is clear from the hearings of our committee that to the extent a crisis exists we are not certain what the causes of crisis are.

But on the basis that we have heard and read a good deal in the last year or two about the so-called crisis in financing higher education, an attempt is being made here to change the basic relationship between the Federal Government and institutions of higher education. In my opinion—and I think you would share that opinion with me if you look at the formula contained in the bill—this is not an attempt to meet a specific crisis. This is not a temporary expedient to get us over a crisis. This is a change in the basic relationship of the financing of higher education among the Federal Government, the States, and the private sector.

Two major proposals were made in our subcommittee, one by Mrs. GREEN, which is a capitation formula and varies with the student—it is $100 for the lower division, $150 for the upper division, $200 for graduate students—this is an across-the-board allowance to every institution of higher education that meets certain minimum qualifications. There is no requirement of any specific program to be instituted on their part, no criteria for them to follow.

The other approach is called the cost-of-education allowance, which was supported by the administration. That proposal was introduced by the gentleman from Minnesota (Mr. QUIE). This would at least be tied to some Federal objectives, and that the distribution of these funds based upon a formula that is determined by the number of other Federal student-aid funds that go into the institutions. The justification, which the administration, through Mr. QUIE, pointed out, is the Federal Government has set goals. It has established formulas for these particular national goals that are embodied in student financial aid programs, and those institutions that respond to this Federal setting of goals and trying to implement them have taken on an extra burden, and that therefore we should help them through the cost-of-education allowance.

I feel that neither of these programs has been justified by the evidence before us. It is difficult to understand why there are some institutions in financial trouble. Mrs. GREEN would devise a formula which now contains two-thirds of her original capitation, and one-third the cost-of-education, which will spread the funds to the four winds to every institution of higher education, whether in financial difficulty or not.

I think this certainly fits the description that is so often used of its being a scatter gun shot when a rifle shot is needed.

There is a provision in this that the funds may not go to schools of divinity. They may not support religious education per se. But yet church-related institutions are included as recipients of this broad, institutional aid.

I think there is a grave constitutional question as to whether we can put these Federal funds into the general operating budget of a church-related institution. A recent decision of the Supreme Court has struck down a portion of the Higher Education Facilities Act.

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

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 5 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, I think the recent decisions have made it clear that the court is going to jealously guard the provisions that we should not admix church and state.

The bill does require "maintenance of effort" and yet it is drawn so that it would harm the very institutions that need help the most—the private institutions whose contributions are falling off because of the economy, possibly, because of problems on the campus, so they would have less funds of their own to expend. Under the maintenance of effort provision in this bill, if they did not have as much as the average expenditure, not per pupil, but total expenditure in the institution for the prior 2 years, they would then be disqualified for the receipt of these funds. So that those that are truly in trouble may find themselves not to be the recipients of this aid.

How about the State institutions? I think we all know the demands for education are expanding. Enrollments in State institutions are expanding. There should be a concomitant additional expansion of States' financing for higher education, more funds flowing into the State institutions. If this maintenance of effort provision merely requires that they spend the same amount on the average as they did the last 2 years, with their expanding enrollment and with increased costs due to inflation, they could in effect reduce the States' commitment to financing the public institutions and relying upon instead the new Federal funds that are flowing in.

If there would be any justification for the program basically. I would think that the maintenance of effort provision ought to be tied to the per student expenditure, so that in the expanding institution, the State would be maintaining truly its effort at financing higher education.

We also have the problem of these funds going to the very small institutions. There are many who question the viability of those institutions of 500 or less in student enrollment. Yet under this formula many of these institutions will receive a major portion of their operating budget from this one special program. I pointed out on the floor last week that some small institutions may receive as much as 40 percent of their total operating budget under this formula. Is it really a national goal to maintain small institutions which are not responsive to the needs of students merely because they are institutions of higher education and, therefore, qualified for these funds, without any other test as to their responsiveness and the need for their continuance?

Mr. Chairman, I feel that the case has not been made for general institutional aid. I believe there are some institutions that may have—and do have indeed—financial difficulty. I think more needs to be known as to the cause of this difficulty, whether it is receipts or expenditures, whether it is bad business practices, or whether it is bad educational practices and goals. We ought to know that, so the real cause of the problem is understood, so the remedy may be fashioned to relieve those areas that are the cause of the problem.

Let us not use the scatter gun. Let us not use the broad spectrum antibiotic when we have a specific disease that ought to have a specific remedy. I know my good friend, the gentleman from Mis-

souri (Dr. HALL) will understand what I am talking about when I use that metaphor.

Mr. Chairman, I say there are some institutions that are in need, and Members know there are some that are in dire financial difficulty, and Members wonder how those institutions will be by until these studies are completed. I point to the provision in title 18, which is not a substitute nor a parallel program, nor an alternative, but it can be a temporary expedient. The gentleman from Wisconsin (Mr. STEIGER) has offered this real and truly emergency aid, $150 million to be given to those who are in the direst financial circumstances to tide them over.

Mr. Chairman, I ask that the amendment be adopted and the broad institutional aid be rejected.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, for those who want to look objectively at the status of institutions of higher education across the country I would invite attention to the material which I placed in the RECORD last Wednesday when this was under debate.

The various studies that have been made on higher education, it seems to me, prove absolutely that the institutions are facing the greatest financial crisis they have ever seen in the United States.

The Jellema report, which was a study done by the Association of American Colleges, said:

> Most colleges in the red are staying in the red. . . . Taken collectively, they will not long be able to serve higher education and the Nation with strength unless significant aid is soon forthcoming.

Now, the followup study, after the preliminary one, is even more foreboding. It says that the crisis is 26 percent worse than they anticipated a year ago.

The Cheit study says:

> This study makes clear that the money crisis in higher education is indeed real. Almost no school is immune from its effects. For most schools, it will mean serious problems of retrenchment and readjustment. As this study has shown, the extent to which colleges and universities of all types are in economic trouble is great, and they are genuinely working at reducing their financial difficulties. But the schools cannot solve the problem alone.

There was a study done of the land-grant colleges. Five years ago there was not a single public university in the country with an operating funds deficit, but last year there were 12 that ended the academic year in the red, and 11 universities are already predicting they will finish the year with more expenses than they have funds to meet.

That is just the land-grant colleges.

I believe the crisis is much greater than can be shown by looking at the ledger sheet.

Emergency measures such as the gentleman from Illinois suggests cannot be continued indefinitely without doing irreparable harm to these institutions.

Let me cite specific examples. For 2 years Penn State has been forced to go to private lending institutions for funds to meet operating expenses. They have borrowed $88.5 million, which will cost the university in excess of $2 million just in interest.

A study was done of the financial problems of Massachusetts Private Higher Education. The study shows a debt level that had risen from $63.7 million in 1962 to $191.8 million in 1969.

Another study was made of 762 accredited private 4-year institutions. Twenty-four percent currently are borrowing from endowments, and others are operating only by deficit financing.

The Commissioner of Education in October of this year, in a speech to the American Council on Education, although he opposes the formula the committee is recommending, said:

> We know that the normal financial strain which is severe enough has become well nigh unbearable under the impact of the recession, inflation, and slashed research funds.

One college president said, "The handwriting is clearly on the wall unless new sources of income are found."

Reference is made to the study of the Association of American Colleges, in which it is predicted that if the present trend continues 365 institutions of higher education will go under financially within 10 years.

Hundreds of institutions have reported operating losses, in some instances running into millions. Many have been forced not only to curtail their basic programs but also to wholly cancel many creative or innovative programs which are desperately needed in these days.

So, Mr. Chairman, I would argue that the crisis is real; it is upon us; it is nationwide; it is not limited to a few isolated instances. It is my prediction that unless Federal help is given we will find many of our private colleges closing their doors.

If this Congress wants only to have in the United States multiuniversities, with 40,000 students, that is one thing; but if we really value a dual system of education, with private and public institutions, then we must give some financial aid.

We have bailed out Lockheed and the Penn Central Railroad. They have received operating funds. It seems to me it is now in the national interest not to let the doors of our private institutions be closed because of a lack of operating expenses.

Mr. Chairman, let me make a second point. Having argued that the crisis is real and nationwide, it seems to me a very important factor that we have institutional aid for all of the institutions so that they can keep their tuitions down.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 3 additional minutes.)

Mrs. GREEN of Oregon. Listen to this study that was done in Texas in 1968. It indicated that if the present trend continued, by 1985 in constant 1968 dollars the actual cost per student in major independent universities in the State of Texas would be $36,859. The actual cost per student in the senior colleges in the State would be $17,074. If the percentage covered by the tuition remains about constant or the same as now—and we know that tuition does not pay for all of the cost, it means that a student in 1985 would have to pay in the private universities in the State of Texas $17,000 per year for tuition and in the public colleges $10,000 per year.

I think it is in the national interest to provide assistance, so that we can help institutions to keep their tuitions down. I suggest that the group who will need help the most, more than anybody else, if the tuition increases to the extent that the Texas study shows, will be the middle-income students. They do not have any special financial assistance programs at all. They are dependent on their own savings, their own earnings, and the help of their families. They would be the ones who would not be able to attend these institutions. What we would be doing is providing more funds in the way of student financial aid to send the very poor to the colleges. It is essential that we make it possible for the middle-income and the low-middle-income group to be able to continue in the colleges and universities. The only way to do it is by some kind of institutional aid that will keep tuition fees down.

Mr. Chairman, there is one final argument. If the amendment offered by the gentleman from Illinois would carry, we would go to a conference committee meeting with the Senate where they would have institutional aid tied exclusively to EOG, work study, and NDEA funds. This is the most unstable formula that we could have. We would have no chance in the House to go to that conference committee and present an alternative solution.

So I urge that the amendment offered by the gentleman from Illinois be defeated and title VIII providing Federal funds for institutional aid remain in the bill.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise, I must admit, with some reluctance to support the Erlenborn amendment to strike institutional aid from this legislation. I say that, because I feel very deeply about the problems facing American institutions of higher education. I am persuaded that there is a serious situation facing some institutions and in the committee I supported the cost of education concept.

Let me say at the outset that I was intrigued by the argument used by the gentlewoman from Oregon that, because the Congress moved to help Lockheed and Penn Central we should now vote for aid to institutions.

I voted against both the Lockheed and Penn Central aid, but worse, I suggest to the gentlewoman from Oregon and to the Members of the House, are we not really talking about the establishment of a very serious precedent that may lead to the nationalization of railroads in this country if we follow the Penn Central logic, and do we want to move toward the nationalization of college education in the United States through beginning an institutional aid program?

I think that is one of the dangers that

we do have to face. I do not think the Committee on Education and Labor has as yet seriously begun to think through this problem in terms of the ramifications of our actions.

Mr. Chairman, let me say three things.

No. 1, I do not think there is as yet sufficient evidence to indicate that we should go to an across-the-board program of institutional support. Of course, those studies that have been done by organizations or institutions will indicate that there are varying degrees of financial crises facing some of these institutions. But, I do not think any of us—I do not think the committee, I do not think the Congress, I do not think the gentlewoman from Oregon and I do not think any other Member has attempted to assess institution by institution what kind of crisis is facing each kind of institution. Yet the remedy proposed is an across-the-board Federal program that will apply to all institutions no matter what kind of financial crisis they are faced with. I think that, in and of itself, is a very serious mistake.

Second. I think we are also going to have to be wary of something which I think has been overlooked to a great degree but which ought to be called to the attention of the members of the committee, and that is the Carnegie Commission on Higher Education's recommendations with reference to Federal support for colleges and universities. For the purposes of this debate let me just read a portion of the preliminary draft report to the members of the committee:

State and private involvement in higher education in the United States has resulted in there not being a national system of higher education as exists in most nations. In the 19th century, when the need for public institutions rose, it was the States that established universities and colleges. It is true that Federal Government grants facilitated their establishment, but it was the States that accepted and continued to exercise responsibility for their operation. Without a single national system we have avoided these disadvantages often characteristic of such systems; national personnel systems for faculty and staff with uniform salary scales and manning formulas; single source of funding accompanied by single source of control; inevitability of political involvement at the national level for the whole system; problems of any unit of the system being easily escalated to a national political concern; rigidity and inflexibility of a large complex system; homogeneity of institutions in the system.

Once adopted, a national system is difficult or impossible to eliminate. It would be, for the United States, an irreversible decision. If undertaken, it should be only after thorough exploration of alternatives and careful thought as to the consequences.

Mr. Chairman, I would suggest to the members of the Committee that the House of Representatives today is not prepared to have to make this kind of careful analysis and exploration into the ramifications of the alternatives that exist in attempting to meet the problems that different institutions have with reference to financing higher education.

Let me also call the attention of the Committee to a point that ought to be made, but which has no yet been made very well as to what we are doing in an across-the-board program.

I suggest that varying institutions have varying needs. No one has yet defined "institutional crisis." Is it debt; is it tuition as compared to other sources of revenue; is it that State institutions are facing reductions from the State legislatures; is it that Federal research funds have not been maintained at the same level? I would argue that all of those questions, and others, are some of the reasons that some of these problems came into being.

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

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

Mr. STEIGER of Wisconsin. As a result of that, I think Congress ought to give very careful consideration to a point which the Carnegie Foundation makes and that is this:

But higher levels of Federal funding for higher education are needed. These can be accomplished, however, without any major reallocation of funding responsibilities. Federal funds can be assigned for those programs and concerns which already constitute major national priorities.—

With which I agree—

In previous sections we have noted several of these. Here we wish to stress three: (1) Federal responsibility for meeting institutional costs arising from efforts to achieve equality of educational opportunity; (2) Federal responsibility for graduate education in general; and (3) Federal responsibility for education in the health sciences.

We believe that the first priority for any program of Federal aid to higher education should be accomplishment of a basic level of equality of educational opportunity. Increasingly it is through equal access to education that equality of opportunity in American life becomes possible, but financial barriers and deprivation by location, by ethnic groups, by age, and by inadequacy of pre-college education will still prevent many American citizens from developing their full potential.

Thus, I think the point they are making, and one which I share with them, is that we might well acknowledge that existing programs of aid to education that the Congress has previously authorized but may not have funded to the level necessary ought to be explored before we look into the question of the Federal role in higher education.

Mr. Chairman, the Erlenborn amendment to strike title VIII, difficult as that is, in my judgment is the only sound and proper policy that the House today can undertake because we do not know the extent of the crisis because there is no clear criteria or basis for judging that all institutions are having the same problem. And, further, because I do not believe the Congress has given sufficient thought to the question of whether or not we are prepared at this point to undertake this dramatic, new kind of relationship with higher education, and all of the ramifications that could flow from it.

I urge the adoption, regrettably, of the Erlenborn amendment in an effort to try to see if we cannot meet the needs of the institutions on a sounder basis than is proposed in title VIII.

In the earlier debate I have called the attention of the committee to the analysis of institutional aid done by Dr. Alice Rivlin, by Dr. Ben Lawrence of WICHE, by Clark Kerr of the Carnegie Commission, and others, all of whom have raised troubling questions on this matter.

There are, in addition, Mr. Chairman, some specific questions and comments which can be asked. For example:

Many witnesses expressed the fear that State legislatures would simply pull back on their own support of higher education if the Federal Government assumed operating costs. Everyone agreed a strong maintenance of effort provision was necessary.

The bill requires each institution—public or private—to expend during the year of the grant for "all educationally related programs" at least as much as the average expenditure the previous 2 years. This is not related to per student—so colleges with increasing enrollments are in good shape; those with declining enrollments in bad shape.

The Commissioner may waive this requirement for any institution if "he determines such waiver would promote the purposes of this part."

Here are some problems:

First. If this title is addressed to "an emergency condition" then the above provision would tend to eliminate those in the greatest financial need.

Second. Some schools expend less because of declining enrollments, drop in giving, decrease in State appropriation, and so forth. But other schools hopefully will discover ways of spending less while keeping enrollment static. All of these institutions would be penalized.

Third. The Commissioner will either have to waive requirement for all institutions; not waive it for any; or find some way of determining which institutions are in the greatest need or somehow deserve special treatment. He would not even have the congressional guidance for making such decisions as that which appears in title XVIII.

Furthermore the bonus money for the first 300 students results in some questionable policy matters. Few people think that institutions of less than 500 can be run efficiently and still provide quality programs.

According to the latest figures, there are 487 eligible institutions with less than 500 students. Although these institutions account for 21 percent of all institutions, they enroll only 2 percent of the students. Yet the bill would give them 4.5 percent of the money. Some such colleges would get a grant—under full funding—equal to 40 percent plus of their operating budget.

In addition, Mr. Chairman, H.R. 7248 requires every public and private institution to maintain a level of expenditures no less than average of the previous 2 years;

First. Does this mean that, if legislature decides to emphasize some other type of institution or other institutions, that a State college could be disqualified under this bill?

Second. If a private college suffers a decrease in enrollment of 10 to 20 students, thereby requiring a smaller budget, would that institution be denied institutional aid?

Third. If a large research university has a sharp cutback in Federal research money would that college then be disqualified under this bill?

Fourth. In order to maintain its budget expenditures, would not many institutions be tempted to raise tuition—the only factor it can really control—if its resources would not otherwise meet the bill's requirement?

Fifth. Is not the real effect of this maintenance-of-effort provision to disqualify those institutions which may need the Federal aid the most? So we cannot say that this title addresses itself in any way to the so-called emergency in higher education.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

I would like to take this time, Mr. Chairman, to express my full support for the inclusion of the provisions in this bill creating the National Student Loan Marketing Association.

This section of the bill, which is similar to legislation I introduced in both the 91st and 92d Congresses, will create a secondary market for student loans. This proposal will increase and greatly improve the liquidity of lending institutions and the student loan market, thus expanding the number of students who can be assisted by private sector finance institutions.

"Sally Mae" embodies my own personal philosophy that I feel should be the basis for educational assistance programs—that is, to provide each student with the opportunity plus an equity in his own education.

By assisting a student in earning his education, we also increase his motivation toward obtaining his degree.

The Congress should make clear in determining higher education policies that we insure the creation of educational programs which will make certain that educational opportunities, in fact, exist for all Americans, and that students assume a fair share of the responsibility for their own educational opportunities.

The critical issues appear to be the need to increase, substantially, lender participation, the need to make long-term educational financing feasible for the financing institutions, and the need to induce students to take full advantage of the benefits of any such program. The challenge is to find realistic, effective answers to these issues at the most reasonable cost to the Federal Treasury, the taxpayer, and the students themselves.

Guaranteed loans supplemented by "Sally Mae" and, hopefully, tax credits for the costs of higher education can meet this challenge.

It has been my pleasure to have worked with the gentleman from Illinois (Mr. ERLENBORN) in the beginning stages of the SLMA formulation meetings.

We met with the Chairman of the President's Task Force on Higher Education, staff member from the Department of Health, Education, and Welfare, student assistance specialists from lending institutions, and financial aid officers and counselors from colleges and universities in 1968 and 1969 to work out the details of this program.

Sally Mae would operate as a Government sponsored, privately financed corporation. It would raise its initial operating funds through the sale of stock and its continuing capital requirements through the sale of Government guaranteed bonds bearing the same rate of interest as that of other Government guaranteed securities in the secondary market sector.

Lenders of insured student loans—banks, credit unions, savings and loan associations, and colleges—would sell their student loan paper to Sally Mae, thus making available new capital to make additional loans.

The sale of Government bonds and preferred stock will permit the participation of large investors—pension and retirement funds, insurance companies, and the like—who, understandably, have been reluctant to participate at the primary lending level, because of their liquidity problems.

This is one of the most dramatic financing concepts that has come forward in the field of educational assistance. I am very excited and optimistic about its potential. Would the gentleman from Wisconsin comment on the impact of this provision as it relates to the college and university financial problems?

Mr. STEIGER of Wisconsin. In my judgment, that alone is not enough——

Mr. DON H. CLAUSEN. That is right; I agree with the gentleman.

Mr. STEIGER of Wisconsin. It is not enough to meet the problem confronting our institutions and our students. The fact is that we really have to talk about an arsenal of weapons approach, if I can borrow from collective bargaining, in terms of alternative solutions.

Mr. DON H. CLAUSEN. I agree with the gentleman.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I suppose that no title of the bill under consideration has been more difficult for the committee to resolve than institutional aid. Various points of view were expounded as committee members sought in good conscience to wrestle with the implications of alternative approaches for providing aid to our colleges and universities.

I think it is probably not inaccurate to say that the final product is not one with which any member of the committee would be in 100 percent accord, but the title that was produced is a reflection of a good deal of effort on the part of the members of the subcommittee and the full committee over a period of some time. I would hope, therefore, that the Committee of the Whole House this afternoon would not undo all of that effort—which would be the effect of Mr. ERLENBORN's amendment—and simply hold out no helping hand whatsoever to the institutions of higher learning in our country.

As my good friend, the gentleman from Wisconsin (Mr. STEIGER) knows, I am not unsympathetic with some of the types of argument that he makes with respect to institutional aid, but at the same time, Mr. Chairman, I am not prepared to say that if we cannot have perfection with respect to the shape of an institutional aid program, we should turn our backs on all forms of assistance to the colleges and universities in this country.

I think it is also fair to point out, Mr. Chairman, that we have had a tradition in the subcommittee chaired by the distinguished gentlewoman from Oregon (Mrs. GREEN)—at least, since I have been on the subcommittee—of bipartisan support for higher education legislation. I hope very much, therefore, that the vote this afternoon on the amendment offered by the gentleman from Illinois will win opposition from both the majority and the minority sides of the aisle.

I might say finally, Mr. Chairman, that I believe the gentlewoman from Oregon was correct when she said that it would not be appropriate for us on the House side to go into conference with Members of the other body without our having expressed our judgment on the substance of the institutional aid program.

Mr. Chairman, it seems to me most unfortunate that we should on this subject or indeed on any other subject go to conference and find ourselves in a situation with the Senate where we have either to take what they give us or take nothing. The institutional aid title in the bill is the product of an effort to accommodate varying points of view. It is a forward stride of great significance for higher education in our country. I would hope very much that the gentleman's amendment is rejected.

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

Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague from Illinois (Mr. ERLENBORN). I harbor no illusions about the financial condition of many of our colleges and universities; indeed, it was in recognition of their financial plight that I introduced the Higher Education Gift Incentive Act of 1971, to provide individual and corporate income tax credits for charitable contributions to our institutions of higher learning. And I regret that the rules pertaining to jurisdiction preclude me from offering my bill as an alternative approach today. That is not to say that some form of Federal institutional aid might not be in order; indeed, I had hoped that those writing the dissenting views to the committee report would offer their cost of education approach as an alternative to the sweeping approach taken in title VIII. But in the absence of any such viable alternative, I think we are left with no alternative but to strike the institutional aid formula now contained in the committee bill.

I came to this conclusion after carefully studying the committee bill—and believe me, there is no greater indictment against the general grant approach

than the language of the bill itself. Part A of title VIII says an emergency condition has arisen which threatens the continued existence of some schools, therefore, the Federal Government should provide assistance to all schools. Now there is a non sequitur if ever I saw one. That is like saying that, because some people are sick, we should give medicine to everyone.

But read on, if you will. Part B of title VIII says we need to study the impact of past and present support for higher education so that we may determine the appropriate level of future support. It goes on in subsection (B) to confess that we need to assess the dimensions and extent of the financial crisis confronting our institutions, and that we need to study various alternative solutions to this problem, giving special attention to their costs, advantages, and disadvantages and the extent to which they would preserve the diversity and independence of such institutions. To assess the extent and dimensions of the problem and to study various alternative solutions, part B establishes a high level "National Commission on the Financing of Postsecondary Education" to be comprised of four Members of Congress and 13 persons appointed by the President. The Commission is to report back to the President and Congress by June 30, 1973.

But let us not stop there, Mr. Chairman. Let us turn to title XVIII on page 256 of the bill—the title dealing with temporary relief for institutions of higher education in financial distress. Section 1801 says Congress finds, and I quote:

> Some institutions of higher education are in serious financial distress, and there is insufficient information as to the nature and causes of such financial distress and as to the appropriate means of dealing with it. And to underscore this point, section 1806 authorizes the secretary to undertake an analysis of alternative ways of supporting higher education.

Can there be any question, Mr. Chairman, from these findings and the two studies authorized in this bill that we do not know the nature and extent of the financial crisis in higher education and that we do not know how best to cope with it?

Then how can we possibly justify jumping in with both feet at this time with comprehensive institutional assistance program authorized under title VIII? If I might return to my medical metaphor, we find ourselves in the most untenable position of peddling pills before we have even properly diagnosed the ailment, let alone considered who should be treated and how.

In prescribing a universal dosage of Federal dollars for our colleges and universities, we are risking the most dangerous form of institutional dependency—an addiction to Federal support which could seriously undermine the diversity, integrity, and independence of our academic institutions. That is not a remote possibility. The language of this bill states unequivocally that we just do not know what impact new forms of assistance might have on these institutions, or on the sources of support, for that matter. All this requires further study, and that is provided for in this bill. In the meantime, those institutions which are in dire financial straits will be benefited by the emergency fund authorized under title XVIII. I, therefore, urge passage of the Erlenborn amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to my colleague the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman from Illinois for yielding to me at this time.

It is unfortunate, Mr. Chairman, that we are unable to include in this bill the proposal I have coauthored with Mr. ANDERSON and several of our colleagues to allow a tax credit for the costs of higher education.

This is part of the educational legislative package I feel should be enacted to insure an opportunity for everyone to reach his full educational potential.

My support for this type of program reflects my desire to work for programs that will avoid establishing a trend toward total nationalization of educational assistance programs and the consequent Federal control that results from Federal funding.

Because I believe the Congress has both a moral and constitutional responsibility to maintain a decentralized system of education in this country and to avoid harnessing education with a large and unmanageable administrative process, I shall support the Erlenborn amendment to remove the provisions for direct institutional assistance. This new departure deserves much more careful evaluation and study because of the very sensitive constitutional questions involved plus the fact that there are alternate methods of financing education that can be advanced and implemented.

The Erlenborn amendment deserves our support not only because it would prevent what could be a major step toward federalization of education but also because it will prevent the enactment of a program for which a need has admittedly not been fully justified and for which an unrealistic and unfair allocation formula has been proposed that bears no relationship to the critical needs of many colleges and universities of American higher education, which providing assistance to institutions that do not have a demonstrated need.

I want to see programs enacted which would give students a greater say in determining the policies which determine the quality of their education. A national system of general institutional aid would have the effect of perpetuating existing policies which many, if not most, students consider to be irrelevant and ineffective, in many instances.

The young people are trying to tell America, please treat me as an individual, help me as an individual but please do not institutionalize me.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment, but before I speak on that subject I would like to inform the House, since so many Members have inquired, that I have sent to the desk an amendment which will be offered as title XXI at the conclusion of the bill, which will incorporate the emergency school bill with amendments. We have included in the amendments a total and complete prohibition against busing, which now makes the proposed title very similar to the bill we passed by a vote of 2 to 1 last December.

I merely point this out, because I do not intend to offer any amendments on this subject prior to completing action on the remainder of the bill. I hope that that answers the question that Members have been asking.

As far as the amendment before us is concerned, I have listened to the gentlewoman from Oregon in our subcommittee detail very thoroughly the need for this title. I believe my colleagues will agree that Mrs. GREEN is one of the Nation's outstanding authorities on the needs of higher education. No one knows the subject better than she does as chairlady of this committee. She has made a very careful study. No one can call her a "big spender." Yet she realizes the extreme need of these schools.

I have listened with great interest to her statements of deep conviction in support of this title. There have been statements made here about additional studies being needed. You do not need more studies in your congressional district. You know that every institution of higher education in your congressional district is strapped with a financial crisis unprecedented in our history, and all the studies in the world will not change that situation one way or the other.

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

Mr. PUCINSKI. Not now. It seems to me that we certainly ought to take the recommendation of the distinguished chairlady of this subcommittee on this subject. She has made a very clear and thorough study of it.

I appreciate why the gentlewoman is striving so hard for this program. When we work our way out of the present recession we are in—and I am sure we will—this Nation will be headed for a $2 trillion gross national product, probably by the end of this decade. We will have a labor force of 100 million people. We will need these institutions to train the kind of people that will be needed in America to provide the kind of skilled knowledge that will be needed to meet the changes that lie ahead.

As you look down range on the growth of this Nation in the next 100 months, the enormous changes that confront us boggle the imagination.

The gentlewoman says that we have to help these schools now. We have to preserve them. We cannot bring them back. Anyone who has talked to school administrators knows what a tremendous task it is to try to recreate an institution of higher learning by bringing back its faculty, staff, and professional people and attempting to put together again an

institution that will meet the educational needs of that community.

So it seems to me if we are going to err, I would rather err on the side of the gentlewoman from Oregon, who has made an honest and sincere study of this subject, and who has persuaded me, as a member of this committee that we ought to stand behind her in trying to get this title through. On balance, you will be preserving institutions that desperately need help, and if they do not get this kind of help, may very well go down and never come back.

The needs of the country are enormous, and I would just as soon take my chances standing with the gentlewoman from Oregon on this amendment.

Mr. Chairman, following is the amendment to be offered as title XXI to the Higher Education Act:

AMENDMENT TO H.R. 7248

On page 282 after line 3 insert a new Title XXI as follows:

"TITLE XXI—EMERGENCY SCHOOL AID

"SEC. 2101. This title may be cited as the 'Emergency School Aid Act of 1971'.

PURPOSE AND POLICY

"SEC. 2102. (a) The purpose of this title is to provide financial assistance—

"(1) to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools, and

"(2) to encourage the voluntary elimination, reduction, or prevention of racial isolation in elementary and secondary schools with substantial proportions of minority group students.

"(b) It is the policy of the United States that guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

"APPROPRIATIONS

"SEC. 2103. (a) There are authorized to be appropriated for carrying out this title not in excess of $500,000,000 for the fiscal year ending June 30, 1972, and not in excess of $1,000,000,000 for the succeeding fiscal year.

"(b) Funds appropriated under subsection (a) shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

"(c) From the sums appropriated under subsection (a) for each fiscal year there shall be reserved to the Secretary an amount equal to not less than 4 per centum of the sums so appropriated for the purpose of carrying out bilingual education programs in accordance with section 2105 (e).

"ALLOTMENTS AMONG STATES

"SEC. 2104. (a) From the sums appropriated pursuant to section 2103 (a) for carrying out this title for any fiscal year, the Secretary shall allot an amount equal to 90 per centum among the States by allotting to each State $100,000 plus an amount which bears the same ratio to the balance of such 90 per centum of such sums as the aggregate number of children aged five to seventeen, inclusive, in the State who are Negroes, American Indians, Spanish-surnamed Americans, or members of other racial minority groups (such as Orientals, Alaskan natives, and Hawaiian natives) as determined by the Secretary, bears to the aggregate number of such children in all of the States. The remainder of such sums (other than sums reserved under section 2103(c) may be expended by the Secretary as he may find necessary or appropriate (but only for activities described in section 2106 and in accordance with the other provisions of this title) for grants or contracts to carry out the purpose of this title stated in section 2102(a). The number of such children in each State and in all of the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

"(b)(1) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reallotment to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

"(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this title, the Secretary shall not fix a date for reallotment, pursuant to this subsection, of any portion of any allotment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any allotment to a State for a fiscal year shall be available for reallotment pursuant to this subsection unless the Secretary determines that the applications for assistance under this title which have been filed by eligible applicants in that State for which a portion of such allotment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this title, as set forth in sections 2106, 2107, and 2108, or which set forth programs or projects of such insufficient promise for achieving the purpose of this title stated in section 2102(a) that their approval is not warranted.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

"SEC. 2105. (a) The Secretary shall provide financial assistance by grant upon application therefor approved in accordance with this title to a local educational agency—

"(1) which is implementing a plan—

"(A) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of racially segregated students or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of racial isolation in such schools; or

"(B) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of racially segregated students or faculty in such schools;

"(2) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of racial isolation in all the racially isolated schools in the school district of such agency;

"(3) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan—

"(A) to eliminate or reduce racial isolation in one or more of the racially isolated schools in the school district of such agency,

"(B) to reduce the total number of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 2104(a), who are in racially isolated schools in such district, or

"(C) to prevent racial isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 10 per centum, but not more than 50 per centum, of the enrollment consists of such children;

"(4) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing racial isolation in one or more of the school districts to which such plan relates; or

"(5) which, upon a determination by the Secretary—

"(A) that more than 50 per centum of the number of children in attendance at the schools of a local educational agency is Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 2104(a), and

"(B) that such local educational agency has applied for and will receive at least an equal amount of assistance under subsection (b),

"has established or will establish one or more stable, quality, integrated schools. For the purposes of this paragraph, an integrated school shall be a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Secretary determines that the number of children who are not in groups described in clause (A) constitutes that proportion of the enrollment which will achieve stability, in no event more than 70 per centum thereof, and (ii) a faculty which is representative of persons who are Negroes, American Indians, or Spanish-surnamed Americans, or members of other racial minority groups as determined by the Secretary under section 2104(a) and persons who are not members of such groups in the population of the larger community in which it is located, or, whenever the Secretary determines that the local educational agency concerned is attempting to increase the proportions of racial minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the racial minority group and nonminority group faculty employed by the local educational agency.

"(b) The Secretary is authorized to make grants to local educational agencies, which are eligible under subsection (a)(5), for unusually promising pilot programs or projects designed to overcome the adverse effects of racial isolation by improving the academic achievement of children in one or more racially isolated schools, if he determines that the local educational agency had a number of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 2104(a) enrolled in its schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, which is at least 15,000.

"(c) In cases in which the Secretary finds that it would effectively carry out the purpose of this title stated in section 2102(a), he may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the develop-

ment or implementation of a plan or activity described in subsection (a).

"(d) (1) No local educational agency shall be eligible for assistance under this title if it has, after the date of enactment of this title—

"(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to, any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination by such agency that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice discrimination on the basis of race, color, or national origin in the operation of any school activity;

"(B) had in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from racial minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

"(C) in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, had in effect any procedure for the assignment of children to or within classes which results in the separation of racial minority group from nonminority group children;

"(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of racial minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

"except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

"(2) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

"(3) All determinations and waivers pursuant to this subsection shall be in writing.

"(e) (1) The Secretary shall carry out a program to meet the needs of children who are from an environment in which the dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity. From the amount reserved pursuant to section 2103(C) the Secretary is authorized to make grants to and contracts with—

"(A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more local educational agencies which are eligible for assistance under this section, designed to meet the special educational needs of children who are from environments in which the dominant language is other than English for the development of reading, writing, and speaking skills in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the groups of which such children are members;

"(B) local educational agencies eligible for assistance under this section for the purpose of engaging in such activities;

"(C) local educational agencies eligible for assistance under this section for the purpose of carrying out activities authorized under section 2106 of this title to implement curricula developed under clause (A) or (B) or curricula otherwise developed which the Secretary determines meets the needs described in clause (A).

In making grants and contracts under this paragraph, the Secretary shall assure that sufficient funds from the amount reserved pursuant to section 2103(c) remain available to provide for grants and contracts under clause (C) of this paragraph for implementation of such curricula as the Secretary determines meet the needs described in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Secretary shall take whatever action is necessary to assure that the implementation plan includes provisions adequate to insure training of teachers and other ancillary education personnel.

"(2) (A) In order to be eligible for a grant or contract under this subsection—

"(i) a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application; and

"(ii) a private nonprofit agency, institution, or organization must (I) establish a program or project board of not less than ten members which meets the requirements of subparagraph (B) and which shall exercise policymaking authority with respect to the program or project and (II) have demonstrated to the Secretary that it has the capacity to obtain the services of adequately trained and qualified staff.

"(B) A program or project committee or board established pursuant to subparagraph (A) must be broadly representative of parents, school officials, teachers, and interested members of the community or communities to be served, not less than half of the members of which shall be parents and not less than half of the members of which shall be members of the group, the educational needs of which the program or project is intended to meet.

"(3) All programs or projects assisted under this subsection shall be specifically designed to complement any programs or projects carried out by the local educational agency under this section. The Secretary shall insure that programs of Federal financial assistance related to the purposes of this subsection are coordinated and carried out in a manner consistent with the provisions of this subsection, to the extent consistent with other law.

"AUTHORIZED ACTIVITIES

"SEC. 2106. Financial assistance under this title shall be available for programs or projects which would not otherwise be funded and which involve activities designed to carry out the purpose of this title stated in section 2102(a), including—

"(1) remedial and other services to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan or activity described in section 2105 or a program described in section 2109(2), when such services are deemed necessary to the success of such plan, activity, or program;

"(2) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

"(3) comprehensive guidance, counseling, and other personal services for such children;

"(4) development and employment of new instructional techniques and materials designed to meet the needs of such children;

"(5) educational programs using shared facilities for career education and other specialized activities;

"(6) innovative interracial educational programs or projects involving the joint participation of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 2104(a), and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

"(7) repair of minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

"(8) community activities, including public education efforts, in support of a plan or activity described in section 2105 or a program described in section 2109(2);

"(9) special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan or activity described in section 2105 or a program described in section 2109(2);

"(10) planning and evaluation activities; and

"(11) other specially designed programs or projects which meet the purpose of this title stated in section 2102(a).

"CRITERIA FOR APPROVAL

"SEC. 2107. (a) In approving applications submitted under this title (except for those submitted under section 2105(e) and 2109 (2)), the Secretary shall apply only the following criteria:

"(1) the need for assistance, taking into account such factors as—

"(A) the extent of racial isolation (including the number of racially isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

"(B) the financial need of such school district as compared to other school districts in the State,

"(C) the expense and difficulty of effectively carrying out a plan or activity described in section 2105 in such school district as compared to other school districts in the State, and

"(D) the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts within the State;

"(2) the degree to which the plan or activity described in section 2105, and the program or project to be assisted, are likely to effect a decrease in racial isolation in racially isolated schools, or in the case of applications submitted under section 2105 (a)(3)(C), the degree to which the plan and the program or project, are likely to prevent racial isolation from occurring or increasing (in the absence of assistance under this title);

"(3) the extent to which the plan or activity described in section 2105 constitutes a comprehensive district-wide approach to the elimination of racial isolation, to the maximum extent practicable, in the schools of such school district;

"(4) the degree to which the program or project to be assisted affords promise of achieving the purpose of this title stated in section 2102(a);

"(5) that (except in the case of an application submitted under section 2109(1)) the amount necessary to carry out effectively the program or project does not exceed the amount available for assistance in the State under this title in relation to the other applications from the State pending before him; and

"(6) the degree to which the plan or activity described in section 2105 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

"(b) The Secretary shall not give less favorable consideration to the application of a local educational agency (including an agency currently classified as legally desegregated by the Secretary) which has voluntarily adopted a plan qualified for assistance under this title (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

"ASSURANCES

"SEC. 2108. (a) An application submitted for approval under this title shall contain such information as the Secretary may prescribe and shall contain assurances that—

"(1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

"(2) the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this title as the Secretary may require for the continuing evaluation of programs or projects under this title, including their effectiveness in achieving clearly stated program goals, their impact on related programs or projects and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

"(3) the applicant will provide such other information as the Secretary may require to carry out the purpose of this title stated in section 2102(a);

"(4) the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made; and

"(5) staff members of the applicant who work directly with children, and professional staff of such applicant who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed or otherwise treated without regard to their membership in a racial minority group, except that no assignment pursuant to a court order or a plan approved under title VI of the Civil Rights Act of 1964, or otherwise adopted under section 2105, will be considered as being in violation of this subsection.

"(b) An application for assistance under this title submitted by a local educational agency shall, in addition to meeting the requirements of subsection (a), contain satisfactory assurances that—

"(1) to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this title stated in section 2102(a) or, in the case of an application under section 2105(e), would assist in meeting the needs described in paragraph (1)(A) of that subsection, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

"(2) such agency has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this title to less than that of the second preceding fiscal year;

"(3) the current expenditure per pupil (as defined in section 2111(a)) which such agency makes from revenues derived from its local sources for the academic year for which assistance under this title will be made available to such agency is not less than the current expenditure per pupil which such agency made from such revenues for (A) the academic year preceding the academic year during which the implementation of a plan or activity described in section 2105 or in section 2109(2) was commenced, or (B) the third academic year preceding the academic year for which such assistance will be made available, whichever, is later;

"(4) the plan with respect to which such agency is seeking assistance (as specified in section 2105(a)(1)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

"(5) for each academic year for which assistance is made available to the applicant under this title, such agency has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is eligible under any program administered by the Commissioner of Education;

"(6) such agency will not institute or have in effect any practice, policy, or procedure prohibited by clause (B), (C), or (D) of section 2105(d)(1);

"(7) such agency will not engage in a transaction described in clause (A) of section 2105(d)(1); and

"(8) such agency will carry out, and comply with, all provisions, terms, and conditions of any plan or activity as described in section 2105 or section 2109(2) upon which a determination of its eligibility for assistance under this title is based.

"(c) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency without first notifying the local educational agency of the specific reasons for his disapproval and without affording the agency a reasonable time to modify its application.

"(d) The Secretary may, from time to time, set dates by which applications shall be filed.

"(e) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this title, at least one such agency shall be an agency described in section 2105(a) or (e) or section 2109 and any one or more of such agencies joining in such application may be authorized to administer such program or project.

"SPECIAL PROGRAMS

"SEC. 2109. From the funds available to him under the second sentence of section 2104(a) the Secretary is authorized to make grants—

"(1) to eligible local educational agencies to carry out model or demonstration programs related to the purpose of this title stated in section 2102(a) if in the Secretary's judgment these programs make a special contribution to the development of methods, techniques, or programs designed to eliminate racial segregation or to eliminate, reduce, or prevent racial isolation in elementary or secondary schools; and

"(2) to local educational agencies to carry out programs for children who are from environments where the dominant language is other than English and who, (A) as a result of limited English-speaking ability, are educationally deprived, (B) have needs similar to the needs of other children participating in programs or projects assisted under this title, and (C) attend a school in which they constitute more than 50 per centum of the enrollment.

"PAYMENTS

"SEC. 2110. (a) Upon his approval of an application for assistance under this Act, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefor the amount fixed for such application.

"(b) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

"(c)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (1) of section 2108(b), the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title stated in section 2102(a) or in the case of an application under section 2105(e) would assist in meeting the needs described in paragraph (1)(A). The service to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application. The Secretary shall pay the cost of such arrangements from such State's allotment or, in the case of an application under section 2105(e), from the funds reserved under section 2103(c), or in case of an application under section 2109, from the sums available to the Secretary under the second sentence of section 2104(a).

"(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

"(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (1) of section 2108(b), he shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

"(d) After making a grant or contract under this title, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

"(e) The amount of financial assistance to a local educational agency under this title may not exceed those net additional costs which are determined by the Secretary, in accordance with regulations prescribed by

him, to be the result of the implementation of a plan or activity described in section 2105 (a), (b), or (e), or of the operation of a program under section 2109(2).

"DEFINITIONS

"SEC. 2111. As used in this title, except when otherwise specified—

"(a) The term 'current expenditure per pupil for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

"(b) The term equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

"(c) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

"(d) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this title is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this title.

"(e) The term 'nonprofit' as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(f) The terms 'racially isolated school' and 'racial isolation' in reference to a school mean a school and condition, respectively, in which Negro, American Indian, or Spanish-surnamed American children, or children who are members of other racial minority groups as determined by the Secretary under section 2104(a), constitute more than 50 per centum of the enrollment of a school.

"(g) The terms ('elementary and secondary school' and 'school' mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

"(h) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(i) The term 'State educational agency' means the State Board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

"(j) The term 'State' means one of the fifty States or the District of Columbia, and for purposes of section 2109, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.

"EVALUATION

"SEC. 2112. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this title for any fiscal year shall be available to him under the second sentence of section 2104(a) for evaluation (directly or by grant or contract) of the programs, activities, and projects authorized by this title.

"JOINT FUNDING

"SEC. 2113. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under this title, any one Federal agency may be designated to act for all in administering the funds advanced.

"NATIONAL ADVISORY COUNCIL

"SEC. 2114. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of racial minority groups, appointed by the President, which shall—

"(1) advise the Secretary with respect to the operation of the program authorized by this title, including the preparation of regulations and the implementation of the criteria for the approval of applications;

"(2) review the operation of the program (A) with respect to its effectiveness in achieving the purpose stated in section 2102(a), and (B) with respect to the Secretary's conduct in the administration of the program;

"(3) meet not less than four times in the period during which the program is authorized and submit through the Secretary to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

"(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

"(b) The Commissioner shall submit an estimate under the authority of section 401 (c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

"REPORTS

"SEC. 2115. The Secretary shall make periodic detailed reports concerning his activities in connection with the program authorized by this title and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this title in achieving the purpose of this title stated in section 2102(a). Such reports shall contain such information as may be necessary to permit adequate evaluation of the program authorized by this title, and shall include application forms, regulations, program guides, and guidelines used in the administration of the program. The report shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this title. Subsequent reports shall be submitted no less often than two times annually.

"GENERAL PROVISIONS

"SEC. 2116. (a) The provisions of parts B and C of the General Education Provisions Act shall apply to the program of Federal assistance authorized under this title as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

"(b) Section 422 of such General Education Provisions Act is amended by inserting 'the Emergency School Aid Act of 1971;' after 'the International Education Act of 1966,'.

"PROHIBITION AGAINST BUSING

"SEC. 2117. No funds appropriated pursuant to this title may be used to acquire or pay for the use of equipment for the purpose of transporting children to or from any school, or otherwise to pay any part of the cost of any such transportation.

"NEIGHBORHOOD SCHOOLS

"SEC. 2118. Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially non-discriminatory basis to adopt any other method of student assignment whether or not the use of such geographic attendance areas results in the complete desegregation of the schools of such agency."

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, what figures did the gentleman from Illinois place on the gross national product?

Mr. PUCINSKI. $2 trillion by 1980.

Mr. GROSS. $2 trillion?

Mr. PUCINSKI. Yes. That boggles the gentleman's imagination, does it not? But it is true.

Mr. GROSS. It might boggle my imagination——

Mr. PUCINSKI. This country will have a $2 trillion gross national product by 1980.

Mr. GROSS. A lot of things boggle my imagination, and one of them is the fact that you cannot spend money in the billions through foreign aid to educate and wet-nurse everybody around the world, which is what the gentleman has been voting for, instead of taking care of education in this country. Something else that might boggle the gentleman's imagination is that by the end of this year there will be $2 trillion of public and private debt in this country. Does the gentleman know why the people of this country do not have money to spend on their schools in their States, counties, and local school districts?

It is because funds have been for too long siphoned off and brought to Washington to be spent for too many ill-conceived programs such as some people in this House have been voting for all through the years. That is why the people over the country do not have the money to spend on their schools and run them as they see fit.

Mr. PUCINSKI. I believe the gentleman got lost on his trillions. It will not be a $2 trillion deficit.

Mr. GROSS. I said nothing about a deficit. I said there will be a public and private debt of $2 trillion. It was more than $1 trillion $800 billion at the start of this year, I will tell the gentleman.

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

Mr. Chairman, as the gentleman from Illinois (Mr. PUCINSKI) has indicated, at a later point in this bill an amendment will be offered to include the President's proposal for aid to school districts which are desegregating.

The amendment, as he has said, will not be exactly in the form in which H.R. 2266—the emergency school aid bill—was reported by our committee.

It will have been revised to reflect the objections made to the bill when it was considered under suspension of the rules on Monday, and I hope and believe that it will be approved by the House.

It will be very close to the bill which this House approved under a regular open rule by a two-thirds majority late last year.

I thought that this proposal should never have been brought up under a suspension of the rules which prohibited amendments, but obviously this decision was beyond my control.

This is a measure which the House should have an opportunity to amend.

Now they will have that opportunity.

The amendment will have removed from it provisions which invaded the jurisdiction of other committees of the House.

It will have an absolute prohibition against the use of funds for busing.

It will have a provision which makes it clear that the House supports the concept of neighborhood schools, so long as school attendance zones are drawn on racially nondiscriminatory lines.

I think this amendment will be an improvement in at least some respects over the bill that was before the House on Monday and I shall support it.

This program is long overdue and urgently needed, and it will provide assistance for school districts which are making an honest attempt to end racial segregation and racial isolation in their schools.

The President has requested this legislation.

He has budgeted the funds for it.

Who are already supplying limited assistance to schools under a legal compulsion to desegregate, but this is under a continuing resolution which expires November 15 and it will not be renewed.

The only remedy available will be the amendment to be offered by Mr. PUCINSKI and I strongly urge its adoption.

Mr. WILLIAM D. FORD. A point of order, Mr. Chairman.

I am making a point of order not on the fact that the gentleman will not yield for a question, but I am making the point of order that the gentleman is not speaking on a matter now before the House.

The gentleman has indicated there is some sort of package that someone has put together that will be presented to us as an amendment. Will the gentleman indicate to us whether the group that has put this together has reduced it to writing so that other members of the committee who have not had the opportunity will have an opportunity to see it and study it?

Mr. BELL. I believe it is available now.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman give me a copy?

Mr. BELL. Yes. I will give the gentleman a copy. I have one over there.

Mr. WILLIAM D. FORD. I thank the gentleman.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think all of us could agree that the program presented in title VIII for financing schools and colleges and universities is not an ideal program. It is not a program with which we would all wish to sink or swim through the ages. But I think we have documented almost ad nauseum that colleges and universities in this country are in deep and serious trouble. We have tried over the last few months to come up with some kind of program that would target on specific needs and would give us some kind of specific and detailed criteria of need—all to no avail.

So what title VIII presents is admittedly an interim solution.

We know the colleges have the variety of needs that our distinguished colleague from Wisconsin described. We know that colleges under financial pressures react in different ways. They do not all go into the red. Some of them defer necessary maintenance. Some of them reduce faculty size. Some of them cut down on planned enrollment enlargement. Some of them cut out the enrichment courses which produce excellence in our universities—the small classes, the seminars, the support of visiting professors and other enrichment programs.

We know that the evidence of financial need comes in many ways and that colleges react in many ways which reduce education excellence in order to avoid going into the red.

But it is absolutely unquestionable that colleges are under desperate financial pressure these days. So what we have today is an interim answer to meet those needs until Congress can acquire the information and statistical analyses needed to come up with specific, finely targeted programs to meet detailed needs.

We have heard the warnings of Federal control. I have suggested before, and I suggest again, that if anybody looked at the experience of the land grant colleges, where there have been Federal contributions over a period of a century, he would agree that the Nation would never stand for Federal control following the Federal dollar. The Congress would never stand for it. I believe there would be as much distaste and unhappiness on the Democratic side of the aisle as on the Republican side at any attempt to intrude Federal control of higher education where the Federal dollar support goes.

But I believe it is important to realize that this is a Federal intervention that probably will be a permanent one. If we have any doubt that we are passing over a major divide today, as we did 5 or 6 years ago with the passage of the Elementary and Secondary Education Act, that would be a mistake. I agree with my colleague from Wisconsin that this is a new precedent. Just as we got into the subsidy and support of elementary and secondary education institutions on a general basis, so here today we are getting into the general business of supporting higher education. If any Member is against that he probably ought to vote for this amendment; in fact, he could vote to scuttle this bill in its entirety.

But I believe it is obvious that institutions of higher education need help and it is obvious we do not have detailed information to give them categorical program assistance. We do have a study commission that in another year or two will give us the specific knowledge which will enable us to shove off at that time a general program of assistance and substitute for it a highly refined specialized program of assistance. I believe we urgently need that time to produce that kind of knowledge and to keep our institutions going so that they can survive to the day we can help them more adequately.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I suggest that the House ought to realize that it is being asked to do a very important thing here under this title of the bill, which is pointed up by this particular amendment.

I should like to suggest further that, not for the first time around here, we are going at an important thing in the wrong way. By that I mean that in title VIII, which is a complete and new departure for the Federal Government in the field of higher education, and a most important and significant departure, we are taking a new and important step which ought to be, if we had a respectable approach—if I may use that word—a separate piece of legislation.

I am tired of being asked to accept or to reject packages around here. The other day we had an amendment offered by my good friend, the gentleman from Indiana (Mr. BRADEMAS) to another bill which was an absolutely sweeping program of child care. It came in as an amendment with no hearings or consideration or anything else. This is not quite as strong a case as that because this is a title of a bill, but it is a complete new departure for the Federal Government. We ought to be able to consider it on its own merits. It should not try to carry itself on the shoulders of student aid, for instance, which most of us, in one form or another, would probably like to vote for, although maybe we do not want to vote for direct institutional assistance. I certainly do not.

If I may just make one suggestion: This is a most important philosophical departure. We have a great deal of Federal aid to education already. I am not one who is equipped to discuss the formulas or the technicalities.

However, we do not have a situation as yet where the Federal Government is supporting the operating budgets of our colleges and universities, for their general operating budgetary use, until we pass this bill with this title in it.

Mr. ERLENBORN suggested that in

some cases some of these colleges will have to depend for as much as 40 percent of their budgets on what they get under this title. My distinguished colleague, the gentlewoman from Oregon, says that this is the only way to save private education. I suggest to you that it will not make very much difference, because if you save it in this way and if it is the only way in which you can save it, then there will not be any private education; it will all be public education, and in a few more years it will all be national education and private college education will be a thing of the past. I fear it may in any case. At least, there is a good chance that it will be so if we start down this road. It will grow like impact aid has grown. I do not think there is anyone in this House who does not know that that is true.

Now, Mr. Chairman, if I may be permitted a personal reference briefly here, I spent many years in the house of my father during a large portion of the period when he was, for 17 years, the president of a small church-related college. This was the period of the depression. We had a tough time getting money then. By careful management, however, we managed to get through, and that college is still alive and thriving today. That is the way it ought to be done.

So, Mr. Chairman, I support the Erlenborn amendment.

Mr. DELLENBACK. Mr. Chairman, I rise in opposition to the amendment.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman yield to me?

Mr. DELLENBACK. I am glad to yield.

Mrs. GREEN of Oregon. I wonder if we can take this time to see if we can reach an agreement on the length of the debate. I ask unanimous consent that all debate on this amendment close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, I think the gentleman from Indiana just a moment ago made a very valid point. This title ought to be out on this floor as a separate bill. I do not think it is right to shut off debate on a matter that is probably the most important part of the bill at this time. So I am constrained to object.

Mr. DELLENBACK. Mr. Chairman, I am persuaded there is real need for institutional Federal aid to higher education, not only in the immediate crisis situation, but also in the long run. At the same time, I want to make it clear from the outset that I am not endorsing the formula for institutional aid now contained in H.R. 7248; what I do endorse is the concept of Federal general institutional aid.

The reports of a crisis in higher education financing are not empty rhetoric. We have been thoroughly warned. The succinct conclusion of "The Red and the Black," special preliminary report on the financial status, present and projcted, of private institutions of higher learning by William W. Jellema, executive associate and research director of the Association of American Colleges, brings home the crisis in higher education:

> Private colleges and universities are apprehensive and they have reason to be. Most colleges in the red are staying in the red and many are getting redder, while colleges in the black are generally growing grayer. Taken collectively, they will not long be able to serve higher education and the nation with strength unless significant aid is soon forthcoming.

American society has traditionally demanded a great deal of higher education. We have always expected quality and in recent years we have demanded a vast increase in quantity without any sacrifice in quality. To be specific, enrollments in our Nation's colleges and universities have tripled in the past 15 years. There are about 8½ million students enrolled in institutions of higher education throughout the country. And the Nation has demanded that colleges and universities accommodate these students during a time when the cost of education per student was steadily rising. The real pressure has been that our society—rightly so—will not tolerate any lessening of academic excellence.

By authorizing student assistance programs making it possible for a greater number of disadvantaged students to attend college, Congress has in a sense aggravated the financial problems of higher education. It follows then that it is our responsibility to help them out of the crunch we helped get them into in the first place. As the Carnegie Commission on Higher Education pointed out in their 1968 report, "Quality and Equality: New Levels of Federal Responsibility for Higher Education":

> The proposed expansion of financial aid programs to make it possible for more students to attend universities and colleges will add to the present financial problems of these institutions. The full costs of education are not met through tuition payments. Moreover, the increase in numbers of disadvantaged students will tend to raise per-student instructional costs, because many of these students will need special educational assistance such as tutoring, counseling, and perhaps remedial training in special areas.

The Carnegie Commission, in its 1968 report, recommended that the Federal Government utilize a cost-of-education allowance approach, and, as I have indicated previously, for a number of reasons, I believe this approach is the best alternative at this time.

This approach would complement existing national priorities and help target money to at least some of those institutions most in need. It would be clearly characterized as a temporary emergency program and would leave us free, as soon as the study data is in hand, to switch to a formula which would be soundly based and permanent.

The formula included in H.R. 7248 as reported by the Education and Labor Committee would allocate two-thirds of general assistance funds to institutions on the basis of their total full-time enrollment and the remaining one-third on the basis of students receiving Federal financial aid. I believe the formula now in H.R. 7248 is a serious mistake. It would virtually lock in a system of general aid which is not based on priorities or on sound and thorough background data.

Furthermore, I believe the formula now in H.R. 7248 would have a punitive effect on private institutions. Because these institutions have a shrinking proportion of total student enrollment in institutions of higher education throughout the country, they would necessarily face a decreasing share of general assistance. Finally, I fear the effect of this formula on State support for institutions of higher education. In my opinion, Federal general assistance should supplement rather than supplant State support.

I feel strongly that Federal aid to education—at any level—can be most effective when it is directed to broad purposes rather than distributed through narrow, single-purpose programs. Obviously it would be naive to debate the beneficial effects of categorical aid to higher education, and I do not intend to challenge the fact that categorical aid has been helpful and will continue to be. But I believe it should be and must be augmented and strengthened by a program of general aid.

The provisions in the Senate bill on this point are superior to those now in H.R. 7248. It is my personal hope that in conference the provisions of this title will be improved drastically over H.R. 7248.

But it would be a mistake for this House today to take the flat stand against institutional aid that is here involved in the vote on this amendment. I oppose the amendment of my good friend, the very highly esteemed gentleman from Illinois (Mr. ERLENBORN) and I hope it will be defeated.

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

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, previously the gentleman from Illinois (Mr. ANDERSON) demanded to know how many private colleges were destined for oblivion because of the immediate financial crisis with which they are faced.

Let me read to the members of the committee a few paragraphs on page 45 of the report on higher education. I think the members of the committee should be very interested in these figures, because I am sure the figures listed here, Mr. Chairman, will no doubt take into consideration the problems many Members have experienced in their own States and districts:

> The cost-price squeeze has had particular effect on the small private Liberal Arts college. Information available to the Committee indicates that in 1937–38, institutions enrolling under 500 students constituted 44 percent of the colleges and universities in the country and enrolled 18 percent of the students. Thirty years later they constituted 27 percent of the institutions and accounted for 2 percent of the students.
>
> Studies made by Dr. William W. Jellema for the Association of American Colleges indicate that, unless immediate aid is forthcoming, 365 of the nation's private colleges and universities may be closed in this decade. Two hundred of them will have exhausted their liquid assets within a year. Stated another way, of the private accredited institutions, 50 percent of four year in-

stitutions and 45 percent of those offering master's degrees in no more than three fields, 37 percent of those offering masters degrees in four or more fields, and 48 percent of the Ph.D. granting institutions, can be expected to fail within ten years.

The problem is not limited to private colleges. Of 99 state universities and land grant colleges, five years ago none had an operating deficit. Last year a survey of 78 showed 12 in the red. Of 278 state colleges and universities, 75 percent say financial difficulty is their major problem.

Mr. Chairman, if we do not want 200 of our private colleges to be eliminated completely, then I would suggest that we vote down the amendment offered by my colleague, the gentleman from Illinois (Mr. ERLENBORN).

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

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

Mr. COLLIER. Mr. Chairman, I would ask the gentleman from Iowa if it is not also true that as a result of the problem we will simply compound the trend of establishing vast educational factories which are developing with the massive enrollments at State universities across the country.

Mr. SCHERLE. The gentleman is eminently correct, and I appreciate his statement.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment. The Members should understand that we are now dealing with an amendment which strikes at the very heart of the committee bill. Acceptance of this amendment would make a mockery of the committee effort. And it would indicate that the Congress has no concern for the future of American higher education.

Mr. Chairman, over 1,000 printed pages of testimony this year and over 1,000 printed pages of testimony last year provide compelling documentation and justification for the program of institutional assistance which this amendment now proposes to be deleted. The record shows that the crisis is not in certain categories of institutions nor in isolated instances. It is present in all types of institutions and at all levels.

I know there is a deep concern in this Congress particularly for the plight of the small private college. This title will provide approximately $335,000,000 in authorizations for institutional assistance to private colleges and universities.

There has traditionally been a deep concern and interest for the junior college movement here in the Congress. This title recognizes that interest. It recognizes that the junior college movement is also affected by the crisis and proposes $158 million for these types of institutions. Because the basic factor in the formula is enrollment, as the junior college movement expands, so too will the allocation of funds to these institutions.

There is a concern too for the colleges and universities serving student bodies which are predominantly black. This title will provide $52.5 million to these institutions.

Mr. Chairman, the crisis is not only in private education and in the 2-year movement. Of 278 State colleges and universities, 75 percent cite financial difficulty as their major problem. For the land grant institutions, for State colleges and universities, and for other public institutions, $627 million is authorized.

Mr. Chairman, clearly there has been considerable controversy over the formula to be used for the allocation of institutional assistance funds. As I have stated earlier, the formula contained in title VIII is the most equitable formula presented to the committee.

Nevertheless, I can understand the concerns of some but I cannot understand the position of those who support this amendment, for it does not deal with how funds are to be allotted. In clear and simple English, it denies that there is a financial crisis in higher education. It says to institution after institution that the Congress does not care whether enrollments must be curtailed, or departments dropped, or that they must close their doors.

The amendment says to parents and students, regardless of income, that the Federal Government has no interest in helping to finance the staggering costs of higher education. And it will mean to needy students—the continuing and foremost concern of this Congress—that higher education will be even further removed. Tuition increases, which will certainly result without the institutional assistance being proposed in the bill, will fall hardest on those families and those students who are least able to pay for a college education.

Members should consider what this title will mean to colleges and universities and parents and students in their States. Take one example: Public institutions in Florida will receive $17,255,000 and private colleges and universities will receive $8,970,000. Our record shows a financial crisis with institutions in Florida and in every other State. I know we have a financial crisis existing in higher education in Kentucky. The time is long overdue for giving some minimum—and I am using the word "minimum"—assistance to our colleges and universities.

What the committee has done—and what the Green proposal does—is not to ostracize or leave out any group. All institutions are included. I do not know of any college in my State that is not in dire need and that is not in a financial crisis. All of the institutions—all of the colleges and universities in the Commonwealth of Kentucky are confronted with a financial crisis. I am convinced that the same situation exists throughout America. This has been well documented.

Mr. Chairman, I urge that the gentleman's amendment be overwhelmingly defeated.

Mr. ESCH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to indicate my strong concurrence with the distinguished ranking member of the Higher Education Subcommittee, the gentleman from Oregon (Mr. DELLENBACK) and the remarks of the gentleman from Iowa (Mr. SCHERLE) who expressed very well the need to support title VIII today in this House.

Then I would like to suggest to the Members that this concept of institutional aid is a concept whose time has come. I would concur that the particular formula as outlined in title VIII is not a satisfactory formula. It is not satisfactory, because we do not as yet even know the total dimensions of the problem. I would hope that in the course of the conference this title and this concept could be greatly improved.

While supporting this title VIII on institutional aid, I think that there are some other questions that should be raised for further discussion.

First, as yet we really do not know what is the most effective channel through which to funnel aid. The higher education community in general, the Office of Education, and we on the committee have not completed the research needed to know at this particular point what the most effective channel for aid should be.

Second, the other problem that this raises, especially in relation to the private independent colleges, is how may we provide Federal aid and yet retain autonomy at the local level to maintain freedom? Hopefully, this amendment will not encroach upon the freedom of the independent colleges, but I think we would be less than honest with ourselves if we do not recognize that as dollars flow, control will also, and that this raises a serious question about the "accountability in the higher education community and in colleges and universities generally. I am hopeful that our committee in the next year might look into this question of accountability at all levels as it relates to institutional aid.

Then there is another question raised by title VIII and that is, How can we implement title VIII and fund it and still not have it interfere with other sources, both in terms of private contributions and State sources for financing? Title VIII in its present formula does not address itself to that question as effectively as it might, and this is another question that needs our direct attention and concern. It is for these reasons that I am reluctant to support title VIII, but I am convinced that given the financial situation that exists, especially within our independent colleges, that we must pass title VIII as it now exists. That is why I oppose the amendment.

I am hopeful that during the course of the legislative process in conference we can continue to improve it.

I would also indicate to the membership that, because of this I am hopeful we can put an amendment through providing that we will not have a 5-year program under title VIII but only a 2- or 3-year program under that title, so that in the interim period, as the studies that are now becoming available to us can be utilized, we might develop answers to the questions I have raised to other queries made elsewhere.

So it is on this basis, recognizing that institutional aid is a concept whose time has come, but also suggesting to Members, and not only to this House but the higher education community, that we must next move forward to develop a

more effective delivery system in the coming years.

Mr. PEYSER. Mr. Chairman, I rise in opposition to the amendment.

I think it is unfortunate that we are faced with the name "institutional aid," because that term has a very cold and calculating sound. A lot of people figure, 'Well, this is another one of those programs and maybe we should not go along with it." We are really dealing here with the training ground of the future for young Americans, and we are taking the chance today, if we were to support this kind of amendment, of seeing the opportunity for young Americans to face the world that is coming up in the 1970's and the 1980's and to have a quality education to meet that world, either at a private or public level, be eliminated.

It has been stated here today that the private institutions no longer be private—independent institutions if we give this aid. The one statement we can make for sure is that if we do not give this aid, there will not be any private or independent institutions within the next 5- to 10-year period—unless they are institutions that are serving either the very wealthy or the very poor. I think we have to take action today, and the formula that has been devised, which is known as the Green formula under this bill, is a formula that I do support.

It is a compromise formula. I think we should understand that. The gentleman from Minnesota (Mr. QUIE) is the ranking minority member on this committee. His talent and work in this area have been certainly a great help, and he has devised a cost of education program that is now part of this formula.

So two-thirds of this formula really is Mrs. GREEN'S program and one-third is Mr. QUIE'S. I think it is a fair type of formula that represents the best interests of everybody concerned.

I think there is a real concern for community colleges and this concern is very much answered by this bill as presented by the committee.

Finally, I think we have to realize that the whole program of higher education in this country is in the balance today as to what action we take. Colleges are using their endowments, those few colleges which have endowments, to operate. The funds are not being replaced today in the way the alumni used to replace them, because the operational costs have grown too high. So I urge Members to support the total bill and the institutional aid and I hope they will defeat this amendment which would eliminate this kind of help.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I had not really expected to speak on this subject here today, because usually we have our say as a member of the Health, Education, and Welfare Subcommittee on Appropriations, but it seems to me we are breaking some brandnew ground in title VIII and that is the reason I take the floor to make a few observations.

I wish to make it unmistakably clear that I support the gentleman from Illinois in his amendment to strike this title. I cannot personally think of any institution of higher learning in this country that would not like to have another source of money. My own privately endowed alma mater in Peoria, Bradley University, will run a deficit this year of about $300,000. This title would undoubtedly help this privately endowed institution and others in my district. From a personal and selfish point, I should probably support this proposition, but I have to take a much broader view as to whether the principle of general institutional assistance is proper. I don't think it is.

What we are doing here today is only the beginning. It is a point of departure.

We can call it a measure to meet an emergency situation, but all Members know as well as I do that this is not a temporary program. We are embarking today on something that will be a permanent part of the fabric of higher education in this country. There is no getting around it.

Take the old Bankhead-Jones Act when we established the land-grant colleges. It was just a little piddling sum of $10 million or $12 million one time many years ago. We carried that item in our appropriation bill for years and years, only because no one had the intestinal fortitude to say that we were going to cut it out—even though it had outlived its usefulness. None of the Members could face up to that. They could not take that much heat.

Some may say we can limit this to a 3- or 4- or 5-year emergency program, but let us not kid ourselves. It will be a continuing permanent program. I ask you seriously: How many of you would go back to your home institutions or your home States and say that you are going to cut this program out once it has begun? I daresay the number of you who could stand up to that kind of pressure could be counted on my 10 fingers.

I say again, Mr. Chairman, what we are doing here will become a permanent program of assistance.

Aside from the fact that we do not have the information and the facts we need here upon which to base a good, sound formula of distribution, I would point out that, so far as I know, no consideration was given to those institutions around the country which are already getting much aid through other Federal programs. Some of the most prestigious institutions in the country, such as Yale, Princeton, and Harvard, are receiving nearly one-third of their operating income from Federal sources. One can say this is a good argument for enactment of this bill. Let us give them another assist, but I say any assist on our part ought to be much more finely targeted to meet specific needs rather than under this program of general across-the-board assistance.

Mr. Chairman, I have got to express some concern over the amount of money this program will eventually cost us. The gentlelady from Oregon says something in the neighborhood of $800 or $900 million the first year. Dividing that among some 2,500 or 2,600 institutions would give each something like $300,000 or $400,000. I can just feel the pressure building for double and triple that amount in a year or two—and we will hear from some that $5 or $10 billion could easily be spent for such a laudable purpose as higher education.

A few weeks ago we passed a so-called tax bill that will actually result in a loss of billions in Federal revenue in the next few years.

For those of you who think we will have all kinds of money to play with after all the boys are home from Vietnam, let me remind you that we are already mortgaging ourselves over and beyond those reductions in war spending with highflying spending programs already on the books.

The deficit this fiscal year will be $30 billion. We cannot afford to continue along this road of deficit financing. It is treacherous and the resulting inflation is probably contributing more to the problems of our colleges than anything else.

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

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

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's contribution on this new impacted aid question, because this is going to be impacted aid for higher education.

I should like the members of the committee to know I have in my hand a letter from Secretary Richardson of HEW in which he says:

As you know, the Administration has serious reservations about Title VIII of H.R. 7248, the pending Higher Education bill, which would establish a new program of general assistance to colleges and universities based in large part on the number of students enrolled and, to a lesser extent, on the amount of Federal student financial aid administered by the institution. The Administration supports instead a formula based solely on the latter factor, which would target scarce Federal funds on institutions which undertake a Federal responsibility.

The Administration has consistently opposed any formula which, even in part, would compute assistance on a flat capitation basis. We believe that a program based on capitation would result in the automatic dispersal of scarce Federal resources among institutions, many of which are not in financial distress. The adoption of this random formula approach in Title VIII could result in sharply reduced commitment by State and local governments, which have had the basic governmental responsibility in the past, for the support of higher education. If this were the result, institutions could be left in no better financial condition than they claim today.

We are also concerned that enactment of Title VIII might create expectations among college and university administrators that nearly one billion dollars, the authorization level specified in that title, would become available. In fact, we anticipate that far less than that sum could be either requested by the President or approved by the Committee on Appropriations, in view of severe budgetary constraints.

Perhaps of greatest concern is the lack of hard information available at this point about the severity, complexity and causes of the "crisis" facing higher education. We are of the opinion that not enough is known about the "crisis" to permit any intelligent

judgment now on this subject by either the Congress or the Executive.

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

Mr. ERLENBORN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

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

Mrs. GREEN of Oregon. Mr. Chairman, reserving the right to object, can we reach some agreement on time here? I do not know how many others want to speak on this, but it seems to me we should not continue for another hour or so. Can we close debate on this amendment at 3 o'clock? I ask unanimous consent to do so.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon.

Mr. ERLENBORN. If the gentlewoman from Oregon would make that 3:15, that would be agreeable.

Mrs. GREEN of Oregon. I do not see that many Members standing.

Mr. QUIE. I believe three additional Members want to speak.

Mrs. GREEN of Oregon. We do not need 25 minutes for three Members.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Mr. QUIE. Mr. Chairman, reserving the right to object, the time would have to go to 3:05 to give time to the three of us who want to speak.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that, instead of 3 o'clock, all debate on this amendment close at 3:05.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon.

Mr. COLLIER. Mr. Chairman, reserving the right to object, I am trying to figure out which three Members want to speak. I see six standing.

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

Mr. COLLIER. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. It is my understanding that the gentlewoman from New York and the gentleman from Illinois and I are the three who want time, who have not spoken before. I assume the gentleman from Illinois (Mr. MICHEL), the gentleman from Illinois (Mr. ERLENBORN), and the gentlewoman from Oregon (Mrs. GREEN) are not seeking time.

The CHAIRMAN. The Chair will state that under the general rules of the House, whenever debate is limited, those who theretofore have spoken on the amendment may speak again under the unanimous-consent agreement limiting debate.

Mrs. GREEN of Oregon. Mr. Chairman, since we have taken almost 5 minutes on this already, I ask unanimous consent that all debate on this amendment close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. It is the unanimous consent request of the gentleman from Illinois (Mr. ERLENBORN), that the gentleman from Illinois (Mr. MICHEL), may proceed for an additional 5 minutes. Is there objection to that request?

There was no objection.

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

Mr. MICHEL. I yield to the gentleman from Illinois, so that he may conclude reading the letter.

Mr. ERLENBORN. I thank the gentleman for yielding.

To conclude the reading of the letter from Secretary Richardson, he goes on to say:

> I understand that during general debate on the Higher Education bill, you indicated your intention of moving to delete Title VIII from H.R. 7248. I am fully prepared to support your efforts to delete that title.

Mr. MICHEL. I thank the gentleman for reading that very important communication into the RECORD at this point. I would like to make another observation, also.

The good chairman of the Committee on Education and Labor (Mr. PERKINS), said that this will be a minimum level of assistance. We know, as is the case with minimum wages, that they serve as a base or a benchmark from which everything flows above that. So it will be for this program.

The other day I ran across a few statistics of what we are doing in my home State of Illinois. I would like to continue the progress that we are making there, under the leadership of our great Governor Richard B. Ogilvie. In the last 3 years, for example, we have gone up from $36 million to $112 million in scholarships, an increase of 211 percent, in my home State of Illinois. For junior colleges we increased the appropriated funds from $65 million to $143 million, which is an increase of 120 percent. For universities we have gone from $764 million to $1,164 million, which is an increase of 52 percent. That is what we have done in my own home State of Illinois, not with somebody else's money but with money which we raised ourselves from income taxes in order to do these things to take care of our own people. In my book that represents a strong and determined commitment of the taxpayer's funds to the future of the young people in our college system.

I must confess that I am really concerned about our moving over this threshold today. I believe the principle is wrong and beyond that I have to raise again the question of where the money is coming from. Surely in a year or two we'll be asked for $2 billion or $4 billion, and then it may be multiplied by 5 before too long.

So, as a member of the committee which will eventually have to vote whatever money you authorize here or at least a fraction thereof, I do have to raise these concerns here today.

Mr. ERLENBORN. Will the gentleman yield to me?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. ERLENBORN. The gentleman made a very valid point about the level of effort in our own home State of Illinois. The gentleman is aware, of course, that the formula under this bill would require our State to continue that. I have no objection to it, but those States that are not at an adequate level of support will be free to stay at the inadequate level and still get the Federal funds.

Mr. MICHEL. That is why I think the formula is inequitable in that we do not get credit for what we have been doing, and I believe that if we take this general assistance route we should get credit for having taken this initiative on our own.

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois which would strike out everything beginning at line 14 on page 181 all the way through line 24 on page 194 and renumber subsequent titles and sections appropriately. In other words, the gentleman seeks to strike out the entire content of title VIII which now stands out as a very helpful and most important effort to amend the Higher Education Act of 1965.

I was not privileged to listen to all the arguments of those who would knock out this type of assistance. Yet, I have advanced the argument that it is not a good investment to put large sums of general aid into as many as 600 colleges nationwide that may have an enrollment somewhere between 500 and 1,000 students. Some may be impressed that it is a valid argument that we should deny assistance to institutions of higher education simply because they do not have at least 1,000 students.

On the contrary, with a little bit of reflection the presentation of this argument against assistance to small colleges can very well be turned around from an argument against them to an argument in their favor.

How many times have we heard our sons and daughters complain that in a great university where there are between 20,000 to 30,000 students they feel they are no longer a student with a name but only a number. I distinctly recall my daughter when she attended the great university of my State of Missouri complained that No. 12286 was the principal feature of her identification, and that her name was not important.

How can we forget the advantages of the face to face relationship between a teacher and a student? How can there ever be found a substitute for a professor who is willing to take some time to explain an intricate subject matter to a student? This kind of thing is possible only in the small colleges which are now criticized for being too small. Mr. Chairman, let us hope the time may never arrive in which the manner of instruction shall be limited to conditions where our college students go to a room and sit and listen to some type of closed circuit television. Then maybe one day a week after this canned exposure they have the doubtful privilege to have the benefit of the great wisdom of some graduate student to try to answer a few of their questions in a weekly quiz session.

No, if the true purpose of title VIII is to fund some of these small colleges we should all be for it and oppose the

amendment of the gentleman from Illinois. If the amendment of the gentleman prevails, of course, there would be no money available to help sustain these small private colleges. By a private college we mean those endowed from private subscription such as donations, legacies, and gifts provided for in the last will and testament of former graduates who believed this type of higher education was worthwhile. Some of these colleges may be partially supported by church organizations. Many or perhaps most of them are not. Those which are church affiliated do not close their doors to students that happen to be affiliated with some other religious denomination. Moreover, there is no serious problem of admission because enrollments in most instances are not beyond the plant capacity or the academic capacity of these small schools to accommodate new enrollees.

Perhaps the author of the amendment to strike title VIII is worrying about the so-called federalization of our colleges. Well, at the rate we are going unless title VIII is included in this bill, there is not going to be any source of worry for very long because according to the report which accompanies H.R. 7248 at page 45 unless immediate aid is forthcoming 365 private colleges and universities will be closed in this decade. This is only 9 years away. Someone has provided the information that 200 of these smaller colleges went out of existence this past year alone.

True, these private institutions have raised tuition. They have done so reluctantly, while trying to mitigate the impact of this raised tuition upon their students who are already suffering from inadequate personal resources to get through the school year. As it is, many of these institutions of higher education in order to avoid the slide into deficit operation have had to make difficult decisions that adversely affected the quality of education. There have already been faculty and staff freezes and cutbacks all across the country. There are reports of deferment of needed maintenance in order to avoid further deficits.

I have no way of predicting the outcome of the vote on this amendment but of all the amendments that have been offered to any section of H.R. 7248, this amendment should be defeated by the kind of a vote that will express the confidence of the Members in this House in our smaller institutions of higher learning across our land. Let us tell them by the defeat of this amendment that they have not been forgotten. Let the word go forth that we think they remain an important part of our system of higher education, and that they will be federally assisted in order that they can continue their valuable contribution to higher education.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I rise in support of the amendment offered by my colleague from Illinois (Mr. ERLENBORN).

I do so because I believe that the alternative is establishing a program that will grow and grow under political pressures which this body will not have the courage to halt. I do not think there is a Member of this House who, facing the reality of what is in title VIII, can disagree with that. I think this title is the first major step to the total federalization of higher education; and the day will come when we will regret this action unless the Erlenborn amendment is adopted.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman, I rise in opposition to the amendment.

I think, first of all, we have to recognize the fact that the preservation and conservation of our human resources in this Nation is the most important item that should be given topnotch priority on our agenda. I think we ought to recognize that all over the country today, in terms of employees, staff cutbacks, and in terms of the high cost of living, that the private institutions and other independent institutions cannot compete with the New York City University which is free from the standpoint of tuition and cannot compete with the New York State University campuses whose basic tuition is $400.

Mr. Chairman, in my opinion we cannot tell these institutions that we are not going to be able to continue to have the kind of educational system of which this country has been so very proud.

It is also interesting to note the fervor with which many oppose these educational programs when you talk about dollars while on the other hand one sees a kind of fervor that is very distressing which we do not witness when we talk about the military-industrial complex in this Nation.

Mr. Chairman, in my opinion we have to recognize the fact that the alumni are not contributing as they have done heretofore. We have to recognize the fact that the colleges are using up their endowments.

Mr. Chairman, it is our responsibility to realize that the Federal Government is going to have to become a third partner in this effort.

I remember back in the late 1930's and early 1940's, although of a still tender age—so well how many people were screaming in order to get the State government to become the second partner in the educational process and State governments realized their role although reluctantly at first.

Mr. Chairman, the importance of this partnership will benefit our youth and our children. I think the time has come that we must place this matter on a very high priority listing.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, we have heard some facts and figures on the floor of the House today, mostly from those institutions or association of institutions who stand to benefit as a result of the passage of this particular provision.

I earlier called to the attention of the members of the committee the communication which I received from the Secretary of the Department of Health, Education, and Welfare which I think is not in that category.

I would like to call attention to a letter which was addressed to the Honorable JOHN R. DELLENBACK and signed by Alfred B. Fritt of Yale University in which he writes in connection with this legislation the following:

> The first has to do with Federal financial aid to institutions. The Senate bill channels that aid through students in the form of a "cost-of-instruction allowance" for each federally-aided student enrolled, while the House version for the most part bases institutional aid on the total number enrolled.
>
> While the Senate version is clearly superior, both involve an assumption which I think plainly incorrect, namely, that there is a Federal responsibility to help preserve all colleges and universities, no matter their actual financial condition or how wretched their programs, how limited their appeal to students or how wastefully they are managed.

Remember, this is from an official at Yale University, one of those that would stand to gain if this provision is enacted.

> Once such a responsibility is assumed, I do not see how it can be gotten rid of. It would be far better if the Congress enacted no institutional aid proposal at this session and took another year to think through how best the Federal Government can bring rationality and fairness and adequate resources to the financing of higher education. The delay can do no harm, since there is no reasonable prospect that general institutional aid, even if authorized, will be funded this fiscal year.

I would call the attention of the Members of the Committee to one other independent study and from one which would not benefit from this provision and that is the cost of college study recently completed by the Columbia Research Association which takes these statistics and relates them to Federal student aid and which states that it is the utilization of income and resources that is faulty in these institutions and not a lack of income.

Mr. Chairman, this information supports my amendment and I hope it will be adopted.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Does the gentlewoman from Oregon desire to be heard at this time?

Mrs. GREEN of Oregon. Mr. Chairman, I would prefer, if it is possible, to close the debate on this particular amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

(By unanimous consent, Mr. PERKINS yielded his time to Mrs. GREEN of Oregon.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota, Mr. QUIE.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, may I first make a parliamentary inquiry?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. QUIE. Mr. Chairman, my parliamentary inquiry is this: There was a limitation of time of 20 minutes. Will the slightly more than 2 minutes for each Member who has talked, and for the

two remaining speakers, use up the entire 20 minutes?

The CHAIRMAN (Mr. WRIGHT). The Chair will state to the gentleman from Minnesota that there were seven Members who were observed standing at the time the 20-minute limitation was established. This would, equally divided, provide exactly 2⅐ minutes per Member. The Chair will further state to the gentleman from Minnesota that the Chair has attempted to be considerate and lenient in these matters. The Chair will recognize the gentleman from Minnesota (Mr. QUIE), for slightly more than 2 minutes.

Mr. QUIE. I would say further, Mr. Chairman, that the reservation on time was made at 11 minutes to 3, and it is now 3 o'clock, so it would seem to me that only 11 minutes have been used up.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Chairman, is not this time now coming out of the allotted time ageed to by the unanimous consent?

The CHAIRMAN (Mr. WRIGHT). The Chair will state that any time engaged in on parliamentary inquiries must perforce come out of that time.

Mr. HALL. I thank the Chairman.

Mr. QUIE. Mr. Chairman, I would say to my colleague, the gentleman from Missouri (Mr. HALL), that when one finds himself one-third in favor of a title, and two-thirds in opposition, he might just as well dispose of his time in parliamentary inquiries rather than discussing the title.

But before I even get into the title, I want to say that I am pleased that the gentleman from Illinois (Mr. PUCINSKI) has announced that he is going to offer the emergency school aid bill, with some changes, as title XXI of this bill. I am hopeful that the gentleman will place that amendment in the RECORD today so that the Members can examine it, because I doubt that we will be able to reach it until tomorrow.

I also want to say that this new amendment provides an absolute prohibition against money being used for busing. When the matter was before the House recently those who wanted to prohibit money being used for busing could not offer an amendment. Now it will be possible to offer amendments, so that those who wanted to have the money used for busing can support an amendment offered by someone to that effect.

I just wanted to let the Members know that, in my opinion, this is the best way to proceed in getting this legislation before us.

As far as title VIII is concerned, as I indicated, I am one-third in favor of it because of the fact we have provided for cost-of-education allowances. The Senate-passed bill adopted this approach. However, I believe that the way in which we have provided for cost-of-education allowances is more attractive and provides a better package than does the Senate language. So to that extent I would like to see it in this title as a means of going to conference to work out a compromise.

The approach of giving aid to institutions based on the number of students is an approach I oppose. I had an open mind on this when it was first talked about, but since then I think that it would be unwise to go this route. I think it would have us assume a State responsibility that should not be assumed by the Federal Government.

All institutions are not in a financial crisis, although there are some that are. This per capita approach would treat all institutions alike with respect to the amount of Federal aid. Some private institutions have more difficulty, but they would be treated the same as public institutions. Also in this bill is the assumption that there is a difference in costs between lower and upper divisions, by providing $100 per lower division student and $150 per upper division student. But we know that occupational education in the first 2 years many times is much more expensive than even upper division programs and some graduate school programs in the liberal arts area. So I think that these differing dollar amounts are extremely unwise.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, this is a new departure. This is probably one of the most important parts of the higher education bill.

Some people have stated on the floor that they prefer the cost of education approach which is the Senate alternative.

Let me read to you what Secretary Richardson had to say about this on March 2 of this year when he testified before the subcommittee. Secretary Richardson said:

> We do not believe the proposals that have been presented, for example, a cost of education grant attached to student assistance, represents anything more than very shallow common denominators of proposed support for institutions of higher education.

So the Secretary does not favor the cost of education allowance that has been advocated on the Senate side.

Mr. Chairman, let me again reiterate that the institutions of higher education in this country are facing a grave financial crisis and that crisis is nationwide.

It is interesting to note that the very few people in higher education who are opposed to title VIII are from institutions like Yale which has $485 million in endowments. If every single one of the 2,600 institutions in this country had an endowment of $485 million, then they might agree with the people at Yale that we should not propose this kind of institutional aid.

The former president of Harvard is opposed to institutional aid. We find some other prestigious institutions that are opposed to it, but they are the only ones. Every association of higher education in this country favors this program of institutional aid.

I might also add that the prestigious universities are the institutions which have been getting all of the funds up to this time. The gentleman from Illinois (Mr. MICHEL) has made reference to the fact that less than 100 prestigious universities have been getting 69 percent of all of the Federal funds for higher education in this country. The other 2,500 institutions, the ones for whom I am appealing, hardly receive anything. They have been carrying the burden for the Federal Government in the training of civilian leaders.

As I said the other day on the floor of the House, on six military institutions in this country we are spending this year over $200 million in operating grants to train military leaders. I am not opposed to that because it is a Federal responsibility. But it seems equally important and equally in the national interest that we spend funds that will allow institutions to keep their doors open and train civilian leaders.

It has also been said that we ought to devise some kind of formula that would identify the most needy institutions. First of all, the need is nationwide. It is not confined to 10 or 15 institutions, as the gentleman from Iowa (Mr. SCHERLE) pointed out. There are hundreds of institutions that remain open today only as a result of deficit financing or by dipping into their very limited endowment funds. They do not have the endowment funds that Yale has.

So I would hope that the Members of this House would look at the total need and look at the burden that these institutions have been carrying in educating civilian leaders. I urge that we vote down the amendment offered by the gentleman from Illinois.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

TELLER VOTE WITH CLERKS

Mr. ERLENBORN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ERLENBORN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Mr. ERLENBORN, Mrs. GREEN of Oregon and Mr. STEIGER of Wisconsin and Mr. PERKINS.

The Committee divided, and the tellers reported that there were—ayes 84, noes 310, not voting 36, as follows:

[Recorded Teller Vote]
[Roll No. 344]

AYES—84

Anderson, Ill.	Cleveland	Harvey
Archer	Collier	Hosmer
Arends	Collins, Tex.	Hunt
Belcher	Conable	Hutchinson
Betts	Coughlin	Jonas
Blackburn	Crane	King
Bow	Davis, Wis.	Kuykendall
Broomfield	Dennis	Kyl
Brown, Mich.	Devine	Landgrebe
Brown, Ohio	Dowdy	McClory
Buchanan	Erlenborn	McDonald, Mich.
Burke, Fla.	Findley	McEwen
Burleson, Tex.	Fisher	Mahon
Burlison, Mo.	Flynt	Martin
Byrnes, Wis.	Forsythe	Michel
Cederberg	Frelinghuysen	Mills, Md.
Chappell	Goldwater	Mizell
Clancy	Goodling	Nelsen
Clausen, Don H.	Gross	Poage
Clawson, Del	Hall	Poff

Railsback	Satterfield	Steiger, Wis.
Rarick	Schmitz	Teague, Tex.
Rhodes	Scott	Ware
Roberts	Sebelius	Whalley
Robinson, Va.	Smith, Calif.	Widnall
Rousselot	Smith, N.Y.	Wiggins
Ruth	Snyder	Young, Fla.
Sandman	Steiger, Ariz.	

NOES—310

Abbitt	Ford, Gerald R.	Melcher
Abernethy	Ford,	Metcalfe
Abourezk	William D.	Mikva
Abzug	Fountain	Miller, Calif.
Adams	Fraser	Miller, Ohio
Addabbo	Frey	Mills, Ark.
Albert	Fulton, Tenn.	Minish
Alexander	Fuqua	Mink
Anderson,	Galifianakis	Minshall
Calif.	Gallagher	Mitchell
Andrews, Ala.	Garmatz	Mollohan
Andrews,	Gaydos	Monagan
N. Dak.	Gettys	Montgomery
Annunzio	Giaimo	Moorhead
Ashbrook	Gibbons	Morgan
Ashley	Gonzalez	Morse
Aspin	Grasso	Mosher
Badillo	Gray	Moss
Begich	Green, Oreg.	Murphy, N.Y.
Bell	Green, Pa.	Myers
Bennett	Griffin	Natcher
Bergland	Griffiths	Nedzi
Bevill	Gude	Nichols
Biaggi	Hagan	Nix
Biester	Haley	Obey
Bingham	Hamilton	O'Hara
Blatnik	Hammer-	O'Konski
Boggs	schmidt	Passman
Boland	Hanley	Patman
Bolling	Hansen, Idaho	Patten
Brademas	Hansen, Wash.	Pelly
Brasco	Harrington	Pepper
Bray	Harsha	Perkins
Brinkley	Hastings	Pettis
Brooks	Hathaway	Peyser
Brotzman	Hawkins	Pickle
Broyhill, N.C.	Hays	Pike
Burke, Mass.	Hechler, W. Va.	Pirnie
Burton	Heckler, Mass.	Podell
Byrne, Pa.	Helstoski	Powell
Byron	Henderson	Preyer, N.C.
Cabell	Hicks, Mass.	Price, Ill.
Caffery	Hicks, Wash.	Price, Tex.
Camp	Hillis	Pryor, Ark.
Carey, N.Y.	Hogan	Pucinski
Carney	Holifield	Purcell
Carter	Horton	Quie
Casey, Tex.	Howard	Quillen
Celler	Hull	Rangel
Chamberlain	Hungate	Reid, N.Y.
Chisholm	Ichord	Reuss
Clark	Jacobs	Rodino
Clay	Johnson, Calif.	Roe
Collins, Ill.	Johnson, Pa.	Rogers
Conte	Jones, Ala.	Roncalio
Conyers	Jones, N.C.	Rooney, N.Y.
Corman	Jones, Tenn.	Rooney, Pa.
Culver	Karth	Rosenthal
Daniel, Va.	Kastenmeier	Rostenkowski
Daniels, N.J.	Kazen	Roush
Danielson	Keating	Roy
Davis, Ga.	Keith	Roybal
Davis, S.C.	Kemp	Runnels
de la Garza	Kluczynski	Ruppe
Delaney	Koch	Ryan
Dellenback	Kyros	St Germain
Dellums	Landrum	Sarbanes
Denholm	Latta	Saylor
Dent	Leggett	Scherle
Dickinson	Lent	Scheuer
Dingell	Link	Schneebeli
Donohue	Lloyd	Schwengel
Dorn	Long, Md.	Seiberling
Dow	Lujan	Shipley
Downing	McCloskey	Shoup
Drinan	McCollister	Shriver
Duncan	McCormack	Sikes
du Pont	McCulloch	Sisk
Eckhardt	McDade	Slack
Edmondson	McFall	Smith, Iowa
Edwards, Ala.	McKay	Spence
Edwards, Calif.	McKevitt	Springer
Eilberg	McKinney	Staggers
Esch	Madden	Stanton,
Eshleman	Mailliard	James V.
Evans, Colo.	Mann	Steele
Evins, Tenn.	Mathias, Calif.	Stephens
Fascell	Mathis, Ga.	Stratton
Fish	Matsunaga	Stubblefield
Flood	Mayne	Stuckey
Flowers	Mazzoli	Sullivan
Foley	Meeds	Symington
Talcott	Veysey	Wolff
Taylor	Vigorito	Wright
Teague, Calif.	Waggonner	Wyatt
Terry	Waldie	Wydler
Thompson, Ga.	Wampler	Wylie
Thompson, N.J.	Whalen	Wyman
Thomson, Wis.	White	Yates
Thone	Whitehurst	Yatron
Tiernan	Whitten	Young, Tex.
Udall	Williams	Zablocki
Ullman	Wilson, Bob	Zion
Van Deerlin	Wilson,	Zwach
Vander Jagt	Charles H.	
Vanik	Winn	

NOT VOTING—36

Anderson,	Edwards, La.	Murphy, Ill.
Tenn.	Frenzel	O'Neill
Aspinall	Gubser	Randall
Baker	Halpern	Rees
Baring	Hanna	Riegle
Barrett	Hébert	Robison, N.Y.
Blanton	Jarman	Skubitz
Broyhill, Va.	Kee	Stanton,
Colmer	Lennon	J. William
Cotter	Long, La.	Steed
Derwinski	McClure	Stokes
Diggs	McMillan	
Dulski	Macdonald,	
Dwyer	Mass.	

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to be proposed to title VIII?

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment. The amendment appears on page 186.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 186, line 10, after "1204." insert "(a)".

On page 186, at the end of line 22, insert "and", and strike out lines 23 through 26.

On page 187, strike out lines 1 through 4; in line 5, strike out "(C)" and insert "(B)"; and strike out lines 12, 13, and 14.

Page 187, after line 14, insert the following:

"(b)(1) The Commissioner shall not make a grant under this part for any fiscal year to any public institution of higher education in a State which receives at least 20% of its general operating budget from such state unless he has determined that the adjusted per student effort of the State for public higher education for the most recent fiscal year for which satisfactory data are available (hereinafter referred to as the 'base year') is not less than its average per student effort for public higher education for the three fiscal years preceding the base year.

"(2) A State's adjusted per student effort for higher education for a base year shall be deemed to be the State's per student effort for higher education (determined under paragraph (3)) for such year less a percentage thereof which is equal to the percentage (if any) by which the price index for the base year exceeds the average level of such index for the three fiscal years preceding the base year.

"(3) A State's per student effort for higher education for a fiscal year shall be deemed to be the quotient obtained by dividing (A) the total current expenditures of funds in the State for support of public institutions of higher education, as determined by the Commissioner for such fiscal year by (B) the number of full-time students (including the full-time equivalent of the number of part-time students) enrolled in public institutions of higher education in the State, as determined by the Commissioner for such fiscal year.

"(4) For purposes of this section, the term 'current expenditure of funds for support of public institutions of higher education' includes expenditure of funds derived from State resources for the operation of public institutions of higher education, other than—

"(A) the payment of principal and interest on debt obligations the proceeds of which were used for capital outlays by public institutions of higher education; and

"(B) capital outlays for construction programs at public institutions of higher education, with respect to which no debt obligations were issued.

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

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

There was no objection.

Mr. QUIE. Mr. Chairman, what this would do is to put a different maintenance of effort requirement in title VIII than is presently there.

To state it simply, presently there is a maintenance of effort requirement of each institution. What my amendment would do would be to require each State to maintain its effort in higher education. I believe it is only the State that has the ability to maintain its effort. They can raise the revenue in order to maintain this effort.

Let me point out to you some of the problems that exist when you require each institution to maintain its effort. At least those of you who have served in the State legislatures before and many of you who, because of your interest in education, have observed their operation find that one type of institution in a State may not have the blessing of the legislature and another type or other types of institutions in a State do.

An example is in my own State this year community colleges and State colleges were fairly well taken care of but not the university itself because there was a feeling that evidently they had given enough to the university in the years before.

But, aid would be available to that institution, that State University, that had not fared as well by the State legislature. As long as the State appropriated totally the amount at least which they had for the last 3 year overage.

Mr. Chairman, in my opinion the main interest we should have here is to see that the State legislatures continue to appropriate as much money for higher education as they have before.

Also, if a private college suffers from an increase in enrollment of 10 to 20 students, thereby requiring a smaller budget, would not the institution then be denied institutional aid? Or, if a large research university had a sharp cutback in its Federal research money, would it not be disqualified under this title?

In order to meet its budget expenditures would not the institution be tempted to raise its tuition, that being the only factor it could control if sources were not otherwise met by the bill's requirements?

Also, is not the real effect of the maintenance of effort provision that is in the title to penalize those institutions whose need for Federal aid is the most urgent?

So, it seems to me that we cannot say that the title addresses itself directly to the so-called emergency higher education institutions because it does not address itself to the institution that has

an emergency of financing its program to be able to be assisted by this institutional grant program.

Take, for instance, some private institutions which to a great extent are dependent upon the stock market because of certain benefactors and suppose that the stock market is going down, then that private institution's contributors are not able to provide funds to the institution that are necessary to keep it going at the rate that is necessary as defined in title 8.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman from Minnesota yield to me at that point?

Mr. QUIE. Yes, I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. In reading the amendment, let us take a State like the State of California which has three boards of education as I understand it—and I hope the California Members will speak to this point—as I understand it there is a State board for community colleges, there is a State board for the State colleges and there is a State board for the universities.

Now, suppose that one of those levels is keeping up the maintenance of effort but one of them is not. Then do I understand the gentleman's amendment correctly that if one of the three boards of higher education has not made the maintenance of effort that you require, that no single institution in California would receive any funds at all under this bill? Am I correct in that statement?

Mr. QUIE. No, that is not correct. It only requires that the State of California maintain the effort it had maintained for education at the average of the last 3 preceding years. If they want to have a different mix so that the community colleges are not receiving as much as they had in previous years, then the State of California could appropriate funds for education as against all other branches of the higher education system and then that branch that had its per student amount reduced would not be penalized.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further, the State money comes as a result of the decision that these boards make, and if one of the boards has decreased its maintenance of effort, then they are penalized?

Mr. QUIE. The State has to meet its efforts of expenditures for higher education for all its institutions.

Mrs. GREEN of Oregon. I am talking about the State. The State boards decide the budget and present it to the legislature.

Mr. QUIE. If the State legislature did not provide as much money totally as they had previously for the 3 preceding years, they would all lose, but if the State maintained its effort as I think they should all this will do is to supplant State funds, and I do not see how that helps higher education. Under your language the California board which did not maintain its effort would be denied grants unless a waiver was obtained from the Commissioner.

AMENDMENT OFFERED BY MR. HAWKINS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. QUIE

Mr. HAWKINS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by Mr. QUIE.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS as a substitute for the amendment offered by Mr. QUIE: Beginning with line 23, on page 186, strike out everything down through line 4 on page 187, and insert the following:

"(B) current operating support from non-Federal sources for educationally-related programs of the institutions has not been reduced in anticipation of funds to be received under this part.

Mr. HAWKINS. Mr. Chairman, the amendment offered by the gentleman from Minnesota (Mr. QUIE) relates to a section which pertains only to institutions, and yet he attempts to relate this to a State's support, and what may occur provided a State reduces its support.

My amendment is not a very difficult one to understand in that it simply relates to institutions rather than to States. Although as the Quie amendment it provides for maintenance of effort. It is intended to place the responsibility on that institution to maintain its effort regardless of what a State does.

Obviously if a State does not, then there may be an instance in which the institution does continue to maintain its support. But it is possible under the amendment offered by the gentleman from Minnesota for a State to increase its assistance and for the institution not to maintain its ordinary current operating budget.

It is also possible, even if a State reduces its support, for certain institutions within that State to maintain their efforts. So that we have not placed under that approach the responsibility on that institution. I believe that by placing the responsibility on the institution and simply carrying forward the language which is already contained in the bill with this very, very simple change, that this will be more desirable.

I think the gentlewoman from Oregon did point out the inconsistency of the amendment offered by the gentleman from Minnesota (Mr. QUIE). And certainly as it relates to California it would be thoroughly unworkable. And I would assume that situation prevails in other States in which it cannot really be determined what that State effort is. In that way we do not place the responsibility on the institution which is the applicant.

Certainly the institutions themselves have thoroughly endorsed the concept which is contained in the amendment which I have presented.

The amendment is supported by the National Council of Independent Colleges and Universities, by the Association of Jesuit Colleges and Universities, by the Association of American Universities, the American Association of State Colleges and Universities, and by all of the higher education communities that I know about.

I would suggest that this places the responsibility on the institution which makes it more consistent and logical with the thrust of the higher education bill. And I believe that it certainly should receive the approval of this Committee.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, the gentleman has mentioned in his remarks that this would be unworkable in California, and having served in the legislature I wonder if the gentleman can amplify briefly how the gentleman thinks it would be unworkable in California.

Mr. HAWKINS. Actually, it makes very little difference to an institution where it maintains its support in anticipation of Federal funds. What I am saying is that all non-Federal support which is available to that institution should be considered.

If a State has reduced its support in anticipation of possible action of this Congress, then this obviously could disqualify every institution in that State. What I am saying is that in spite of that there may be some institutions, private or public, that still could maintain their effort, but which would be disqualified on a blanket basis. And this has happened and is happening to some extent in California today. So that every institution, Stanford, UCLA, and others, the effect could be that if the State reduces its support the University of Southern California might still maintain its effort. But under the amendment offered by the gentleman from Minnesota (Mr. QUIE) they would be disqualified on a blanket basis.

In other words, there is a rigidity in that amendment which is offered which is not present in my amendment. My amendment has flexibility by placing the responsibility on the institution, and not altogether upon what happens elsewhere.

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

(At the request of Mrs. GREEN of Oregon, Mr. HAWKINS was granted 2 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentlewoman.

Mrs. GREEN of Oregon. It seems to me that everybody here in the House wants our colleges and universities to maintain the effort that they have maintained in preceding years.

We have a provision in the bill which in my judgment gives sufficient assurance that Federal funds would not supplant State funds, but rather would supplement them.

The gentleman from California pointed out the difficulties in his State. In my judgment, we would have the same difficulty in the State of Oregon where we have a board of higher education, and then we have another board which has some responsibility for the community colleges.

So, Mr. Chairman, I would hope that the substitute amendment offered by the

gentleman from California (Mr. HAWKINS) is approved.

Mr. HAWKINS. Mr. Chairman, I quite agree with the gentlewoman from Oregon.

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

Mr. HAWKINS. I yield to the gentleman.

Mr. QUIE. You say in your amendment that the point at which funds would be cut off would be when they reduced expenditures "in anticipation" of receiving this money.

How are you going to prove that the legislature did that "in anticipation" of receiving money under title VIII? Can not there be any other reason for cutting back the money?

So this is not really a maintenance effort provision at all. The legislature could say, "we are hard up or we have other purposes for which we have to provide money—for health needs and welfare needs and all kinds of needs.

Mr. HAWKINS. For the purpose of establishing the intent of the amendment, may I read this statement in support of the substitute amendment:

It will be presumed that non-Federal support has been so reduced if the amount of such support to be expended per student for current operations, during the academic year for which the grant is sought, for all educationally-related programs of the institution is less than the average amount expended per student during the two years preceding the year for which the grant is sought, adjusted for changes in prices as measured by the cost of living index.

In this manner we will assure that the institutional assistance grants will in fact aid the affected institutions to improve their financial condition.

I think that is clear enough in order to establish the formula on which assistance would be determined.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. QUIE, Mr. HAWKINS was granted 2 additional minutes.)

Mr. QUIE. Then, as I understand from the language you read for the purpose of establishing legislative intent, that if a State legislature reduced its appropriation for higher education, the institution then would have to increase its tuition in order that it could qualify for aid under title VIII. Is that correct?

Mr. HAWKINS. That is one possibility. But I would point out that under the amendment you have offered that would disqualify them automatically. That institution would automatically be disqualified, whereas under the substitute amendment, as I view it, there would still be this possibility.

Mr. QUIE. I would say to the gentleman that he misinterprets my amendment.

What my amendment does is only to require that the State maintain an effort. It does not put a requirement on each institution because the institutions or the State boards are not going to appropriate the money; the State legislature appropriates the money.

What your amendment does is really to create a hardship especially for private institutions that do not have the money or find themselves short of money for one reason or another.

Indeed, in the last couple of years I know that many private institutions have found themselves in great difficulty when there is a slight recession and the stock market goes down. There is no protection for them and they are the ones who are most severely handicapped.

Under the language of the bill and the substitute amendment, therefore, the ones that are going to need the help the most are not going to get the help.

Mr. HAWKINS. I can only answer the gentleman by saying that the private institutions did participate in the conference which supported this substitute amendment.

As I indicated, the American Council on Education and the National Council of Independent Colleges and Universities and other groups participated in support of the substitute amendment. The University of California also endorsed it as well as Stanford and USC and I assume public and private institutions in other States that also support it.

Mr. DELLENBACK. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The CHAIRMAN. The gentleman from Oregon is recognized.

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

Mr. DELLENBACK. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding. I merely wished to make one last comment about the private institutions of higher education. In this whole effort to write higher education legislation, the attitudes of the private institutions have been difficult for me to understand, because public institutions are in here demanding a formula that gives them the most money and the private institutions are coming in and saying, "Do not give us any more than you give the public institutions. Do not try to protect us."

Here again the private institutions want to have the same kind of requirements in relation to maintenance of effort. They are the one that have the need. They are the ones who have difficulty in maintaining their effort. I recognize that private institutions are trying to give themselves their 30 lashes. I guess that is up to them but I cannot understand why.

Mr. DELLENBACK. Mr. Chairman, I do not really know whether we are lost in the complexities of this subject. I do not know whether the Members are really understanding what it is that has been proposed by the gentleman from Minnesota (Mr. QUIE). Some of us are very much concerned that, as we who approve Federal institutional aid move forward by increasing the amount of Federal dollars available for this purpose, some of the States—not all of them, but some of the States—in anticipation of getting those Federal dollars are going to say, "We are going to reduce the State contribution." The amendment which is in the bill at the present time, I would submit to anyone who has read it carefully, does not protect adequately against that, and it can create a very dangerous situation for an institution which may not be able to control for itself how much non-Federal money it is going to get.

All Mr. QUIE's amendment is proposing is to state that you must be certain that the State cannot reduce its effort.

As does my colleague from Oregon, I come from a State where we have a situation where a board of higher education deals with most of our higher education institutions. The board of education in the State of Oregon deals with community colleges. I say to my colleagues that what the board of education may do or what the board of higher education may do in relation to community colleges or other higher education institutions is irrelevant. The Quie amendment makes clear that if the State, which means the State legislature, should proceed to reduce appropriations, then under those circumstances the institutions would be in difficulty, as indeed they should be. The effort of the Quie amendment is to make sure the State will not follow that road, and that when we appropriate Federal tax dollars for this purpose, it gives no State a back door out of which it can slip to reduce educational appropriations in that State. I would suggest that the language of the esteemed gentleman from California is loaded with some dangerous weasel words.

When you deal with "in anticipation of," you are getting at motive and intent, and you are not striking toward a real maintenance of effort.

I would urge this body to reject the amendment of the gentleman from California and adopt the amendment of the gentleman from Minnesota, if we really mean to have maintenance of effort by States.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. I would like to point out one additional difference in the two amendments that have been offered. Under the amendment offered by the gentleman from Minnesota, if I understand his amendment correctly, the Commissioner would not be able to waive the maintenance of effort requirements in exceptional cases. Last week the gentleman from Iowa (Mr. SCHWENGEL) offered an amendment which provided that under unusual circumstances the maintenance of effort might be waived by the Commissioner in regard to student aid.

It seems to me that this is an additional reason for supporting the substitute amendment offered by the gentleman from California.

Mr. QUIE. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. The reason why I dropped the provision which would permit the Commissioner to waive the requirement of maintaining effort because my amendment is limited to the State maintaining its effort and not each institution. I see no reason for exempting any State legislature. I understand the reason why that provision remains in the bill, or will

if the Hawkins language is adopted since States will not be required to maintain their effort. Many institutions would not be eligible without the waiver.

However, you are going to put no requirement on the State legislatures under the Hawkins amendment. I find you have not only permitted the waiver for some institutions but in effect you would exempt the State legislatures who decide the amount of all State-appropriated money.

My amendment would exempt the institutions and put the State fundraising body under a maintenance of effort provision.

Mrs. GREEN of Oregon. Mr. Chairman, I would say to my colleague that I think we are not in disagreement on the goal we want to reach. We want the States to maintain at least their effort of previous years. It seems to me unfair however, in a State, for instance, where our education institutions may come under several boards, to penalize all institutions, because the board responsible for one group of those institutions did not maintain its effort at the required level.

At least from my standpoint, as I see it, the substitute which the gentleman has offered is too rigid in its requirements and might do great damage. I prefer that the right of waiver be given to the Commissioner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HAWKINS) as a substitute for the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 66, noes 68.

TELLER VOTE WITH CLERKS

Mr. HAWKINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HAWKINS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chair appointed as tellers Mr. HAWKINS, Mr. QUIE, Mr. GREEN of Oregon, and Mr. ERLENBORN.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Chairman, is the vote on the Quie amendment or on the Hawkins substitute amendment.

The CHAIRMAN. The Chair will advise the gentleman that the vote is on the substitute amendment offered by the gentleman from California (Mr. HAWKINS).

The Committee divided, and the tellers reported that there were—ayes 210, noes 182, not voting 38, as follows:

[Roll No. 345]

[Recorded Teller Vote]

AYES—210

Abourezk	Ashley	Blatnik
Abzug	Badillo	Boggs
Adams	Begich	Boland
Addabbo	Bell	Bolling
Albert	Bennett	Brademas
Anderson, Calif.	Bergland	Brasco
Annunzio	Biaggi	Brinkley
	Bingham	Brooks
Burke, Mass.	Hawkins	Preyer, N.C.
Burlison, Mo.	Hays	Price, Ill.
Burton	Hechler, W. Va.	Pryor, Ark.
Byrne, Pa.	Helstoski	Pucinski
Byron	Henderson	Purcell
Cabell	Hicks, Mass.	Randall
Carey, N.Y.	Hicks, Wash.	Rangel
Carney	Hogan	Reuss
Celler	Horton	Roberts
Chisholm	Hosmer	Rodino
Clark	Howard	Roe
Clay	Hull	Rogers
Corman	Hungate	Roncalio
Culver	Jacobs	Rooney, N.Y.
Daniels, N.J.	Johnson, Calif.	Rooney, Pa.
Danielson	Jones, N.C.	Rosenthal
Davis, Ga.	Jones, Tenn.	Rostenkowski
Davis, S.C.	Karth	Roush
de la Garza	Kastenmeier	Rousselot
Dellums	Kazen	Roybal
Denholm	Kemp	Ryan
Dent	Kluczynski	St Germain
Dingell	Koch	Sarbanes
Donohue	Kyros	Saylor
Dorn	Leggett	Scheuer
Dow	Link	Seiberling
Dowdy	Long, Md.	Shipley
Drinan	McCormack	Sikes
Eckhardt	McFall	Sisk
Edmondson	McKay	Slack
Edwards, Calif.	McMillan	Smith, Iowa
Eilberg	Macdonald, Mass.	Smith, N.Y.
Evins, Tenn.	Madden	Staggers
Fascell	Mailliard	Stanton, James V.
Findley	Mathis, Ga.	Stephens
Flood	Matsunaga	Stratton
Foley	Mazzoli	Stubblefield
Ford, William D.	Meeds	Sullivan
Fountain	Melcher	Symington
Fraser	Metcalfe	Taylor
Fulton, Tenn.	Mikva	Teague, Tex.
Galifianakis	Miller, Calif.	Thompson, N.J.
Gallagher	Minish	Tiernan
Garmatz	Mink	Udall
Gaydos	Mitchell	Ullman
Gettys	Mollohan	Van Deerlin
Giaimo	Moorhead	Vanik
Gibbons	Morgan	Veysey
Gonzalez	Moss	Vigorito
Grasso	Murphy, Ill.	Waldie
Gray	Murphy, N.Y.	Whalen
Green, Oreg.	Nedzi	Wiggins
Green, Pa.	Nix	Wilson, Bob
Griffin	O'Hara	Wilson, Charles H.
Griffiths	Patman	Wolff
Hagan	Patten	Wright
Haley	Pepper	Wyatt
Hamilton	Perkins	Wydler
Hanley	Pettis	Yates
Hanna	Pickle	Yatron
Hansen, Wash.	Pike	Zablocki
Harrington	Poage	
Hathaway	Podell	

NOES—182

Abbitt	Collier	Hansen, Idaho
Abernethy	Collins, Tex.	Harsha
Anderson, Ill.	Conable	Harvey
Andrews, Ala.	Conte	Hastings
Andrews, N. Dak.	Coughlin	Heckler, Mass.
Archer	Crane	Hillis
Arends	Daniel, Va.	Hunt
Ashbrook	Davis, Wis.	Hutchinson
Aspin	Delaney	Ichord
Belcher	Dellenback	Johnson, Pa.
Betts	Dennis	Jonas
Bevill	Devine	Jones, Ala.
Biester	Dickinson	Keating
Blackburn	Downing	Keith
Bow	Duncan	King
Bray	du Pont	Kuykendall
Broomfield	Edwards, Ala.	Kyl
Brotzman	Erlenborn	Landgrebe
Brown, Mich.	Esch	Landrum
Brown, Ohio	Eshleman	Latta
Broyhill, N.C.	Evans, Colo.	Lent
Buchanan	Fish	Lloyd
Burke, Fla.	Fisher	Lujan
Burleson, Tex.	Flowers	McClory
Byrnes, Wis.	Flynt	McCloskey
Caffery	Ford, Gerald R.	McCollister
Camp	Forsythe	McCulloch
Carter	Frelinghuysen	McDade
Casey, Tex.	Frey	McDonald, Mich.
Cederberg	Fuqua	McEwen
Chamberlain	Goldwater	McKevitt
Chappell	Goodling	McKinney
Clancy	Gross	Mahon
Clausen, Don H.	Grover	Mann
Clawson, Del	Gude	Martin
Cleveland	Hall	Mathias, Calif.
	Hammer-schmidt	Mayne
Michel	Rarick	Steiger, Wis.
Miller, Ohio	Reid, N.Y.	Stuckey
Mills, Ark.	Rhodes	Talcott
Mills, Md.	Robinson, Va.	Teague, Calif.
Minshall	Roy	Terry
Mizell	Runnels	Thompson, Ga.
Monagan	Ruppe	Thomson, Wis.
Montgomery	Ruth	Thone
Morse	Sandman	Waggonner
Myers	Satterfield	Wampler
Natcher	Scherle	Ware
Nelsen	Schmitz	Whalley
Nichols	Schneebeli	White
Obey	Schwengel	Whitehurst
O'Konski	Scott	Whitten
Passman	Sebelius	Widnall
Pelly	Shoup	Williams
Peyser	Shriver	Winn
Pirnie	Snyder	Wylie
Poff	Spence	Wyman
Price, Tex.	Springer	Young, Fla.
Quie	Steed	Young, Tex.
Quillen	Steele	Zion
Railsback	Steiger, Ariz.	Zwach

NOT VOTING—38

Alexander	Diggs	Mosher
Anderson, Tenn.	Dulski	O'Neill
Aspinall	Dwyer	Powell
Baker	Edwards, La.	Rees
Baring	Frenzel	Riegle
Barrett	Gubser	Robison, N.Y.
Blanton	Halpern	Skubitz
Broyhill, Va.	Hébert	Smith, Calif.
Collins, Ill.	Holifield	Stanton, J. William
Colmer	Jarman	Stokes
Conyers	Kee	Vander Jagt
Cotter	Lennon	
Derwinski	Long, La.	
	McClure	

So the substitute amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Minnesota (Mr. QUIE) as amended by the substitute amendment offered by the gentleman from California (Mr. HAWKINS).

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Page 183, strike out everything after "in the" in line 7, and lines 8 and 9 and insert the following:

"first two years of post-secondary education at the institution,"

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, this is an amendment which both the gentleman from Minnesota (Mr. QUIE) and I have seen. In my judgment it corrects what I think is an error in printing in putting the bill together. It makes certain that the courses that are offered at community colleges for vocational, technical and occupational education would be counted in computing the institutional aid.

From my standpoint it is a good amendment, and I believe that it ought to be accepted.

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

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I find myself in complete agreement with the gentlewoman from Oregon, and the gen-

tleman from Washington on this amendment.

Mr. MEEDS. Mr. Chairman, very quickly, this is an amendment which is a clarifying amendment. It clarifies and makes certain that all of the vocational, technical education people and occupational people in the first 2 years of an institution of higher education will be counted for the purpose of establishing the institutional aid.

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

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

Mr. PUCINSKI. Mr. Chairman, I commend the gentleman from Washington for offering his amendment. I had a similar amendment at the desk which I had intended to offer. I want to make sure that we are in agreement. Are we in agreement that what this really means is that these funds will remain available to community and junior colleges for students enrolled in the first 2 years in courses leading to something other than a baccalaureate degree? In other words, they do not have to be studying for a baccalaureate degree in order to qualify for this program to be recognized in the plan for the community and junior colleges; is that correct?

Mr. MEEDS. That is correct.

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

Mr. MEEDS. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I believe that the questions I had have already been answered by the previous speakers. However, I do want to say that I wish to associate myself with the remarks of the gentleman in the well, and with those of the previous speakers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: on page 185, line 3 strike the comma after institution and insert: "plus the amount attributable to veterans in such institution as determined under subsection (3),"

And on page 186, after line 8 insert:

"(3) The amount attributable to veterans for purposes of paragraph (1) of this subsection shall be determined, in the case of each institution of higher education, by multiplying the number of veterans enrolled in such institution who have not completed one full academic year at an institution of higher education and who—

"(1) served on active duty in the Armed Forces for at least one hundred and eighty days after August 4, 1964, and

"(2) are receiving an educational assistance allowance under section 1682 of title 38, United States Code, or are receiving vocational rehabilitation under section 1502 of such title,

by an amount equal to (A) 40 per centum of the educational assistance allowance which would be paid them if they had no dependents, in the case of veterans receiving payments under section 1682, or (B) the amount of tuition and fees paid on their account in the case of veterans being furnished vocational rehabilitation under section 1502.

Mr. PUCINSKI. Mr. Chairman, this amendment provides an opportunity to assist a very important part of our population—the Vietnam era veterans. It is supported by the chairman of the Vietnam Affairs Committee, the gentleman from Texas (Mr. TEAGUE) and other members of the Veterans Committee on which I serve.

H.R. 7248 now provides that one-third of the institutional aid will be allotted according to a percentage formula based on the dollars received by colleges from educational opportunity grants, work study payments, and national defense student loans.

My amendment would add GI education benefits to this list. The amendment adds nothing to the cost of the bill.

Passage of this amendment will provide financial incentives to institutions of higher education to go out and recruit veterans; for every new veteran recruited, will mean additional Federal funds to the institution from the one-third allotted to schools in direct ratio to their Federal participation.

We have all heard the staggering statistics on the extent of unemployment among veterans. The rate for those veterans 20 to 29 years of age is now at 8.3 percent. That figure is up from 6 percent a year ago. The rate for veterans age 20 to 24 is even higher—11.2 percent of that group are unemployed. Currently, there are more than 320,000 Vietnam era veterans unemployed.

Congress has passed significant improvements in the GI bill under the distinguished leadership of Chairman TEAGUE. As a member of the Veterans' Affairs Committee, I have witnessed the magnificent contributions made by Mr. TEAGUE.

We have the GI bill. We must now do all we can to see that its benefits are made available to as many veterans as possible.

Eighty percent of Vietnam era veterans have not gone beyond high school. Many are not college oriented. Many do not see college as a key to their future. Many think they cannot succeed at college.

This amendment serves to bridge the gap that separates veterans from higher education.

I think that all Members agree veterans should receive special attention and assistance. This amendment does that.

Our goal is to encourage schools to actively recruit veterans. A school will receive funds for each newly recruited veteran.

Mr. Chairman, this amendment adds no new costs to the bill; yet it does provide additional opportunities to millions of Vietnam era veterans. I urge its adoption.

I am pleased to read to the House a telegram in support of this amendment which I received from the National Legislative Commission of the American Legion through its director Harold E. Stringer.

I should like now to read Mr. Stringer's telegram in support of this amendment. The telegram reads as follows:

NOVEMBER 3, 1971.

Hon. ROMAN C. PUCINSKI,
House of Representatives, 2104 Rayburn House Office Building, Washington, D.C.

As you know, The American Legion strongly supports those programs which provide incentives to colleges and universities designed to motivate veterans to enroll in and pursue courses in institutions of higher learning.

Institutional Aid Provisions of the Higher Education Act of 1971, HR 7248, would provide that one-third of the funds for direct aid to colleges shall be distributed on the basis of the dollars they receive from designated programs of federal financial assistance.

Although the Act enumerates Educational Opportunity Grants, Work Study, and National Defense Loan Programs as federally assisted, no mention is made of veterans GI educational assistance under Chapter 34, title 38, United States Code—one of the largest federal scholarship programs for veterans in college.

Since veterans in general are not from education-oriented families, and since colleges and universities fail to actively recruit or enroll veterans, we support your proposal to amend HR 7248 to include in the enumeration of federally assisted students those veterans receiving educational assistance based on service after August 4, 1964.

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

Mr. PUCINSKI. I yield to the gentleman.

Mr. QUIE. When the gentleman says that this will not increase the cost of the program; is this because the determination of the authorization is based on the formula for which two-thirds of the money will be allocated, the capitation formula counting the number of students in the institution of higher education; is that correct?

Mr. PUCINSKI. The gentleman is correct. It merely permits the university or the institution of higher learning to compute in those Federal moneys which flow to that institution for educational opportunity grants, work study grants, national defense student loans, and the additional category of benefits for veterans under the GI bill.

This does not effect any additional outlay of money. What it merely means is that one-third will be distributed in a different way. Those universities that do recruit veterans will obviously be entitled to more of a share of that one-third set aside for this purpose.

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman.

Mr. QUIE. What this does then is to reduce the amount of money which will go to an institution based on the number of students who receive EOG, work study, and NDSL funds.

Mr. PUCINSKI. If I understood the gentleman correctly, that is correct.

I might say that the American Legion, through Harold E. Stringer, director of the National Legislative Commission, has very strongly endorsed the inclusion of those drawing GI benefits in the allocation of funds.

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. PUCINSKI. Yes.

Mr. QUIE. You have changed the amendment from the way you have proposed to offer it prior to today by striking out the language "have not previously enrolled for credit at an institution of higher education."

As the amendment was originally drafted, it was to help to provide some money to institutions so as to induce them to go out and encourage veterans to attend an institution of higher education since fewer of the Vietnam veterans are attending than the veterans of World War II and the Korean war. This will go to reduce that effort, because you count veterans already in the institution.

Mr. PUCINSKI. That is correct. You would now count them instead of as previously contemplated—which was limited to those who had not been previously enrolled for credit. You broaden the base.

Mr. QUIE. Mr. Chairman, will the gentleman further yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. QUIE. I think perhaps the Members might agree with that, so I am not going to make any objection to it.

Mr. PUCINSKI. I thank the gentleman.

Mr. SCHEUER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, it is inconceivable to me that veterans, eligible for assistance under the GI bill, have been excluded from the formula that bases institutional aid on the number of educational opportunity grants, work study, and national defense student loan program recipients in attendance at a college or university. Indeed, it should be obvious that veterans, as a class, merit even greater Federal consideration than members of any of the three benefited categories.

I do not propose to demean the members of those groups or to deny their importance to the Nation. They are, by definition, in need of assistance. Moreover, the granting of such assistance should enhance not only their opportunities to lead productive lives, but the welfare of their country as well.

But veterans are also, by and large, in need of additional assistance. About 80 percent of the 1 million veterans discharged annually have only a high school education or less, and the massive GI bill program that followed World War II adequately demonstrated the beneficial impact that education of large groups of veterans can have on the Nation.

The obvious difference between veterans and these other groups is that no one can doubt that veterans have earned a right to assistance. While we can conclude that institutions should receive additional assistance to benefit participants of other Federal programs, I think we must conclude that veterans are owed such assistance. They have paid their dues. Their service to the Nation was thankless and often dreary or dangerous, but they did their job. The question is whether or not we will now do ours.

Unemployment is a serious problem, particularly among the young. But, unemployment is higher among veterans than nonveterans in every age bracket. Significant numbers of veterans with a high school education or less fail to use the GI bill to go to college. There are several reasons for this, but one of the most important is that colleges and universities have neither the resources nor inclination to recruit and enroll these veterans. They are often from educationally disadvantaged, nonacademically oriented families, and are perceived—in most cases wrongly—as having drug or emotional problems.

Perhaps they are even the hapless victims of sentiment against a war that they did not promote. Their obligation to serve may have even been the result of educational deferments granted to those with the economic resources and background to have higher education as a real option to military service. And, the tragic irony is that all too often veterans are now being deprived of the educational opportunities their service was supposed to provide them.

We can begin to change that by providing the resources that will enable colleges and universities to do more for those veterans who have had no previous higher education experience. This amendment deserves the support of all of us, regardless of our views on the conflict in Indochina.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 182, line 6, after "1202." insert "(a)", and after line 16 insert the following:

"(b) The authorization of appropriations set forth in subsection (a) shall terminate in the event that any institution or group or class of institutions of higher education which otherwise would be eligible for assistance under this part is denied such assistance after a final determination that such assistance to such institution or group or class of institutions violates the Constitution of the United States, and no further appropriations shall be made for grants under this part after such termination of the authorization contained in subsection (a)."

The CHAIRMAN. The gentleman from Minnesota is recognized in support of his amendment.

Mr. QUIE. Mr. Chairman, in June of this year the Supreme Court ruled on a higher education case, Tilton v. Richardson. The court ruled 5 to 4 that the Higher Education Facilities Act is constitutional, but it struck down a provision that the Federal interest stop at the end of 20 years, as is provided in that legislation. In that decision they indicated that one reason for the plurality vote was that construction grants and loans were in the form of one-shot grants to the institutions.

Now, the institutional grant program is not a one-shot assistance program. This program would continue on year after year. There is a possibility that the Supreme Court would decide it unconstitutional for a church-related institution of higher education to receive institutional grants. What this amendment provides is that in the event that does happen, the authorization will not permit appropriation for any of the other institutions. The reason I want to do this is that I think it would be grossly unfair to church-related institutions of higher education if this vast program of Federal institutional grants was made available only to public and other private institutions that were not church-related. There is already too much pressure right now on church-related institutions to make their programs more homogenous and drop their church affiliation and drop their instructional programs that in any way relate to the church. There is constant pressure in that direction, and I do not think it is wise.

The institutional grant program that was drafted is an effort to provide assistance to all institutions, but not make it available for schools or colleges of divinity or for the the religious instruction in the colleges. However, the court might find that this program may result in entanglement, and it might even find to that extent that it was unconstitutional. I would then be unhappy to see, as a result of the institutional grant program in title VIII, church-related colleges drop their church affiliation.

I believe the strength of our higher education institutions today has been its diversity, and it is important to the moral and value education of our citizenry that those institutions be respected in what they are attempting to do.

I believe that as we draft this legislation, it is anticipated in the minds of all who favor title VIII that the legislation is constitutional. We have taken an oath that we will uphold the Constitution. So we believe it is constitutional. But if the court should find that we are wrong and declares that it is unconstitutional as it applies to a group or class of institutions, I feel it would be wholly inequitable if we permitted the aid to continue to be available to others. To that extent we ought to try to come back and draft legislation to aid all institutions. One which would be completely equitable.

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

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

Mr. ANDERSON of Illinois. It is my understanding that there are 2,000 or more institutions of higher learning in this country. Does the gentleman know how many of that number would be classed as church related, and therefore might be excluded in the event of such an adverse Supreme Court interpretation?

Mr. QUIE. I believe about two-thirds of the institutions are private, and I do not recall the number right now, but I recall there are about 800 church-related institutions of higher education. There are 2,600 institutions in all, about

two-thirds are private, and about 800 are church related.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the concern of my friend, the gentleman from Minnesota, to protect the integrity of the programs of Federal assistance to higher education that would include support for private, church-related institutions as well as public institutions, and I am sure he is well aware of that. Indeed, in my own congressional district there are located the University of Notre Dame, St. Mary's College, Goshen College, and Bethel College. With all these church-related institutions in my own district, I should not like to do anything that would be detrimental to them because, as the gentleman from Minnesota has suggested, we want to maintain the fabric of diversity in our system of higher education.

But, Mr. Chairman, I have looked at the Supreme Court decision to which the gentleman from Minnesota made reference, and although I am not a lawyer, I would not want to describe it as the most lucid, clear declaration with respect to Federal policy in the higher education field that has ever been penned by a judicial body in this century. It is, as I think most observers of these matters would agree, a rather murky decision.

Certainly, therefore, I do not think the gentleman would want to pin his amendment—although perhaps he intends to—solely to that statement in that Supreme Court decision which, in justifying Federal aid to a church-related institution for construction of academic facilities, declared that it was, to quote the gentleman from Minnesota, a "one-shot expenditure." That was indeed one of the points the court made, but the court made other points as well by way of ruling that legislation constitutional.

I am particularly distressed, Mr. Chairman, about the effect of the gentleman's amendment as I understand it, to wit, that if one grant from the Federal Government to one church-related institution of higher learning were held to be unconstitutional, then the entire program of assistance to all colleges and universities, public and private, would come crashing down. That would, I think, be most unfortunate.

Finally, Mr. Chairman, while I would, as they say in these matters, yield to no man or, on this occasion, to no woman in my understanding that morals and values are taught at church-related institutions, I hope my friend, the gentleman from Minnesota, would not suggest that it is impossible to learn morals and values at public institutions as well. Do we not support a public elementary and secondary school system through tax dollars?

So while I appreciate the good intention of the gentleman from Minnesota in offering this amendment, I feel that its results could be most mischievous and could work great harm to our institutions of higher learning, both public and private, including church-related ones. I hope it is rejected.

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

Mr. BRADEMAS. Of course, I yield to the gentleman from Minnesota.

Mr. QUIE. The gentleman is saying that if the private institutions, including the private institutions in the gentleman's district, would not receive the aid, he would like to see the State institutions continue to receive the aid? They have a great advantage over the private institutions now, but that is understandable in that the State assumes responsibility only for public installations in most States. But the gentleman would want the Federal Government to provide great amounts of aid for the first time in history to only non-church-related institutions of higher education, if the courts rule against such grants for church-related institutions.

Mr. BRADEMAS. Of course, I would not want to see either form of institution denied aid, which is the whole point of my observation, but the way the gentleman's amendment would work, as I understand it, is that if we had such a ruling as he has suggested, he would then want to end all assistance to institutions both public and private? That would be most unfortunate. Then it would be up to us in Congress to redress the grievance the court has worked and not simply bring the whole program of Federal aid to colleges and universities crashing down.

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

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

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

Mr. BRADEMAS. I yield to the gentleman from Minnesota.

Mr. QUIE. I believe the gentleman would recognize it would be presumed that if one church-related institution which was taken to court and found it was unconstitutional to receive institutional grants, then it would become unconstitutional for other church-related institutions. We do not know how the court would decide on the question of the extent of church relationship to various colleges and universities.

There is also the possibility the court would strike down the entire title, because we have no provision of separability on this title, as we often do.

The question really comes, then, for the Members: Do they want the aid then to go just to some institutions of higher education and not to others, or do they want it to come back to us before aid is granted?

Mr. BRADEMAS. I hope the gentleman's amendment will be rejected.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(On request of Mrs. GREEN of Oregon, and by unanimous consent, Mr. BRADEMAS was allowed to proceed for 2 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I take this time to ask my friend from Minnesota a question with regard to the statement he just made. If one institution were to be declared ineligible to receive aid it would not follow automatically that it would be unconstitutional, for all other church-related institutions to receive assistance. There might be a great control at one institution by a religious body, but that does not mean all other church-related colleges would have that same degree of control.

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

Mr. BRADEMAS. I yield to the gentleman from Minnesota.

Mr. QUIE. As I say, if one church-related institution had aid declared unconstitutional I would say other similar church-related institutions would have the prospect. As I stated, there is no indication as to how far that would go, to the extent of church relatedness. Judging from the decisions decided heretofore, I would not be too confident if they declared one with complete church relationship that they might not go quite a long way.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Let me ask the gentleman another question. I believe the gentleman answered the one. Perhaps it would be true for certain categories.

The court in the Connecticut case said the 20-year limitation was not sufficient. If the case had been brought against a particular institution, that institution would not have been eligible for aid. Under the gentleman's amendment all institutions in the United States would no longer be eligible for aid.

It seems to me the best thing to do is to come to the Congress. Indeed, we made the change in that legislation this year and removed that 20 years and made it for the duration. It seems to me that is the way, to take legislative action if the courts rule in a particular matter, rather than to bring the entire program to a halt.

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

Mr. BRADEMAS. I yield to the gentleman from Minnesota.

Mr. QUIE. In this case, of course, we have higher education legislation pending, so under the test of the amendment it would apply to all of them. If the 20-year requirement were only limited to private institutions or church-related institutions that would not be harmful because the Federal interest would be continued. Here it would be no denial of aid entirely, with permission of aid to go only to the public schools in the Higher Education Academic Facilities Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

Mr. CAREY of New York. Mr. Chairman, I ask unanimous consent that the amendment may be read again.

The CHAIRMAN. Without objection, the Clerk will reread the amendment offered by the gentleman from Minnesota.

There was no objection.

The Clerk reread the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

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

TELLER VOTE WITH CLERKS

Mr. QUIE. Mr. Chairman, on that I demand tellers.

Tellers were ordered.

Mr. QUIE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. STEIGER of Wisconsin, Mrs. GREEN of Oregon, Mr. BRADEMAS; and Mr. ERLENBORN.

The Committee divided, and the tellers reported that there were—ayes 119, noes 264, not voting 47, as follows:

[Roll No. 346]

[Recorded Teller Vote]

AYES—119

Abbitt	Giaimo	Rhodes
Anderson, Ill.	Goldwater	Robinson, Va.
Archer	Goodling	Ruppe
Ashbrook	Gross	Ruth
Belcher	Grover	Sandman
Bell	Hall	Satterfield
Betts	Hansen, Idaho	Saylor
Bow	Harvey	Schmitz
Bray	Hastings	Schneebeli
Broomfield	Hechler, W. Va.	Schwengel
Brotzman	Hillis	Scott
Brown, Mich.	Hogan	Sebelius
Brown, Ohio	Horton	Smith, Calif.
Burke, Fla.	Hutchinson	Smith, N.Y.
Camp	Johnson, Pa.	Spence
Cederberg	Jonas	Springer
Chamberlain	Keating	Staggers
Chappell	King	Steed
Clancy	Kyl	Steele
Clawson, Del	Landgrebe	Steiger, Ariz.
Cleveland	Lloyd	Steiger, Wis.
Collier	Lujan	Taylor
Conable	McClory	Teague, Calif.
Coughlin	McCollister	Terry
Crane	McCulloch	Thone
Daniel, Va.	McEwen	Vander Jagt
Davis, Wis.	McKevitt	Veysey
Dennis	Mathias, Calif.	Wampler
Devine	Mayne	Ware
Dickinson	Mazzoli	Whalley
Duncan	Michel	Whitehurst
Edwards, Ala.	Mills, Md.	Widnall
Erlenborn	Mizell	Wiggins
Esch	Monagan	Wilson, Bob
Evins, Tenn.	Nelsen	Winn
Findley	Pelly	Wydler
Ford, Gerald R.	Pettis	Wyman
Forsythe	Poff	Zion
Frelinghuysen	Quie	Zwach
Frey	Railsback	

NOES—264

Abernethy	Bolling	Corman
Abourezk	Brademas	Culver
Abzug	Brasco	Daniels, N.J.
Adams	Brinkley	Danielson
Addabbo	Brooks	Davis, Ga.
Albert	Broyhill, N.C.	Davis, S.C.
Anderson, Calif.	Buchanan	de la Garza
	Burke, Mass.	Delaney
Anderson, Tenn.	Burleson, Tex.	Dellenback
	Burlison, Mo.	Dellums
Andrews, Ala.	Burton	Denholm
Andrews, N. Dak.	Byrne, Pa.	Dent
	Byrnes, Wis.	Dingell
Annunzio	Byron	Donohue
Ashley	Cabell	Dorn
Aspin	Caffery	Dow
Badillo	Carey, N.Y.	Dowdy
Begich	Carter	Downing
Bennett	Casey, Tex.	Drinan
Bergland	Chisholm	du Pont
Bevill	Clark	Dwyer
Biaggi	Clay	Eckhardt
Bingham	Collins, Ill.	Edmondson
Blackburn	Collins, Tex.	Edwards, Calif.
Boggs	Conte	Eilberg
Boland	Conyers	Eshleman
Evans, Colo.	Leggett	Rangel
Fascell	Lent	Rarick
Fish	Link	Reid, N.Y.
Fisher	Long, Md.	Reuss
Flood	McCloskey	Roberts
Flowers	McCormack	Rodino
Flynt	McDade	Roe
Foley	McDonald, Mich.	Rogers
Ford, William D.	McFall	Roncalio
Fountain	McKay	Rooney, N.Y.
Fraser	McKinney	Rooney, Pa.
Fulton, Tenn.	McMillan	Rosenthal
Fuqua	Macdonald, Mass.	Rostenkowski
Galifianakis		Roush
Gallagher	Madden	Rousselot
Garmatz	Mahon	Roy
Gaydos	Mailliard	Roybal
Gettys	Mann	Runnels
Gibbons	Mathis, Ga.	Ryan
Gonzalez	Matsunaga	St Germain
Grasso	Meeds	Sarbanes
Green, Oreg.	Melcher	Scherle
Green, Pa.	Metcalfe	Scheuer
Griffin	Mikva	Selberling
Griffiths	Miller, Calif.	Shipley
Gude	Miller, Ohio	Shoup
Hagan	Mills, Ark.	Shriver
Haley	Minish	Sikes
Hamilton	Mink	Sisk
Hammer-schmidt	Minshall	Slack
	Mitchell	Smith, Iowa
Hanley	Mollohan	Snyder
Hanna	Moorhead	Stanton, James V.
Hansen, Wash.	Morgan	Stephens
Harrington	Morse	Stratton
Harsha	Moss	Stubblefield
Hathaway	Murphy, Ill.	Stuckey
Hawkins	Myers	Sullivan
Hays	Natcher	Symington
Heckler, Mass.	Nedzi	Talcott
Helstoski	Nichols	Thompson, Ga.
Henderson	Nix	Thompson, N.J.
Hicks, Mass.	Obey	Thomson, Wis.
Hicks, Wash.	O'Hara	Tiernan
Holifield	O'Konski	Udall
Hosmer	Passman	Ullman
Howard	Patman	Van Deerlin
Hull	Patten	Vanik
Hungate	Pepper	Vigorito
Hunt	Perkins	Waggonner
Jacobs	Peyser	Waldie
Johnson, Calif.	Pickle	Whalen
Jones, Ala.	Pike	White
Jones, N.C.	Poage	Whitten
Jones, Tenn.	Podell	Williams
Karth	Powell	Wolff
Kastenmeier	Preyer, N.C.	Wyatt
Kazen	Price, Ill.	Wylie
Keith	Price, Tex.	Yates
Kemp	Pryor, Ark.	Yatron
Kluczynski	Pucinski	Young, Fla.
Koch	Purcell	Young, Tex.
Kyros	Quillen	Zablocki
Latta	Randall	

NOT VOTING—47

Alexander	Diggs	Montgomery
Arends	Dulski	Mosher
Aspinall	Edwards, La.	Murphy, N.Y.
Baker	Frenzel	O'Neill
Baring	Gray	Pirnie
Barrett	Gubser	Rees
Biester	Halpern	Riegle
Blanton	Hébert	Robison, N.Y.
Blatnik	Ichord	Skubitz
Broyhill, Va.	Jarman	Stanton, J. William
Carney	Kee	
Celler	Kuykendall	Stokes
Clausen, Don H.	Landrum	Teague, Tex.
	Lennon	Wilson, Charles H.
Colmer	Long, La.	
Cotter	McClure	Wright
Derwinski	Martin	

So the amendment was rejected.

Mr. CAREY of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would hope that I could have the attention of the gentlewoman from Oregon, the chairman of the subcommittee, so that we may have a colloquy which I hope will resolve some of the confusion, the unfortunate confusion, that might have been engendered by the quick consideration of the amendment which has just been defeated.

I voted against the amendment. I think it was a proper vote on a good constitutional ground, that we carry with every act of Congress a clear-cut presumption of the constitutionality of our own acts. That is a cardinal principle, a principle validated by the courts again and again that we act within the Constitution when we legislate in committee and in the House and in the Congress for the general welfare.

The gentleman's amendment as drafted, and I must say I appreciate his concern in this regard, but as drafted, in my opinion and as presented to the committee with little debate and little discussion, would have in a sense created an open season—an invitation to the court to be selective—to raise up and/or to shoot down institution after institution, by an act of Congress, according to the predilection of the court.

We all know the way our Constitution is defended and protected. When a person or an organization or an individual feels that there has been a possible violation of the first amendment, as may be contended here, he has grounds on which to go to the court specifically with regard to an act of Congress to invite the attention of the court to the wording of the act of Congress which allegedly violates his constitutional rights. The court after the process of constitutional review, which is available to every citizen now, will find as to the constitutionality of the entire act of Congress in specific degree.

If we begin today to say to the courts, "You can play bingo with an act of Congress and pick this one and drop that one," then we are legislating in an atmosphere in which we say that we are unsure of our own ground and we are unsure of our own prerogative and we are asking the court to look at our act and take what you will and leave out what you will and even come back for a second bite and a third until an act of Congress might look like a motheaten garment.

It is a bad constitutional precedent for this House to do that, and I think we should be sure of ourselves when we legislate. That is why I voted against the amendment.

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

Mr. CAREY. I yield to the gentleman.

Mr. GIAIMO. Mr. Chairman, I am disturbed, because I think the gentleman and I are trying to accomplish the same thing and, yet, we both voted differently here on this amendment.

I think there may be some confusion in my mind and perhaps in the minds of others. It seems to me that we are passing a massive assistance bill for higher education and I think it is the intent of all of us to assist all educational institutions—public, private, denominational, and nondenominational.

Mr. CAREY of New York. That is why I submit to my colleague, with the affirmation of the distinguished gentlewoman from Oregon who has been through this field many, many times since I have

worked with her for over a decade—this is a key principle and I think her intent and the intent of the committee here today is to give aid to all institutions that are qualified under the language of the bill without going into irrelevant and internal questions as to what is going on in those institutions academically according to the language of the bill as we see it.

In other words, this is an aid program directed to public and private institutions as they qualify under the language of the law and the bill. To attempt, then, to say that there may be some institutions in here that may become unqualified goes further than the intent of the bill and creates, if I may, a very bad snare and entanglement that the court might regard as a cue to write law that we have not enacted.

I trust that I have correctly stated the committee position, have I not. I would like to yield to the gentlewoman from Oregon, the chairman of the subcommittee, to answer that question.

Mrs. GREEN of Oregon. I thank the gentleman for yielding. Let me make clear, first, that never in the history of the Congress have we treated private colleges differently from public colleges. That history dates back to the establishment of the land grant colleges under the Morrill Act of 100 years ago, the act that Abraham Lincoln signed.

At that time Brown University, which was a Baptist church-related college, was made a land grant institution and as such received Federal funds. There was another church-related college in the South, the name of which I have forgotten, which was also closely tied to a church, much more closely than most of our institutions today are.

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

(On request of Mrs. GREEN, Mr. CAREY of New York was recognized for an additional 5 minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. This other college which was church-related was also made a land grant college and as such, received Federal funds. Never in any legislation that has come before this Congress since that time have we treated the private colleges differently than public colleges. It is my judgment that the strength of higher education is in the dual system of private and public colleges. I think it would be disastrous if we had programs that forced the private colleges to close their doors.

If the gentleman will yield further, in terms of constitutionality, I think the gentleman has stated it very persuasively and very succinctly. We do proceed on the basis that legislation we have passed has been considered very carefully from the constitutional angle. We had a special panel of lawyers appear before the subcommittee, lawyers who had appeared before the Supreme Court in the Connecticut, Rhode Island, and Pennsylvania cases. We questioned them at some length as to the Supreme Court decisions that were rendered in those three cases. It is my judgment that we did act very carefully and, that we did act within the framework of the Constitution. I support the comments the gentleman has made that we would invite suit if we had adopted the amendment.

Mr. CAREY of New York. I thank the gentlewoman for her clear-cut explanation as to what the problem was.

Let me cite an example of why I believe the amendment was wrong and what the committee did was right. What the committee did was to look at the dicta of the recent Supreme Court decision and state, "If you feel there may be a question in the future as to the 20-year-life of the institution, then there may be, in a sense, a concern as to the constitutionality of that yardstick. We will obliterate that concern. We will make the Federal interest survive for the duration of the institution. And avoid even a prospective residual benefit to a church or religious institution.

In a sense the committee has cleaned up whatever the court suggested in terms of the constitutional debris that may have existed in the old law. The committee has gone as far as needs to be gone in terms of cleaning up the law with which the court had any concern. Now, to go further and say, "If you in that court think you would like to take a second bite at the apple, then go ahead and do so, and if you knock off the Bob Jones institution, or if you knock off Notre Dame we will come back and write something else," you know we have never done that. We have never suggested that the court second guess our judgment of constitutionality in Limine. That is why I think the amendment, although it may be well motivated in terms of the zeal of my dear friend from Minnesota, it would create a constitutional diversity in the thinking of our own body. Does the gentleman not agree?

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

Mr. CAREY of New York. I yield to the gentleman from Minnesota.

Mr. QUIE. I would disagree with you 100 percent. We have voted many times for legislation which has contained an antiseverability provision should portions of legislation be knocked down. But this is the first time that the question has arisen in respect to higher education.

Mr. CAREY of New York. By citing my record, the gentleman has led me to a proper distinction. What you say is correct. We did consider an antiseverability clause in our legislation in the Elementary and Secondary Education Act to protect the principle of the presumption of constitutionality when we legislated in that new field. Why did we do it? We said we intended to aid all children, not institutions, but all children, not some or many but all. We found when we had achieved that, in constitutionally acceptable terms we did not need severability, and hence did not adopt it.

If we are going to allow the court to knock down any part of this act, if we are going to reverse our field and proclaim our uncertainty, it would be most unfortunate. The gentleman's amendment suggests if any institution is denied, then the whole act falls. I never supported that principle in terms of severability, that is why this amendment would not be the kind which I would support and vote for and speak for now or then. When I was talking about severability in 1965 in terms of classes of citizens. I opposed any distinction. There is no difference between my attitude toward severability then and the gentleman's attempt to introduce it here in terms of institutions in higher education public, private or church related. That is where we disagree.

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

Mr. CAREY of New York. I yield to the gentleman from Minnesota.

Mr. QUIE. The gentleman knows, however, in the case of the Supreme Court decisions of 1954 on the school desegregation, they did not limit it to just one institution's program.

Mr. CAREY of New York. Mr. Chairman, I do not yield further.

As the gentleman knows, the whole theory and thrust of the Brown decision did not proceed on the ground of Federal aid, but on an entirely different principle, which does not relate to this at all.

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

Mr. CAREY of New York. Mr. Speaker, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. RUTH. Mr. Chairman, reserving the right to object, are the remarks of the gentleman from New York directed to an amendment or pending amendment?

Mr. CAREY of New York. I would answer my colleague that my hope is that by the colloquy we have just engaged in with the distinguished gentlewoman from Oregon, we are constructing a legislative history which I hope will be useful in preserving the principle of presumption of the constitutionality of acts of Congress.

Mr. RUTH. Am I to assume that the gentleman said no, he is not directing his remarks to an amendment on the floor or a pending amendment?

Mr. CAREY of New York. Mr. Chairman, I had moved to strike the requisite number of words.

Mr. RUTH. I understand that. Is the gentleman directing his remarks to a pending amendment?

Mr. CAREY of New York. I am directing my remarks to a pending bill.

Mr. RUTH. Is the gentleman directing his remarks to an amendment which was just voted on?

Mr. CAREY of New York. I am directing my remarks to the requisite number of words in the appropriate title.

Mr. RUTH. I am aware of that. I am listening to that. I want to know if the gentleman is addressing his remarks to one amendment?

Mr. CAREY of New York. I hope the gentleman will agree I am not misdirecting my remarks to anyone.

I am directing my remarks to a pro

forma motion to strike the requisite number of words.

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

Mr. Chairman, I did not intend to take the floor again on this amendment after it had been voted on, but when the gentleman from New York raised the question, I felt I ought to give some comments in regard to the expressions he made.

The Elementary and Secondary Education Act was absolutely new legislation. We had never tried it before. But remember, title 8 is absolutely new legislation which has never been tried before. The institutional grants of this nature have never been enacted by Congress before. There is a difference between the Elementary and Secondary Education Act and this legislation at the present time.

The history to that date was that the only aid which was made available to public elementary and secondary school children. The gentlewoman from Oregon said we had never in the past limited our higher education aid to public institutions which is true. Now we have the possibility of a piece of legislation, title 8, being adopted with the intent of all Members of Congress that if the aid is made available, that it be available to all institutions of higher education. And if the court—and it is possible the court can, because it has in the past—decides that for church-related institutions of higher education aid is unconstitutional, I think we ought to determine now whether the aid should be made available only to public institutions. The House decided that in the event the courts strike title 8 aid down for private church-related institutions, the Congress wants the aid to continue to go to other institutions.

I believe that is what we have to operate on, unfair as it is.

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

Mr. QUIE. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I envision a situation where a court may knock down one religious school and after that the Office of Education or the Federal agency may forthwith strike out assistance to all religious schools. In that instance the amendment would say assistance to everyone—religious, nonreligious, public and private—stops, and we come back for remedial legislation. Is that the situation?

Mr. QUIE. That is correct, except that when the court rules it is unconstitutional that the aid be made available to one institution it would be the decision for that class of institution, and therefore more than just the one would be affected.

Take, for instance, the case of Tilton against Richardson. I believe the situation would be the same as in that case, where the 20-year provision applied.

Mr. GIAIMO. That is what I am saying. If the court rules against assistance to one institution we may well find ourselves where the Office of Education or the Federal agency administering the program may stop assistance to all religious institutions.

Mr. QUIE. They would be required to by the court.

Mr. GIAIMO. In which case we would find ourselves, in this new program of assistance to higher education, in the position where we are assisting public institutions but not assisting private denominational institutions. This I believe is something many of the Members who voted against the amendment did not want to see happen.

Mr. QUIE. I believe the same thing.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New Jersey.

PARLIAMENTARY INQUIRY

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. Are we discusing an amendment that has already been debated and voting on? What is before us?

The CHAIRMAN. The gentleman from Minnesota has the floor. Permit the Chair to state that the Chair operates under the assumption that the gentleman from Minnesota is addressing his remarks to the subject of his amendment, which, as the Chair recalls, was to strike out the last word.

Mr. QUIE. Mr. Chairman, I will release the floor as soon as I can, but I promised to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. In the colloquy with the gentleman from New York (Mr. CAREY) there was talk about a separability clause in the Elementary and Secondary Education Act. I do not have that act in front of me now, but I distinctly feel that there is no separability clause in that act, and, in fact, the genesis of that is the so-called Thompson amendment, which defines the uses to which the supplemental educational moneys could be put.

Mr. QUIE. I would say to the gentleman from New Jersey, I did not bring up the separability provision of the Elementary and Secondary Education Act. The gentleman from New York did.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to see if we can agree to control the time on title VIII. Are there other amendments to title VIII?

Mr. Chairman, I ask unanimous consent that all debate on title VIII be concluded by no later than 5:25 p.m.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, do we know how many amendments are at the desk? I know I have one.

The CHAIRMAN. The Chair will state that there are at the desk four amendments which would be directed to title VIII.

Mr. BUCHANAN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that all debate on title VIII conclude in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman frm Oregon?

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. QUIE. What is the provision of the rules of the House now on an amendment submitted at the desk, permitting 5 minutes of debate on each side? Is that the day before?

The CHAIRMAN. The amendments have not been offered, and the Cnair does not know whether they will be offered and cannot make a presumption. The Chair merely reports there are four amendments at the Clerk's desk.

Mr. BUCHANAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I move that all debate on title VIII and all amendments thereto conclude in 30 minutes.

The question is on the motion offered by the gentlewoman from Oregon.

The question was taken; and on a division (demanded by Mr. BUCHANAN) there were—ayes 88, noes 66.

So the motion was agreed to.

AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 187, strike out line 25, and insert the following:

"Sec. 1205. (a) No grant shall be made under this part to any institution of higher education which is substantially controlled by an institution of religion or which receives a major part of its support (other than that provided by tuition) from an institution of religion.

"(b) No grant under this part may be made to, or

Mr. BUCHANAN. Mr. Chairman, as is apparently the case with other Members with amendments at the desk, both the author of the pending amendment and other interested Members have been denied the opportunity for debate on this serious issue.

This is true notwithstanding the fact that I showed the courtesy to both the majority and minority sides of the House Education and Labor Committee to present a copy of the pending amendment well in advance and they well knew it would be proposed when the limitation of time was sought.

Having thus been robbed of my time, my first remark in defense of my amendment is that I am not a member of the House Education and Labor Committee.

Mr. Chairman, I have seen many sorry spectacles since I have come to this Congress but during the 7 years I have been here this is the sorriest. We have all listened patiently as this committee has sought to write and rewrite legislation on the floor of the House.

This committee has brought legislation with a major new thrust in this title 8 to the Committee of the Whole House for debate. It has sought to cut off none of the voices back and forth of the Mem-

bers who serve on the committee but it has now limited debate so that no one can make a case for consideration of the serious constitutional questions raised in this title. Mr. Chairman, I deplore this action on the part of the House Education and Labor Committee.

As to this provision, which my amendment would modify, there is here a real constitutional question involved. We are through this title providing direct general support to sectarian institutions. I would say that the voices which have been raised in a great clamor concerning the proposed prayer amendment, and men of good will can disagree over the question as to whether there is going to be the wrong kind of prayer being said in the public schools should the prayer amendment prevail next Monday, might very well address themselves to this question of direct funding from the Federal Treasury of sectarian institutions.

Mr. Chairman, I well recall in 1965 a statement by Sargent Shriver, then Director of the Office of Economic Opportunity, to the national convention of the AFL–CIO in San Francisco when he said:

> Three or four years ago it was practically impossible for a Federal agency to give direct grants to a religious group. Today we have given hundreds without violating the principle of separation of Church and State.

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

For what purpose does the gentleman from Illinois (Mr. ERLENBORN) rise?

Mr. ERLENBORN. Mr. Chairman, I seek recognition on my time.

The CHAIRMAN. Do other Members desire to address themselves to the amendment which is pending before the committee? Does the gentleman from Illinois desire to be heard at this time?

Mr. ERLENBORN. Mr. Chairman, I desire recognition at this time so I can yield to the gentleman from Alabama.

The CHAIRMAN. The gentleman from Illinois is recognized for approximately 2 minutes.

Mr. ERLENBORN. I thank the Chairman and I yield to the gentleman in the well.

Mr. BUCHANAN. I thank the gentleman from Illinois for yielding and, in view of that fact, I modify my earlier remarks with reference to what I said about this committee, to the extent of whatever percentage of the committee he represents.

I filled the CONGRESSIONAL RECORD with specific instances of direct grants to churches and other religious institutions under the poverty program and fought a losing battle to prohibit it while hardly a voice in the religious community was raised in defense of the first amendment on that issue. I, again, would challenge the religious leaders and others concerned about the first amendment to speak out on this amendment because here again we have a clear constitutional question or one at least calling into doubt the constitutionality of such aid to institutions of higher education. Where are those who would defend the first amendment to the Constitution?

Mr. Chairman, it is difficult for me to see how a citizen of the United States can by force of law have money taken from him by the Federal Government and given to an institution of higher learning, that is, a sectarian institution, which may be in violation of his conscience, without this constituting a violation of the first amendment of the Constitution of the United States. How can such Federal assistance fail to be a violation of the establishment clause of the first amendment?

Mr. Chairman, may I echo the earlier remarks of the gentleman from Minnesota who in effect stated that you may be building the entire institution of higher education at this time as a house of cards and on the shifting sands, and after you have these institutions relying upon Federal funding, then there well may come a court order, as has already happened in the past year in the Lemon case, which strikes it down.

The CHAIRMAN. Are there other Members on the list who desire to address themselves to the amendment which has been offered by the gentleman from Alabama (Mr. BUCHANAN)?

For what purpose does the gentleman from New York (Mr. CAREY) rise?

Mr. CAREY of New York. Mr. Chairman, I rise to use my time in opposition to the amendment.

Mr. CAREY of New York. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

Mr. Chairman, I think the Buchanan amendment of 1971 deserves the same fate that the Buchanan amendments of 1965, 1967, and 1969 received. His amendment has been offered before. His amendment has been defeated in the committee before. It never became a part of the law. The acts of this Congress have now gone before the court absent the language of the Buchanan amendment, and the court has found that these acts are constitutional with regard to selective, carefully controlled, designed aid to institutions of higher education, public and private. The gentleman would have us traverse ground on which the court has already sided with the Congress. The court only saw fit to recommend by dicta that we clean up one of our acts with regard to the term of limitation of grants. That has been done in this bill. But the Buchanan amendment would open up a sepulcher that has been closed.

It is no better amendment than it was when it was rejected by the House in previous years.

We have not only agreed on this, those of us who served in this body, but the court has held that our act on higher education is constitutional without this amendment.

I am pleased to hear the gentleman speak up so strongly for the first amendment, but I am wondering also as to whether on Monday the gentleman would seek to vote down the prayer amendment, or whether on Monday he will seek to dilute the first amendment while today the gentleman seeks to help preserve the first amendment.

Mr. BUCHANAN. If the gentleman will yield, may I say that I am going to reinforce the free exercise clause of the first amendment to the Constitution by voting for the prayer amendment.

Mr. CAREY of New York. I think the Reverend BUCHANAN from Alabama seeks on Monday to dilute the first amendment, and today to distort it.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

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

Mr. ROUSSELOT. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, the gentleman from New York (Mr. CAREY) has said what is not so. What the court did in the case which the gentleman cited had to do with the Federal funding of the construction cost of buildings to be used for nonsectarian purposes in sectarian institutions of higher education. I offered no such amendment concerning this program. I might take issue with the court as to whether its position is correct in permitting Federal underwriting of column A of a sectarian institution's budget and as to how this could be done without strengthening column B as well, and the whole of the treasury of that institution hence violating the establishment clause of the first amendment, it has, however, so ruled concerning the construction of buildings in sectarian institutions for nonsectarian purposes. There has, however, been no court ruling on the poverty program, to which my earlier amendments were directed. No court has said its funding of churches is constitutional. This has not been determined.

The recent decision against teachers' salary supplementation in Pennsylvania and Rhode Island parochial schools would cast a cloud of doubt over the constitutionality of this new act, and the constitutionality of this proposed act has obviously not been decided by the Supreme Court.

I say you are building your educational system on shifting sands, and are doing a disservice to sectarian and nonsectarian institutions alike by including sectarian schools in this title. How can such a program be implemented without the "excessive involvement" of Government with a sectarian institution which the court indicated in the Lemon case was a key test determining unconstitutionality.

May I say my amendment will not knock down private schools that are nonsectarian, it will not damage public schools it will only reach those which are substantially supported or controlled by sectarian or religious institutions.

It would seem to me that if you would protect our schools that need help today that one good way to do so would be by removing this cloud, and the only area where it could apply would be to a directly supported sectarian institution.

So, Mr. Chairman, I would urge the adoption of my amendment for the

avoidance of this constitutional cloud, and the possible educational crisis which this House can well avoid if it will have the wisdom today to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

The question was taken; and on a division (demanded by Mr. CAREY of New York) there were—ayes 21, noes 87.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: Page 191, line 14, after the word "institutions" insert "and the feasibility of Federal and State income tax credits for charitable contributions to postsecondary institutions."

Mr. ANDERSON of Illinois. Mr. Chairman, the amendment which I am offering is quite simple and noncontroversial, and I shall, therefore, be brief in my explanation of it. Section 1214(2) of the committee bill mandates the new Commission to study alternative solutions to the financial crisis in higher education, giving special attention to Federal, State, local and private participation in such programs. This includes, in subsection (2)(D), "the level of endowment, private sector support and other incomes of postsecondary institutions."

My amendment would simply amend subsection (2)(D) by adding the words, "and the feasibility of Federal and State income tax credits for charitable contributions to postsecondary institutions."

By way of explanation, Mr. Chairman, earlier this year I was joined by 45 House cosponsors in introducing H.R. 4905, "The Higher Education Gift Incentive Act of 1971," which would provide full Federal income tax credits for charitable contributions to institutions of higher learning—up to $100 for individuals, and up to $5,000 for corporations.

I think this proposal has a great deal of merit in terms of expanding the base of private sector support for our colleges and universities and pumping urgently needed new resources into these institutions. I might point out that the State of Michigan already has this tax credit option in its State income tax code, and it has been working quite well.

It is, therefore, my hope that the Commission authorized under this title will give specific consideration to the feasibility of income tax credits for donations to postsecondary institutions, both at the State and Federal levels. My amendment is, therefore, offered to assure that the Commission does make such a feasibility study and report back on this in its final report. I urge adoption of this amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, there is no reason why this amendment should not be adopted. It is part of the national study that would be made and I think it would be very helpful to the Congress to have the report.

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

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

Mr. QUIE. Mr. Chairman, this is an excellent amendment and I agree with the gentleman that it should be adopted.

Mr. ANDERSON of Illinois. I thank my colleague.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for approximately 2 minutes.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. DENT. I yield to the gentlewoman.

The CHAIRMAN. The gentlewoman from Oregon will state the parliamentary inquiry.

Mrs. GREEN of Oregon. Mr. Chairman, would it be in order to inquire if there are other amendments that are going to be offered by any Member during this half-hour period?

The CHAIRMAN. The Chair will state that an assumption cannot be made as to whether or not amendments are going to be offered. There has been placed at the Clerk's desk one additional amendment that would apply to the section. But the Chair does not know whether any of the amendments will be offered.

The gentleman from Pennsylvania (Mr. DENT) is recognized for approximately 2 minutes.

Mr. DENT. Mr. Chairman, you say that there will be an amendment offered?

The CHAIRMAN. The Chair is not able to state that with certainty.

Mr. DENT. Mr. Chairman, I would like to offer my time to the person who has an amendment. I would like to hear it. If it is not going to be offered, I will yield back my time.

The CHAIRMAN. The gentleman from Pennsylvania yields back the balance of his time.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. Mr. Chairman, I believe one of the amendments to title VII is one that has already been disposed of through the amendment offered by the gentleman from Washington (Mr. MEEDS).

So I believe if that is my amendment to title VIII, it has already been disposed of.

The CHAIRMAN. The amendment that is at the Clerk's desk is authored by the gentleman from Illinois.

The Chair recognizes the gentleman from Michigan (Mr. ESCH).

PARLIAMENTARY INQUIRY

Mr. ERLENBORN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. ERLENBORN. Mr. Chairman, would it be in order to ask unanimous consent that we pass to the next item if there are no further amendments to this title?

The CHAIRMAN. The Chair would have to advise the gentleman that the committee has already determined that there be a limitation on debate. Those Members who were standing and seeking recognition at the time are entitled to recognition if they wish to use their time and it is their privilege to do so.

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

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I take this time to ask a question of the manager of the bill, the gentlewoman from Oregon. I understand that we have eight amendments at the desk. There are still 12 titles after we dispose of the pending title. There is an amendment in the nature of an additional title. I know it is late in the afternoon. I also know that on Thursday afternoon there is pressure for adjournment because of airplane schedules and various other pressures. I just wondered if the gentlewoman would indicate what the plans are and how much of this bill can we hope to dispose of today and how much would we expect to leave for tomorrow?

I presume it is our intention to try to consider the entire bill before we adjourn tomorrow.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I would hope that we would be able to proceed as rapidly as we can with the amendments to the various titles, and at 6:30 review the situation and see how far along we are. If there is any chance of finishing the amendments, except for the amendment the gentleman from Illinois desires to offer, then I think we could work another couple of hours and finish. But if there is no chance of doing that, then I would consult the leadership on the time to consider the remainder of the bill. I am sure the gentleman and others would like to work later tonight than to be kept here late Thursday night when the Members want to get away.

In response, let us move ahead and see how rapidly we can proceed.

Mr. PUCINSKI. I appreciate the gentlewoman's explanation. I would hope that we could work later tonight rather than crowd ourselves tomorrow.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recog-

nizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I yield back my time.

The CHAIRMAN. Are there further amendments to title VIII? If not, the Clerk will read.

The Clerk read as follows:

TITLE IX—INTERNS FOR POLITICAL LEADERSHIP

"SEC. 901. Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART D—INTERNS FOR POLITICAL LEADERSHIP

"PROGRAM AUTHORIZED

"SEC. 931. The Commissioner is authorized to plan, develop, and carry out an internship program under which students will be provided practical involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with such nonprofit agencies as are appropriate, with institutions of higher education, and with State and local governments. Under such program the interns, who are full-time students at any institution of higher education, will be assigned duties in offices of State or local elected officials upon the request of such officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship program at State and local levels to become interns in the offices of Members of Congress, who wish to participate, for up to one year, but under special circumstances the Commissioner may waive this requirement for prior participation at State and local levels.

"SELECTION OF STUDENTS FOR PARTICIPATION

"SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

"CLEARINGHOUSE ON INTERN PROGRAMS

"SEC. 933. The Commissioner shall provide for a national clearinghouse on intern programs to gather and make available for distribution pertinent information on the establishment, management, and results of intern programs throughout the country, as well as to provide information to individuals seeking intern opportunities or information about the availability of or eligibility requirements for such programs.

"FEDERAL SHARE

"SEC. 934. The Federal share of the cost of carrying out the program provided for in this part may not exceed 50 per centum.

"ADMINISTRATION

"SEC. 935. The Commissioner shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by the Commissioner.

"APPROPRIATIONS AUTHORIZED

"SEC. 936. There is authorized to be appropriated to carry out this part the sum of $10,000,000 for the fiscal year 1972 and for each of the four succeeding fiscal years.

"DEFINITION

"SEC. 937. Notwithstanding section 1601(a) or section 921(a), the term 'State' as used in this part means the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam shall each be considered to have one Member of Congress, and interns in the offices of Members of Congress, a Delegate, or Resident Commissioner shall be attributed to the State of the Member, the Delegate, or the Resident Commissioner in whose office they are serving, and interns from the Virgin Islands or Guam shall be attributed to the Virgin Islands or Guam."

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title IX 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 gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. Are there any amendments to title IX of the committee substitute?

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

I should like to ask the gentlewoman from Oregon what title IX is all about. Why should we spend $10 million on interns for what is described as political leadership?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course.

Mrs. GREEN of Oregon. The purpose of this title is based on the fact that we now have an 18-year-old vote for the first time. There are many young people who want to participate in Government. This title was designed so that it would give students, and especially the younger students who are in college, a chance to participate in a structured program at a college or university. They would select the interns to work in elective offices. I am persuaded that a great deal of the alienation today among our young people is because they do not really know how Government works. It seems to me it would be healthy for this country if we gave these people an opportunity to work in elective offices, and it would be completely under the control of the institutions of higher education. I am aware of the difference of opinion in regard to interns, and especially congressional interns.

While I support the intern program in Congress, I must also say that I was greatly concerned and upset about 3 years ago at some of the efforts that were made by the interns. But on the whole I think this is a good program. I think it will serve the purpose and help to let young people know what Government is all about and how it is actually working, instead of reading out of political science textbooks a good many times things "that ain't so."

Mr. GROSS. How many 18-, 19-, and 20-year-olds are there, and how many of them would know all about politics through this process?

I learn something about politics every day in this body, something, new, strange, and sometimes startling. Can the gentlewoman give us any idea how many hundreds of millions it would cost to give every 18-, 19-, and 20-year-old instruction in internship, in so-called political leadership? They would all like to be leaders, would they not, but I wonder how much all this would cost.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield, this is on a 50–50 matching basis. The institution would have to put up 50 percent of the money. The amount of the Federal authorization is $10 million.

Mr. GROSS. And then we would have a bunch of educated political leaders in this country. Is that right?

Mrs. GREEN of Oregon. I would hope they would have a more accurate understanding of how the Government does work, yes. I hope that would be the case.

Mr. GROSS. I hope there are instructors in the colleges who know how we operate, because it is not always easy to discern by one who is right here.

This title ought to be stricken from the bill and the taxpayers saved $10,000,000.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 195, strike out lines 8 through 24, and page 196, strike out lines 1 through 8, and insert the following:

"Sec. 931. The Commissioner is authorized to plan, develop, and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at the State and local levels of government through internships in their offices. Such internship program shall be carried out through arrangements with such nonprofit agencies as are appropriate, with institutions of higher education, and with State and local governments. Under such program the interns, who are full-time students at any institution of higher education, will be assigned duties in offices of State or local elected officials upon the request of such officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns."

Page 197, strike out lines 16 through 26, and page 198, strike out lines 1 through 3, and insert the following:

"Sec. 937. Notwithstanding section 1601(a) or section 921(a), the term 'State' as used in this part means the fifty States, Puerto Rico,

the District of Columbia, the Virgin Islands, and Guam. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam shall each be considered to have one Member of Congress."

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I would hope to be able to explain it briefly.

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

There was no objection.

Mr. BROOKS. Mr. Chairman, this amendment does one thing. It removes from title IX the provision whereby the HEW would administer an intern program for the Congress of the United States. I do not believe we want to have HEW administer and run a program for interns when there are considerable intern programs now operating within this country and within this Congress. It is my judgment that interns in Congress under the existing program, under the Ford Foundation program, and under various other agencies that finance intern programs are adequate.

Under our own intern program, we have a fairly workable arrangement. I have had interns for many summers myself. The congressional program is one that is useful to Members. I think if we should have interns we should provide for them ourselves and not, through this indirect route, attempt to acquire additional interns.

I have some doubts about the remainder of the legislation, but if the House wants to have interns for the agencies and for local governments under the HEW, that is, of course, their privilege. I know the House of Representatives though would be better off without an intern program run by somebody else that might bring discredit to us and maybe no help whatsoever for ourselves and our constituents.

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

Mr. BROOKS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, do I understand the gentleman's amendment would not just remove the administration from HEW for the whole intern program, but would abolish the program?

Mr. BROOKS. It would abolish that part of the program which applies to the Congress of the United States, yes, sir.

Mr. WAGGONNER. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, I would ask adoption of the amendment.

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

Mr. BROOKS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, what is left after the amendment? Would the State and local governments have their interns?

Mr. BROOKS. As I read the title, that is correct. Plus the fact—and nobody would object to it—there is a coordinating agency set up in section 933 which provides for a coordination of interns within HEW.

Mr. QUIE. A clearinghouse?

Mr. BROOKS. A clearinghouse operation.

Mr. QUIE. And who would actually administer the program?

Mr. BROOKS. The Department of Health, Education, and Welfare would operate it. The program is set up for a 5-year program. The first 2-year operation is about $10 million, with the remaining part of the $50 million envisioned to be spent in the next 3 years.

Mr. QUIE. And the State and local governments would have to make applications to HEW to get the interns under this?

Mr. BROOKS. I believe as the gentlewoman from Oregon explained the operation, that students from various institutions and colleges would apply to HEW and those institutions would pick up half the stipend which was agreed upon for those students to serve in local governments or State governments.

I assume that would be agreed to by those local and State governments.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I am pleased to yield to my friend from Wisconsin.

Mr. STEIGER of Wisconsin. Would the gentleman clarify a point I am frankly unclear on? Is the gentleman saying by virtue of the amendment that in title IX we would have a State and local intern program through HEW but not one applicable to the Federal Government, though the Federal Government would pick up the tab for that program?

Mr. BROOKS. That is absolutely correct. The existing legislation provides for an intern program in all governments; local, State and National and congressional. This amendment would eliminate the congressional application of that proposal.

Mr. STEIGER of Wisconsin. I thank the gentleman for his answer.

SUBSTITUTE AMENDMENT OFFERED BY MR. WHITE FOR THE AMENDMENT OFFERED BY MR. BROOKS

Mr. WHITE. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE as a substitute for the amendment offered by Mr. BROOKS: Strike title IX from H.R. 7248.

Mr. WHITE. Mr. Chairman, I believe the gentleman from Texas (Mr. BROOKS) has a fine amendment, but as I look at this particular section I wonder why it is in the bill at all.

Next year, 1972, is an election year. While this is a well-intended program, are we foisting on the American public an army of young politicos, activists, who will be going throughout the entire country and who may forget the initial purpose of this bill and become politically active in the campaigns of 1972?

No. 2. Why should we single out political science students, those taking political science education in college? Why not include other students as well? Why not include other fields? Are we not being discriminatory against other fields.

No. 3. At a time when we are searching for economy in Government, is this the proper place to expend $10 million?

Those are the three points I should like to present to the Members today who are considering striking title IX. We can consider such an intern program at another time and amend a pending bill, but we should not include this title in this bill.

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

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

Mr. ASHBROOK. I appreciate the gentleman's yielding. I have great respect for my colleague from Oregon, but I believe the gentleman from Texas is making very good sense. I join with him, and I suggest we do strike out this section:

Mr. WHITE. I thank the gentleman.

Mr. ESCH. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I believe it is very clear that the issue has now settled down as to whether or not we should have an intern program. I speak strongly in favor of an intern program and an opportunity to coordinate the existing intern programs into a more meaningful and coordinated system.

There has been discussion, and questions have been raised in recent years about the problem of our young people and their opportunity to contribute within the system. There have been questions raised by distinguished gentlemen, in this House and I respect their judgment, as to how and in what way we might involve individuals within the system.

I would suggest to those gentlemen who oppose this title that if you examine it carefully, the provisions state that the purpose is to encourage our young people to work within the system; to use the best of those young minds to educate and train them in the world of practical politics and everyday work experience in order that we might improve on the daily tasks that we perform.

There has been a great deal of discussion about the cost of this program, but I would suggest to you that this is probably a minute cost in relationship to the total expenditures of this Federal Government.

If you are afraid of developing a political intern program, then, it seems to me in effect you are afraid of encouraging the young people to come in aggressively, actively, and constructively into Government activity at all levels.

I, for one, believe otherwise. I believe strongly in our young people and want to give them an opportunity to participate constructively. I think this title will do that.

Mr. GROSS. Will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Iowa.

Mr. GROSS. Yes. At a cost of $10 million. But what system is the gentleman talking about that he wants these 18-, 19-, and 20-year-olds to work in? What is this great system that he is talking about?

Mr. ESCH. I will say to the gentleman that I would welcome young people

working at the local level with councils and mayors on a constructive basis and in the State at the gubernatorial offices. And I think this House should welcome many more interns on a constructive basis relating to them.

It is indeed unfortunate that the dissident few have so biased so many minds at the expense of those many millions of young people who want to contribute constructively to good government.

That is what this intern program is all about. I urge the membership to defeat the substitute and support the intern program.

The future of this country belongs to our young people. Let us give them a chance.

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

I do not think it is necessary to take 5 minutes to discuss the amendment, but I want to make one point.

Everybody in this body in one way or another, I am sure, has encouraged young people to participate in politics. I know I have. But I do not know where we ever got the idea that we have to pay them to participate in politics. I have had hundreds of young volunteers and have encouraged them to work in many ways. Where did we ever get the idea that we had to give them paid scholarships or make them a part of paid programs in order to get them to participate in politics? Most of the good volunteers I have ever seen worked for nothing. We do not have to pay them to do it. It is a specious argument, and we can encourage people to come into political activity without handing out a stipend, grant, or paid fellowship or internship. I reject the whole idea that you have to pay people in order to have a dialog with them, bring them in to constructively get them to participate in politics or keep them from feeling alienated by the system.

I support the amendment.

Mr. HAYS. Will the gentleman yield to me?

Mr. ASHBROOK. I yield to the gentleman.

Mr. HAYS. The gentleman is exactly right. Of course, you compound the insult here, as I understand it, unless this amendment is adopted, because you will bring this under HEW to administer. That to me is the last straw. I am for young people getting in the system and working within it, but when you get it to the department of very little health, almost no education, and too much welfare, it seems to me you are putting the program down the drain before it ever gets off the ground.

I ask every Member of this body to ask yourself a question: Do you want HEW running your office staff? If you do, then, do not vote for the amendment. However, if you do not want HEW running your office staff, you ought to vote either for the substitute or the amendment offered by the gentleman from Texas.

Mr. ASHBROOK. I thank the gentleman for his statement.

Mr. QUIE. Will the gentleman yield to me?

Mr. ASHBROOK. I yield to the gentleman from Minnesota.

Mr. QUIE. It seems to me the question ought to be whether you want HEW to be running an intern program for your local community or your State government. I do not think they ought to be doing that. The clearing house will not do that much for this intern program. We have many intern programs working well now, and we do not need this.

I support the substitute.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are a number of intern programs. I have had girls from Wellesley and Vassar in my office. I have had young people from Stanford University in my office. I have had interns from other institutions. The only people at the present time, however, who can work in our offices under the individual institutional programs, are the students who can afford to participate.

Mr. Chairman, I suggest that some of the people who really need to know how the Government works are the young people who cannot afford to work as volunteers.

Mr. Chairman, I support this title because it seems to me we might have a chance to do something about the alienated youth in the country. We might be able to really tell them how government does work.

I want to give to the members of the committee an example which had more to do with my support of this program than anything else. About 2 years ago I participated in a panel at a college in Washington, D.C. There were four of us on that panel. There was no agreement among the four of us on Vietnam and national priorities and what we ought to be doing. However, there was a professor from George Washington University who said to this audience that if this country would spend on the poor in 1 year what we spend in 1 week in Vietnam, $700 million, we would have a different kind of country in which to live. All of these college students applauded and thought it was great. When it came my turn, I said, "Let us analyze what he said."

The professor said if we would spend $700 million in 1 year on the poor we would have a great world in which to live. What are the facts? The facts were that that year when I was participating in the panel, which was 2 years ago, we were spending not $700 million; we were spending $42 billion on programs exclusively designed for the poor and in which the middle income and lower-middle income could not participate. We were spending $27.5 billion in Federal funds, over $14.5 billion in State and local funds and $2.5 billion in voluntary contributions above taxes.

I said to the group, "It seems to me that there is just no excuse at all for any person who is in a position of responsibility to act in such an irresponsible fashion as to tell you people who are in college that this is the way the government works."

I think through an intern program we could bring in some of these alienated young people, the youngsters who think this government is all bad; that all of us in this Congress have a 5-hour day; that we goof as soon as it is 4 o'clock and do not want to do anything else for the rest of the week. However, if they would work in an office at the Federal level, the State level or the local level, the county level, they would be able to understand what government is all about. I think we would remove a great deal of alienation. That is really what this title is about.

Mr. Chairman, I have been unhappy about the congressional intern program and I was especially unhappy with it 3 years ago. But I do not think that doing away with internship programs will be doing anything about the alienation of the young people.

This program is not going to be administered by HEW; this is an institutional program for interns at colleges and universities and a program for elected officials at the local or State or Federal level. It will permit those who want to participate to participate. No one has to participate in it at all.

If you want to correct something, let me give you a suggestion. In our elected offices in Oregon we have the following people working: New York City volunteers under the War on Poverty, legal aid officers under the War on Poverty program, and VISTA volunteers. I suggest that the people who have been working under the legal aid program, who have been working under the VISTA program and the New York City program serve at times to represent that very small minority of our young people who are hostile to our political system. I would much prefer to have interns, participating in a structured program, working in our Government offices. Let us have such a program so that our young people may learn what is really happening. No one has to participate who does not wish to participate. It is designed for poor and alienated young people who are questioning our Government. They do not really know anything about government except what they hear from some other youngster who does not think our country is any good. Let us teach them that this is a great country.

In regard to this panel discussion the gentleman from Arkansas (Mr. MILLS) said that the $42.5 billion includes welfare, but it does not include social security. And he further told me that if we included social security for the people who live at the poverty level, or below, that we would be spending between $65 billion and $70 billion on the poor.

This is not a record of parsimony or neglect. It is the record of an extraordinarily compassionate Nation. Let us have our young people learn the truth about our Government. Let us give them the opportunity to see our Government at first hand.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute amendment.

Mr. Chairman, I rise to concur with the excellent presentation of the gentle-

woman from Oregon, and to add that there are many poor people, there are many youngsters in the universities who are not alienated, who would like to come to Washington.

And you do not have to be mad at the system to want to know what is happening in our Government.

So I would second the gentlewoman's remarks, and include and emphasize that all of the young people of all economic backgrounds who want to come here should have the opportunity.

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

Mr. CONYERS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I simply want to indicate my support of what the gentleman from Michigan has said, and my opposition to the substitute.

Over the years I have had many young people in my office serving as interns. They have been hard workers, and conscientious, and I would like to think that they go away more willing to, as we like to say, work within the system, than might have been the case without that experience.

So I hope the substitute is rejected.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding. I want to associate myself with the remarks of the gentlewoman from Oregon. We have some differences on this committee, and I think this is an instance in which there can be some agreement that this type of program makes sense.

Let me go at it in a little different way. One of the things that appeals to me about the intern program proposed in title IX is the fact that it was designed to be, as the gentlewoman from Oregon put it, a structured program. We have heard some of the problems that the present substitute may present, we have heard from both sides of the aisle, having to do with people who pay too much attention to the Federal Government, and I am convinced from this fact, that too many young people have set their eyes on Washington at the expense of Madison and Oshkosh. What this amendment tends to do is to curtail the emphasis on Washington and takes in the State and local governments, because the Federal system today involves so much, and it seems to me a terrible oversight to say that we can operate a Federal program and not involve young people in a meaningful fashion at the State and local levels that are so important in serving the people across this country. So I hope the amendment to strike this title is not adopted.

Mr. CONYERS. I yield back the balance of my time.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the substitute.

Mr. Chairman, we are talking here this afternoon about our concern for the young people. I have two of my own, and when my sons were 3 and 5 years old, they were campaigning for my predecessor, the Honorable Ben F. Jensen.

We have in the Republican Party an organization known as TARS—Teen-Age Republicans. We also have the Young Republicans, plus the parent organization.

I cannot justify a $10 million expenditure of taxpayers' money to teach our young people about politics. If we as Members of Congress do not feel that we have a responsibility to teach our students what politics is all about, in college or outside of college, then we are derelict in our duty as legislators.

You talk about working in the organization, or within the system, ringing doorbells and stuffing envelopes for teenagers is a good beginning. Why saddle the people of this Nation with a tab of $10 million to teach them the game of politics? It is almost automatic as they progress through the elementary and secondary education, and on into college; it is normal. Their political education will develop through their own interest—why do we have to pay them to learn about party organizations how their government operates? This should not be necessary—personal desire should be sufficient.

Previous members expressed their concern about militant organizations like NYC, Legal Aid, and VISTA. I have a solution for that—abolish them all—that is what I would vote to do.

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

Mr. SCHERLE. I yield to my colleague, the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank my colleague for yielding because I would like to address my comments to my colleague, the gentlewoman from Oregon (Mrs. GREEN).

The precise point she made is what concerns many of us. She was at the meeting and there was a panel. The person who made the wildest statement was not the gentlewoman from Oregon. It was a responsible person. If she were running the program, if she were making the decisions, I would be for it. It was some professor who made the statement that she had to address herself to.

This is precisely what concerns most of us. What is to prevent the same type of people being called to run these programs? That is what concerns us. What will be taught—are they going to be dealing with these same ideas? What is the safeguard? If you are going to have a program of internship where they are dealing with this same kind of ideology, I think that is defeating our purpose. That is the precise example she gave and that is one of the reasons I am concerned about this program.

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

Mr. SCHERLE. I yield to the gentleman.

Mr. WHITE. Mr. Chairman, when the membership votes on this amendment, the first substitute, I would point out that they must consider whether or not they want HEW to fan out to every Member's district in 1972, an election year, and politically activating young people who may or may not fulfill the purposes of this bill.

When you consider what has happened in the past and what use has been made of other programs, you are going to have some of the same problems.

Mr. SCHERLE. I think we can simplify the whole thing simply by adopting the substitute of the gentleman from Texas (Mr. WHITE), and not by saddling the taxpayers of this country with another extravaganza of $10 million to teach our young people the procedure of politics.

I think as responsible Members of Congress, we should bring these young people into our own party organizations and give them the opportunity to learn by doing. Let them grow up and you can be sure they will be better politicians than if we set up an agency of the Government to teach them how to vote and how to understand or this extravaganza would be intolerable.

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

Mr. SCHERLE. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, contrary to what the gentlewoman from Oregon says about the selection of these interns, the bill itself says that the participating institutions of higher education would select them. This does not mean that they are going to go out on the highways and byways or in the streets and back alleys to get them. They are going to be people who are picked by professors and others in the various institutions.

Mr. SCHERLE. I thank my colleague for his comments.

Mr. Chairman, I have the greatest respect in the world and the greatest admiration for my colleague, the gentlewoman from Oregon. But I cannot support this legislation and ask that the Members of the House support the gentleman from Texas (Mr. WHITE).

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, the only thing I tried to point out was that institutions would choose the interns. This is a structured program and I think we would have a better chance of getting young people to understand what government is about in this kind of a structured program than the three which I mentioned.

If the $10 million concerns people, at the first opportunity, and I have tried it a couple of times in this House, I would make it illegal to have the Legal Aid officers, VISTA and NYC working in elective offices.

I do not think that was ever the congressional intent. It seems to me it is much better to have this kind of structured program so that these young people would learn about government.

I would remind my colleagues that we have teacher interns and doctor interns.

Mr. HAYS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from Texas.

Mr. Chairman, I want to make it per-

fectly clear that I am not against an intern program per se. As a matter of fact, this past summer I had four interns on the Committee on House Administration—four boys from four different universities. All of them turned out to be very fine, hard working young people. One of them did the research for my presentation on the strip mining bill to the Committee on the Interior. Another one of them turned out to be very proficient in French and when the French parliamentarians visited here a few weeks ago, I talked to his professor at the university he is attending and got him a week's leave of absence to come down here and act as interpreter. He did a terrific job. So I am not against the program because I am against interns. I very much believe in that.

But the thing that bothers me is that if I have any interns working for me, I would like to know something about who they are and I do not want them to send anybody willy-nilly or anything else.

If the university is going to send down a folio of information about 20 different people and you can hire from among them, that is one thing. But I do not want HEW and I do not want some university professor or some university dean or anybody else picking who is going to come to work for my committee, because they might not be the kind of people I want, No. 1; they might not have the background, No. 2; and they might not have the educational qualifications we need, No. 3.

For example, I cannot imagine having one of these boys work on the so-called election reform bill. I cannot imagine having a fellow who is a major in chemistry working in the House Administration Committee. This is one of the things that bothers me.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The gentleman has described very accurately what would happen. It is purely a voluntary program. Nobody in Congress would be forced to take it. I agree with the gentleman. I would not want someone who was not qualified.

Mr. HAYS. Then what is wrong with the amendment of the gentleman from Texas (Mr. BROOKS)?

Mrs. GREEN of Oregon. I am not opposing the amendment offered by Mr. BROOKS. I am opposing the amendment offered by Mr. WHITE.

Mr. HAYS. I am speaking for Mr. BROOKS' amendment. I think it will do something to cure this. Let me say to you the thing that bothers me—and I must admit I did not hear all the debate, for I came into the Chamber when somebody told me that HEW was going to administer the provisions of the title—I just think, you know, the more we can leave bureaucracy, which already has its fat hand on too much around here, out of it, the better the program will work, if we have a program. That is one of the things I object to.

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

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. CONYERS. Would the Brooks amendment preclude interns from coming to the Congress?

Mr. HAYS. Perhaps the gentleman from Texas (Mr. BROOKS) would answer that question. He knows more about the amendment.

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

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

Mr. BROOKS. Will the gentleman repeat his question?

Mr. CONYERS. Does the amendment preclude Congress from receiving interns under the amendment?

Mr. BROOKS. My amendment would eliminate the intern program in the title as it applies to the Congress of the United States. We will retain our existing programs from foundations and that which we follow ourselves. If we want a program for Congress, we can vote the money for it and we will run it and not have HEW run it. That is the hard, simple fact.

Mr. CONYERS. Would not the gentleman accept the terms under which we understand the program would be run, that we would have the option of rejecting anyone who is sent?

Mr. HAYS. I was sure it did, but Mr. BROOKS makes it perfectly clear.

Mr. GERALD R. FORD. Mr. Chairman, would the gentleman yield so I might ask the gentleman from Texas a question?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Your amendment strikes out that part of the provision as it pertains to Members of Congress. Your amendment does not strike out the part relating to State and local governments; is that correct?

Mr. BROOKS. The gentleman is stating the case exactly.

Mr. GERALD R. FORD. As the provision remains in, as far as local and State governments are concerned, HEW still controls the State and local government parts of the program?

Mr. BROOKS. I did not think we could cure all the world's problems in one amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would ask the gentleman if, in his inimical fashion, he would be willing to comment on the benefits those millions of young Americans would have under this intern program who did not have the privilege of attending a college or university.

Mr. HAYS. Well, obviously, they would not have any benefits. But let me say this to you. I can hardly go into the courthouse in my district that I do not find a lot of young people of high school or college age or thereabouts who are working in all the county offices, and some of the county officers say, "We are hard put to find something for them to do." So I think there is plenty of opportunity, as far as that is concerned.

Mr. PUCINSKI. Mr. Chairman, I have a substitute amendment at the desk.

The CHAIRMAN. A substitute is now pending. The gentleman from Texas (Mr. BROOKS) offered an amendment and the gentleman from Texas (Mr. WHITE) has offered a substitute to that amendment; so a further substitute at this point would not be in order.

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

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Chairman, if this amendment fails, it is my intention to offer an amendment on page 196, line 13, to add a provision. The language now says:

> The students who are to participate in the internship program provided for in this part shall be selected from among students whose names are proposed by participating institutions of higher education.

It is my intention to add to that language:

> Or requested by a Member of Congress or any State or local agency.

The purpose of this language would be to not limit the candidates for internship in a congressional office to the judgment and decision of someone in the university. For instance, a college student may come to a Member of Congress and say, "I would like to work as an intern in your office for a year and do the following research, and these are my capabilities." He may be a very capable youngster that one might find very valuable, as the gentleman from Ohio mentioned a moment ago. It seems to me if we are going to have an intern program, that a Member of Congress who is going to take an intern for a year, or a local or State agency which is going to have an intern for a year ought at least to have the right to request this particular individual if he or she otherwise qualifies.

The language in the bill now merely provides that the institution is going to decide who are the interns who are going to be placed on an eligibility list, and we are going to have then to draw from that list presented to us by the university. I think the gentlewoman made a very cogent argument and I agree with her whole presentation, but we ought to have this program, it seems to me, so the hiring agency ought to have some opportunity to specifically request a student or an internee, rather than have it say we have got to take only those who are going to be placed on the eligible list by the university itself, because very often the very people for whom the gentlewoman has shown the greatest concern may be the youngsters who may be specifically excluded. It may be we have some gifted student at a university who can do a specific job for us, and we may want to bring that internee into our office, and we ought to have the right if there is any validity at all to this program, an individual Congressman ought to have the right to have the young man or young woman he would like to have in his office as an internee.

Under the parliamentary situation I am unable to offer this amendment now, but I do hope I will have the opportunity to offer this amendment, because then the discretion as to whom one is going to have in his office will be left to

our own judgment instead of some university or agency that is going to make up the list, and perhaps literally discriminate against many youngsters who would otherwise be eligible.

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

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. CONYERS. To get to the gentleman's amendment, does that not require that we vote down the substitute amendment and the pending amendment?

Mr. PUCINSKI. I am inclined to think that would probably be correct.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I just want to point out again what this amendment and title provide. It starts out:

> The Commissioner is authorized to plan, develop, and carry out an internship program—

And the whole title provides that the Office of Education will do it. But if we read further in the amendment and the bill, the internship program, even under the Brooks amendment, is not limited just to the State and local government agencies, but includes nonprofit agencies as are appropriate, and the Commissioner of Education determines what non-profit agencies are appropriate.

I think we are bringing much more into this title than you ever have expected to or wanted to, and I think the only safe way is to support the amendment offered by the gentleman from Texas (Mr. WHITE) to strike it, and then if somebody can devise an acceptable program, later on, that is the time to take it up.

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

Mr. Chairman, I do not apologize for taking this 5 minutes. This is a bill which concerns education, and we should spend a little time talking about education in a bill of this nature.

First, so that my own credentials may not be misunderstood, may I note that since I have been a Member of this body I have had more than 150 high school students in Washington for a week at a time. I have paid for the housing and the food for those youngsters who were here for that week at a time. We arranged most frequently for transportation for them, so that the poor could participate. We have never had any designation of politics. We select these people the same way we select our academy appointees, without any regard for politics.

In addition to that, we have had six interns each summer. In addition, we have other programs. At the present time, I have two youngsters from Iowa colleges working in the office on college related programs. They are here for a semester each.

One of the things which has bothered me about the business of ecology, just to cite a parallel situation, is that I have so many teachers saying, "Why can we not get some Federal funds so that I can buy material to teach environment to my students?"

Any sociology, biology, botany, or chemistry teacher who is worth his salt has been teaching environment all these years. Any teacher of government, if he is worth his salt, should be able to teach something about government.

Sad to relate, as the gentlewoman from Oregon says, too many of these instructors do not know anything about the Government or even the textbook from which they teach. I have thought perhaps I may have accomplished more with this kind of program if I had had the instructors for a month or a semester at a time rather than having students, because we touch so few even though we keep the office filled with these people.

I am a teacher. I have a master's degree in education, a permanent professional certificate to teach.

We tried to arrange a study program with a pretest and a posttest, and I know these youngsters learn something about government when they are here for a week or a month or a semester. But it seems very foolish from an educational or pedagogical standpoint to say that we are going to spend $10 million to have some department of Government select youngsters who are going to work at various levels.

There is nothing in the world which precludes a teacher in a town anywhere in the United States from taking her class to the council meetings, to the public meetings on issues that exist, or from taking classes to the court room when there are court cases pending. All those things can be done easily and free. We have, as Members know, buses in almost every school district in the country today to transport students back and forth to the city offices and county offices. Most of the States have some kind of program to bring students to the State capital.

What I am trying to say is this: I believe in educating the young in government. We would merely exert a pin prick with this effort we are talking about here this afternoon in what has to be one of the poorly considered sections of the bill.

It is a big program. It is the shortest title in the bill, I believe. We ought to devise a program which will reach more people, which will seek to have these teachers utilize the facilities that are available without cost.

One of the tragedies of all this Federal aid is that teachers are getting to the point that any teacher thinks we cannot do anything educationally unless we get Federal funds to do it. I believe we stifle a lot of initiative which should be involved in these programs.

I am totally sold on an intern program, but I am also totally opposed to this hastily considered title in this bill. I will vote for the amendment of the gentleman from Texas.

So that I will not take other time later, I should like to make a little legislative history with the gentlewoman from Oregon regarding a title which is coming up later.

We have some small colleges which are worrying because they have dormitory space for both men and women. Sometimes they must go out and recruit more men because they have more rooms available in the men's dormitories than in the women's dormitories. Can we make a little legislative history here which would say to the agency that we are not going to bring up the matter of sexual discrimination if this little college tries to fill its dormitories or to otherwise operate in a sensible manner in this regard?

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. KYL. Of course I yield to the gentlewoman.

Mr. GREEN of Oregon. Maybe we should have some political interns to work on this program. It is my understanding that most of the domitories around the country are going coeducational, anyhow, so I do not think that would be a major factor in the consideration of title X.

Mr. KYL. But I have had some college presidents contact me—today, as a matter of fact—worrying about it. They say sometimes they have a block of rooms available in this dormitory, the first president who spoke to me said that he was operating a church-related school and they do not have coeducational dormitories.

Mrs. GREEN of Oregon. The only thing I can say is I hope institutions would admit students on the basis of their educational qualifications and what they can learn in the institution rather than on the number of dormitory rooms available of one kind or another.

Mr. DINGELL. Mr. Chairman, I rise in support of the White substitute.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Texas (Mr. WHITE) and the amendment offered by my good friend from Texas (Mr. BROOKS).

Mr. Chairman, I have been in Congress for a long time and I have supported each and every educational measure that has ever been here. I have during my career been a strong supporter of Federal aid to education, general Federal aid to education, and have actively and vigorously supported and voted for a host of proposals such as this every time they come to the Congress. In the Commerce Committee where I sit I have been an active supporter of education legislation where it deals with health and medical facilities.

I think there may be some merit to the section we are now addressing ourselves to, title IX, but I would point out that first of all there were no reports on the title here before us. The departmental agency never communicated with the Congress on this. There were no hearings whatsoever.

I have had interns in my office, and my experience with them has been a very happy one. I have had fine young people who have come home to my district and are well satisfied that the Government is a good one and that it serves the people well. They have participated and contributed valuably to the affairs of my office.

But I think there is something that ought to be before this body at this particular time. We have a very large bill here. Literally hundreds of millions of dollars are authorized in it. We have to recognize, however, the amount of money that is available for expenditure inside the Federal Government for education is far less than that which is really needed. For the major portions of this bill we

have to recognize that most of them are going to be funded less than the amount authorized and most will be funded less than the amount of the true need. Most of them indeed are going to have significant cuts. Some will be eliminated from the budget in their entirety before it comes to the Congress and after it leaves the Congress. Even after we have appropriated most or a large portion of the funds, many sections of the bill will be diminished significantly or eliminated altogether. We have to look at the question of priorities here.

There is a need for interns, but we ought to establish that need before we proceed. We ought to look at the content of the bill to see what the program is going to be and how it will function.

I think there is something else, and that is the real point to which I arose today. We should give very serious consideration to the intern program title in relation to the other sections of the bill—the sections dealing with the NDEA, the national defense scholarships, and the other programs of assistance to needy scholars; the program to assist our higher education facilities.

I think we ought to wonder whether or not, in fact, we are slicing a rather too small salami much thinner than it really should be sliced by the inclusion of this $10 million.

Mr. Chairman, I have the idea that the young people who are covered in other parts of this bill will derive much more benefit than we would give to those who would receive benefits under the interns for political leadership section.

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

Mr. DINGELL. Of course I yield to my colleague from Michigan.

Mr. CONYERS. I want to make sure that I understood the gentleman correctly when he stated that he has supported all bills that have come out of the Education and Labor Committee.

Mr. DINGELL. I cannot remember voting against one.

Mr. CONYERS. What about the Emergency School Aid Act which was under consideration in the House just 2 days ago?

Mr. DINGELL. I can tell the gentleman my reasons for opposing that bill, which are about the same as they are here. We do not need specific aid for specific programs that may or may not serve the entire interest and purpose of this country.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, has not my friend had any unpleasant experience with the intern program?

Mr. DINGELL. No; I have had a delightful experience with my interns and feel that they have done a good job.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Texas (Mr. WHITE) for the amendment offered by the gentleman from Texas (Mr. BROOKS).

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

TELLER VOTE WITH CLERKS

Mr. CONYERS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CONYERS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. WHITE, Mr. BROOKS, Mr. ESCH, and Mrs. GREEN of Oregon.

The Committee divided, and the tellers reported that there were—ayes 229, noes 149, not voting 52, as follows:

[Roll No. 347]

[Recorded Teller Vote]

AYES—229

Abbitt	Fuqua	Pelly
Abernethy	Galifianakis	Pettis
Andrews, Ala.	Gaydos	Peyser
Andrews, N. Dak.	Gettys	Pike
Archer	Giaimo	Poage
Arends	Goldwater	Poff
Ashbrook	Goodling	Powell
Ashley	Gray	Price, Tex.
Belcher	Griffin	Quie
Bell	Gross	Quillen
Bennett	Grover	Randall
Betts	Gude	Rarick
Bevill	Hagan	Roberts
Blackburn	Haley	Robinson, Va.
Bow	Hall	Rogers
Bray	Hammer-schmidt	Roncalio
Brinkley	Hansen, Idaho	Rousselot
Brooks	Harsha	Runnels
Broomfield	Hastings	Ruppe
Brotzman	Hays	Ruth
Brown, Mich.	Henderson	St Germain
Brown, Ohio	Hicks, Wash.	Sandman
Broyhill, N.C.	Hillis	Satterfield
Buchanan	Hogan	Saylor
Burke, Fla.	Hosmer	Scherle
Burleson, Tex.	Huil	Schmitz
Burlison, Mo.	Hungate	Schneebeli
Byrnes, Wis.	Hunt	Schwengel
Cabell	Hutchinson	Scott
Caffery	Ichord	Sebelius
Camp	Johnson, Calif.	Shoup
Carter	Johnson, Pa.	Shriver
Casey, Tex.	Jonas	Sikes
Cederberg	Jones, Ala.	Sisk
Chamberlain	Jones, N.C.	Smith, Iowa
Chappell	Jones, Tenn.	Smith, N.Y.
Clancy	Kazen	Snyder
Clark	Keating	Spence
Clausen, Don H.	Keith	Springer
Clawson, Del	Kemp	Staggers
Cleveland	King	Steed
Collier	Kuykendall	Steiger, Ariz.
Collins, Tex.	Kyl	Stephens
Colmer	Landgrebe	Stratton
Conable	Landrum	Stubblefield
Coughlin	Latta	Stuckey
Crane	Lennon	Sullivan
Daniel, Va.	Lent	Talcott
Davis, Ga.	Lujan	Taylor
Davis, S.C.	McClory	Teague, Calif.
Davis, Wis.	McCloskey	Terry
Delaney	McCollister	Thompson, Ga.
Dellenback	McCulloch	Thomson, Wis.
Dennis	McEwen	Thone
Devine	McFall	Veysey
Dickinson	McKevitt	Vigorito
Dingell	McMillan	Waggonner
Dorn	Mahon	Wampler
Dowdy	Mailliard	Ware
Downing	Mann	Whalley
Dulski	Mathias, Calif.	White
Duncan	Mathis, Ga.	Whitehurst
Dwyer	Mayne	Whitten
Edwards, Ala.	Michel	Widnall
Erlenborn	Miller, Ohio	Wiggins
Eshleman	Mills, Md.	Williams
Fascell	Minshall	Wilson, Bob
Findley	Mizell	Winn
Fisher	Monagan	Wyatt
Flowers	Morse	Wydler
Flynt	Murphy, Ill.	Wyman
Ford, Gerald R.	Myers	Yatron
Forsythe	Natcher	Young, Fla.
Frelinghuysen	Nelsen	Young, Tex.
Frey	Nichols	Zion
Fulton, Tenn.	O'Konski	Zwach
	Passman	

NOES—149

Abourezk	Aspin	Brasco
Abzug	Badillo	Burke, Mass.
Addabbo	Begich	Burton
Albert	Bergland	Byron
Alexander	Biaggi	Carey, N.Y.
Anderson, Calif.	Bingham	Chisholm
Anderson, Tenn.	Boggs	Clay
Annunzio	Boland	Collins, Ill.
	Bolling	Conte
	Brademas	Conyers
Corman	Holifield	Pickle
Culver	Horton	Podell
Daniels, N.J.	Howard	Preyer, N.C.
Danielson	Jacobs	Price, Ill.
de la Garza	Karth	Pryor, Ark.
Dellums	Kastenmeier	Pucinski
Denholm	Kluczynski	Railsback
Dent	Koch	Rangel
Donohue	Kyros	Reid, N.Y.
Dow	Leggett	Reuss
Drinan	Link	Rodino
du Pont	McCormack	Roe
Eckhardt	McDade	Rooney, N.Y.
Edmondson	McKay	Rostenkowski
Edwards, Calif.	McKinney	Roush
Eilberg	Macdonald, Mass.	Roy
Esch	Madden	Roybal
Evans, Colo.	Matsunaga	Ryan
Fish	Mazzoli	Sarbanes
Flood	Meeds	Scheuer
Foley	Melcher	Seiberling
Ford, William D.	Metcalfe	Shipley
Gallagher	Mikva	Stanton, James V.
Gibbons	Miller, Calif.	Steele
Gonzalez	Minish	Steiger, Wis.
Grasso	Mink	Symington
Green, Oreg.	Mitchell	Thompson, N.J.
Green, Pa.	Mollohan	Tiernan
Griffiths	Moorhead	Udall
Hamilton	Morgan	Ullman
Hanley	Mosher	Van Deerlin
Hanna	Moss	Vanik
Hansen, Wash.	Murphy, N.Y.	Waldie
Harrington	Nedzi	Whalen
Harvey	Nix	Wilson, Charles H.
Hathaway	Obey	Wolff
Hawkins	O'Hara	Wylie
Hechler, W. Va.	O'Neill	Yates
Heckler, Mass.	Patten	Zablocki
Helstoski	Pepper	
Hicks, Mass.	Perkins	

NOT VOTING—52

Adams	Fountain	Patman
Anderson, Ill.	Fraser	Pirnie
Aspinall	Frenzel	Purcell
Baker	Garmatz	Rees
Baring	Gubser	Rhodes
Barrett	Halpern	Riegle
Biester	Hébert	Robison, N.Y.
Blanton	Jarman	Rooney, Pa.
Blatnik	Kee	Rosenthal
Broyhill, Va.	Lloyd	Skubitz
Byrne, Pa.	Long, La.	Slack
Carney	Long, Md.	Smith, Calif.
Celler	McClure	Stanton, J. William
Cotter	McDonald, Mich.	Stokes
Derwinski	Martin	Teague, Tex.
Diggs	Mills, Ark.	Vander Jagt
Edwards, La.	Montgomery	Wright
Evins, Tenn.		

So the amendment offered by the gentleman from Texas (Mr. WHITE) as a substitute for the amendment offered by the gentleman from Texas (Mr. BROOKS), was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BROOKS) as amended by the substitute offered by the gentleman from Texas (Mr. WHITE).

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 198, line 4:

TITLE X—PROHIBITION OF SEX DISCRIMINATION

SEC. 1001. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance, except that this subsection shall not apply—

(1) in the case of an educational institution in which substantially all the students are of the same sex,

(2) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the Commissioner of Education, or

(3) to an educational institution which is controlled by a religious organization and where the application of this subsection would not be consistent with the religious tenets of such organization.

SEC. 1002. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 1001 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 1003. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 1002, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

SEC. 1004. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 1005. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SEC. 1006. (a) Clause (1) of section 701 (b) of the Civil Rights Act of 1964 is amended by inserting after "thereof" the following: "(except with respect to employees of a State, or a political subdivision thereof, employed in an educational institution)".

(b) Section 702 of title VII of the Civil Rights Act of 1964 is amended by the insertion of a period after "religious activities" and the deletion of the remainder of the sentence.

SEC. 1007. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)) is amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion" the following: ", sex".

SEC. 1008. Section 13(a) of the Fair Labor Standards Act of 1938 is amended by the insertion after the words "the provisions of sections 6" of the following: "(except section 6(d) in the case of paragraph (1))."

SEC. 1009. (a) Subsection (1) of section 3 (r) of the Fair Labor Standards Act of 1938 is amended by the deletion of the words "an elementary or secondary school" and the insertion of the words "a pre-school, elementary or secondary school."

(b) Section 3(s)(4) of such Act is amended by deleting "an elementary or secondary school" and inserting "a pre-school, elementary or secondary school".

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title X be considered as read, printed in the RECORD at this point, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. 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. WRIGHT, 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. 7248), to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education, had come to no resolution thereon.

TO COMMEND THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION FOR SUCCESSFULLY PERFORMING VALUABLE HUMANITARIAN WORK ON THE OCCASION OF ITS 20TH ANNIVERSARY

Mr. RODINO. Mr. Speaker, I offer House Concurrent Resolution 417 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 417

Whereas upon the initiative of the Congress of the United States of America the Intergovernmental Committee for European Migration was established on December 5, 1951, for the purpose of making arrangements for the resettlement in countries overseas which offer opportunities for orderly immigration, consistent with the policies and the laws of the countries concerned, of European refugees who fled from persecution because of their religious beliefs, race, or nationality, and of other emigrants from European countries;

Whereas the foundations for the establishment and the development of the Intergovernmental Committee for European Migration were laid by the Congress in the Displaced Persons Act of June 16, 1948, in the Economic Cooperation Act of 1950, in the Mutual Security Act of 1951, and in the Refugee Relief Act of 1953, and the current membership of the United States in the Intergovernmental Committee for European Migration is authorized pursuant to section 2(a) of the Migration and Refugee Assistance Act of 1962;

Whereas thirty-one governments with a demonstrated interest in the principle of free movement of persons between countries, which is embodied in the United Nations Declaration of Human Rights, presently constitute the membership of the Intergovernmental Committee for European Migration and share in the costs of its operations;

Whereas in the course of its existence the Intergovernmental Committee for European Migration has assisted over one million eight hundred thousand men, women, and children, one-half of whom were homeless refugees, to reach new homelands and reconstruct their lives in freedom from fear and oppression while contributing by their skills and toil to the development and welfare of the countries which offered them hospitality; and

Whereas the Intergovernmental Committee for European Migration will celebrate the twentieth anniversary of its creation in December 1971: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Intergovernmental Committee for European Migration has successfully discharged the humanitarian task imposed upon it by its constitution and by the governments of the countries who exercise their membership rights in the Committee, and, in order that this gravely needed humanitarian work may go on, the United States will continue to give the Intergovernmental Committee for European Migration full support and assistance.

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from New Jersey, has this concurrent resolution been cleared with the ranking Republican Member, the gentleman from Ohio?

Mr. RODINO. Yes, it has been.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

Mr. RODINO. Mr. Speaker, it is particularly fitting that the Congress of the United States commend the Intergovernmental Committee for European Migration on the occasion of its 20th anniversary. For, it was at the initiative of the Congress, that this international committee, now with 31 member nations, was established in 1951 outside of the framework of the United Nations. This organization, independent of the United Nations and its Iron Curtain country participants, was thus able to approach the task of resettling over 1 million displaced persons, refugees, and escapees left in European camps in the aftermath of World War II. Something had to be done to alleviate the suffering of these unfortunate victims of war and ICEM, as the Intergovernmental Committee for European Migration is known, quickly, after its founding, met the challenge, and I am most pleased to say successfully performed the humanitarian task of resetting hundreds of thousands of persons who could not help themselves.

As refugees, escapees, and national migrants from the overpopulated areas of Europe were resettled in new lands of opportunity, the question arose whether ICEM had outlived its usefulness and perhaps could be disbanded. However, the fluctuating times of the last decade dem-

onstrated that it was more evident than ever that ICEM has an important role to play in world harmony and was and is looked upon by its member nations as a very necessary instrument to alleviate pressures within certain areas, to lend a helping hand to refugees, and to relocate skilled persons to countries which could not reach their potential in development.

Today, the existence of ICEM is as vital and necessary as it was during the years when displaced persons from the refugee camps in Europe were being resettled. ICEM was there in 1956 to offer all types of assistance to the refugees from Hungary. More recently ICEM was there to help those refugees from Czechoslovakia who were able to escape from the crushing pressure of communism resulting from the Russian intrusion into that country.

It is a fact of life that political, social, and economic upheavals have and will continue to create new groups of people who look to a better life in different parts of the world. On completion of its 20th year, ICEM will have assisted over 1,800,000 persons in their resettlement, mainly from Europe to overseas countries. Among them were close to 900,000 refugees. ICEM is certainly to be congratulated for its great contribution to the free world and for the orderly and professional way it has carried out its purpose on this 20th anniversary of its creation.

Mr. McCULLOCH. Mr. Speaker, I am particularly pleased to join in support of House Concurrent Resolution 417—a tribute to the Intergovernmental Committee for European Migration upon the occasion of the 20th anniversary of its creation in December 1971.

Historically the United States of America has ever responded to the needs of refugees from all lands with compassion, with understanding and with sympathy. I think it is important that all Americans should know of the leadership the United States provided for ICEM in its inception and in its 20 years of service to unfortunate refugees.

The late great Tad Walter and the late great Chauncy Reed, as Members of the Congress of the United States, were instrumental in writing the constitution for ICEM in 1951. Since that date, with the continued support of this body, ICEM has compiled a tremendous record of humanitarian service to homeless refugees and victims of oppression. More than 1,800,000 men, women, and children have been assisted in finding new homes and new lives free from fear and oppression by this splendid international organization.

I congratulate ICEM upon its splendid record of achievement and wish for it continued success in the service of all mankind.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Concurrent Resolution 417.

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

There was no objection.

PERSONAL ANNOUNCEMENT

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

Mr. ROUSSELOT. Mr. Speaker, on Monday, November 1, I was detained in the Los Angeles area on official business. It was necessary for me, on behalf of my Post Office and Civil Service Committee, as ranking minority member of the Subcommittee on Census and Statistics, to meet with the officials of the Regional Office of the Bureau of Census. Had I been here, I would have voted as follows:

On rollcall No. 329, the Emergency School Aid Act (H.R. 2266), I was paired against and would have voted "no."

On rollcall No. 330, Federal credit union insurance (H.R. 9961), I would have voted "aye."

On rollcall No. 331, prison drug treatment (H.R. 8389), I would have voted "aye."

On rollcall No. 332, temporary assignment of U.S. magistrates (H.R. 9180), I would have voted "no."

On rollcall No. 333, amending the Narcotic Addict Rehabilitation Act (H.R. 9323), I would have voted "aye."

On rollcall No. 335, amending the Small Reclamation Projects Act (H.R. 7854), I would have voted "aye."

On rollcall No. 336, The Farm Credit Act of 1971 (H.R. 11232), I would have voted "no."

On rollcall No. 338, I would have helped to defeat the motion to adjourn as there was still other important legislation that the House should take the time to consider.

PRAYER AMENDMENT CONTROVERSY

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

Mr. SCHWENGEL. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues an excellent letter to the editor in today's Washington Post. The letter was written by Charles L. Black, Jr., luce professor of jurisprudence at the Yale Law School. His letter constitutes one of the most astute analyses of the prayer amendment controversy which I have seen to date. I urge all of you to read it. I will insert it in today's Extensions of Remarks.

GALLAGHER INTRODUCES RESOLUTION URGING THE EXEMPTION OF CANADIAN IMPORTS FROM THE 10-PERCENT SURCHARGE

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

Mr. GALLAGHER. Mr. Speaker, I rise today to introduce a "sense of the House" resolution to preserve and strengthen the historic friendship between the United States and Canada by exempting Canadian imports from the 10-percent surcharge. I am very pleased that this measure has drawn bipartisan support and I now list my colleagues who have cosponsored the resolution:

Hon. BELLA ABZUG, Democrat of New York, Hon. JOHN DUNCAN, Republican of Tennessee, Hon. DONALD FRASER, Democrat of Minnesota, Hon. FRANK HORTON, Republican of New York, Hon. LLOYD MEEDS, Democrat of Washington, Hon. WILLIAM RANDALL, Democrat of Missouri, Hon. HENRY SMITH, Republican of New York, Hon. SAMUEL STRATTON, Democrat of New York, Hon. VERNON THOMSON, Republican of Wisconsin, and Hon. SIDNEY YATES, Democrat of Illinois.

Mr. Speaker, the President's August 15 announcement imposing a 10-percent surcharge on all imports into the United States set off shock waves of considerably greater magnitude in our neighbor to the north than any of the anticipated effects of the forthcoming Amchitka nuclear blast. A wave of resentment swept Canada, and Canadian leaders gave powerful expression to the feelings of their people.

I believe the resentment in Canada over including their exports to the United States is justified. The resolution I introduce today sights the long and close friendship with Canada, the increasingly close social and cultural ties between the citizens of our two sovereign nations, and the irritant nature of the surcharge. This feeling is widely shared, of course, in other nations of the world, but I contend that our relations with Canada are unique, and thus should lead our Government to take special and unusual actions in exempting Canada from that surcharge. My reasons are several.

First, those cultural and social ties of which the resolution speaks are made startlingly clear by the fact that almost 90 percent of the Canadian population lives within 100 miles of the American border. When one considers the free and easy passage over that border by citizens of both nations, we can see that 90 percent of the Canadian population has had close contact with Americans. We do not only share a common border, but, in a very real sense, the people of Canada and the people of the United States share a common destiny, and any unnecessary irritant can only rebound unfavorably to the United States.

Second, the trade relations with Canada are unique. A remarkable fact is that Canada's annual purchases from the United States approximate the combined annual American exports to Japan, Great Britain, France, and West

Germany. There seems to be a widely held misconception that Japan is America's largest customer; the fact is that Canada alone bought twice as much in 1970 from the United States than did Japan. In 1970, Canada bought $9.1 billion, Japan $4.6 billion. Canada takes one-fourth of all American exports, and so we see that Canadian prosperity is essential to American prosperity. Again, we are forced to the conclusion of the uniqueness of the relations between our two countries and we must recognize that any action by the United States which threatens Canadian prosperity must adversely affect our own prosperity.

Third, it is a fact that Canada's prosperity is threatened by the surcharge. Canadian exports to the United States represent two-thirds of all Canadian exports to the nations of the world. Those exports account for one-fifth of the Canadian gross national product. Even before the imposition of the surcharge, Canada had the highest unemployment rate of any industrialized nation, and the surcharge struck particularly heavily at the manufacturing sector which accounted for much of that unemployment.

Fourth, Canadian security and American security are inextricably intertwined. We must ask ourselves what the impact on the American national defense would be if Canadian pro-Americanism would be replaced by anti-Americanism. Naturally, Canada has its own view of its own national security, but it is a partner in NATO and the NORAD system is a vital component of our own defense.

Canada is now a Pacific power and an Alaskan power, in addition to its traditional emphasis on Europe. The Canadian view of its own national interests can never be taken for granted by the United States and this is as it should be in relations between equals. The emerging expressions of Canadian national identity makes it imperative, in my view, that our leaders recognize the great mutuality of interests and any unnecessary irritant, such as the surcharge, demeans the unique position Canada occupies in any sophisticated and informed view of American national interests.

Fifth, the entrance of Britain into the Common Market undoubtedly will force both the United States and Canada to reassess some of their trading relations with our mutual English friends. It is not unreasonable to suggest that the possibility of losing at least some of the British market will make the mutual trade between Canada and the United States even more important than it is today. We must also not overlook an additional event which occurred with the last few weeks. The trip of Soviet Premier Kosygin to Canada, while it is too early to know the full impact, must be regarded by America's leaders as something which may jeopardize the close relations between Canada and the United States. To continue the imprudent and unwise surcharge at a time when such great flexibility is now being offered to all the leaders of the world is an example of American insensitivity to situations which possibly could run to its own national interests.

Mr. Speaker, I have had the privilege to lead the House delegation to the Canada-U.S. Interparliamentary Group for the past 11 years and during that time I have made close and lasting friends among members of the Canadian Parliament. Many outstanding addresses have been given at our yearly meetings, but last year I was privileged to hear perhaps one of the finest speeches of my life. It was given by the Honorable Michael Grattan O'Leary of the Canadian Senate, and I would like to conclude my remarks today with Mr. O'Leary's wise and eloquent words:

And now I want to say something about Canada, about our relations with our own great land. The people of Canada, like the people of the United States, are basically North Americans, inheritors of the thoughts and traditions of Europe, but also the children of geography, products of the environments, the emotions, the driving forces, the faith, the dreams and the forms of expression of the North American Continent. Yet there is a difference—a difference I plead with you to not forget. For while Canada and the United States may have the same basic cultures, they each at the same time have domestic and other tasks and problems—political, social, and economic—which differ widely. Canada's particular responsibilities, her government, her constitutional structure, her ideals and aspirations, her memories and milestones, even her discords, are facts in her existence which cannot be approached understandably or usefully by another country even though that country be as friendly as yours. Only Canadians can know and resolve such things, and we are determined to resolve them in our own way, in the indispensable way of a sovereign society. A bit of this continent, from earth to sky, we want to call our very own.

Wanting that, resolved to have it, we need not be enemies, but will pray always that as God has made us neighbors, justice must make us friends.

Measured by human history, yours is a young country. Yet standing at the cockcrow and the morning star, you are at a pinnacle of power, with an awesome accountability to history. If in discharge of that responsibility you seek peace, we as an ally and friend will walk with you always. For if peace be but a pause to identify the next enemy, if our world be unable to find a moral equivalent for the hydrogen bomb, then despair will have the last word, death's pale flag be again advanced, and this planet will cease to be the abode of men. I end, then, with the invocation Vive Canada! and God bless and save America!

Mr. Speaker, truly, God has made us neighbors with Canada and I am introducing the resolution today to exempt Canadian imports from the 10-percent surcharge in the hope that justice will continue to make us friends. At this point in the RECORD I include the text of my resolution:

RESOLUTION

Whereas Canada and the United States have shared a common border marked by peace for more than a hundred and fifty years; and

Whereas ninety percent of the Canadian population lives within one hundred miles of the United States; and

Whereas increasingly close cultural and social ties have developed between the citizens of both countries; and

Whereas the prosperity of both countries depends upon the maintenance and growth of economic relations between them; and

Whereas measures in either country that impair these relations affect adversely the prosperity of both countries and provide an irritant in their continued close association; and

Whereas the annual purchases of Canada from the United States approximate the annual combined purchases from the United States of Japan, Germany, Great Britain and France; and

Whereas the Canadian Government has expressed its deep concern about the impact on its economic well-being and continued close relations with the United States as a result of the surcharge levied on Canadian exports to the United States: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Canadian products be exempt from the application of the import surcharge levied by the President of the United States.

LET US FREEZE GOVERNMENT TOO, 1971 AIRCADE MEETINGS OF CHAMBER OF COMMERCE

The SPEAKER. Under a previous order of the House, the gentleman from Georgia, (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, on Friday, November 5, in my home city of Atlanta, business and community leaders from throughout the southeastern area will attend one of the 1971 Aircade meetings which the Chamber of Commerce of the United States is holding in 15 cities across the country.

One of the highlights of the meeting sessions is the display of a copy of a full page advertisement which was placed by the national chamber in the Washington Post, the Washington Evening Star, and the Washington Daily News.

The heading of the advertisement reflects the content of the national chamber's message. It says: "Let's freeze government too."

The purpose of the national chamber's Aircade meetings is to inform citizens on the important legislative issues pending before the Congress, and to answer questions from these concerned citizens on these issues—including questions regarding the prospects of our Nation's economy under the coming phase II of the economic stabilization program.

The meetings, and the advertisement message, are gaining attention, not only from those attending the meetings, but from the news media as well.

Members of the Congress should anticipate communications from constituents who have participated in these worthwhile Aircade sessions. For your information, these regional meetings began October 25 in Albany, N.Y., and the rest of the schedule includes the following:

October 26, New York City; October 27, Indianapolis; October 28, St. Paul, Minn.; October 29, Omaha; November 1, Portland, Oreg.; November 2, San Francisco; November 3, St. Louis; November 4, Dallas; November 5, Atlanta; November 8, New Orleans; November 9, Tampa, Fla.; November 10, Winston-Salem, N.C.;

November 11, Lansing, Mich., and November 12, Cleveland.

Spokesmen for the national chamber are flying from city to city by chartered aircraft to put on these meetings.

Mr. Speaker, I include in the RECORD the content of the national chamber's advertisement, and also copies of an editorial from the St. Louis Globe-Democrat commenting on it, and news stories from the New Rochelle, N.Y., Standard-Star and the St. Louis Post-Dispatch concerning the message:

[From the Washington Post, Oct. 21, 1971]

LET US FREEZE GOVERNMENT, TOO

A MESSAGE ADDRESSED TO THE PRESIDENT AND MEMBERS OF THE CONGRESS

Under the current program of controls and freezes, you are:

Asking working men and women to make sacrifices in holding down wage demands.

Asking businessmen to make sacrifices in holding down prices.

What sacrifices will government make? Government surely doesn't want to ask others to make sacrifices it isn't prepared to make itself. If your program to control inflation is to succeed, government must do two things:

1. Cut federal spending.

2. Restrain the creation of money through the Federal Reserve System.

It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

To halt inflation federal government spending must be frozen—better yet—cut, and the money supply restrained. Economic controls deal with the results of inflation. Frozen or reduced spending is one sure way to reduce inflationary pressures. As wage and price increases are deferred, so too should spending for new federal programs be deferred.

It is also time for Congress and all agencies of government to evaluate existing programs by their measurable results and get rid of the deadwood programs that have a proven record of ineffectiveness. Congress too seldom reviews the need for legislation previously enacted.

Will you, Mr. President and Members of Congress, face up to these needs?

Only you have the authority to investigate, hold hearings, ask questions and sit in judgment of these spending questions.

If you don't know where and how to stop spending, then you should set up the proper mechanism to find the answers.

If the citizens of the United States must struggle under economic controls then government should, in all equity, restrain its own actions, with emphasis on reduced spending and a restrained money supply.

It is time for government to cooperate with the American taxpayer in this fight against inflation.

Mr. President and Members of Congress, the responsibility is yours.

This advertisement is sponsored by the Chamber of Commerce of the United States as a means of informing the American people of the absolute need for reduced government spending. It is hoped that other concerned groups will sponsor similar ads in newspapers throughout the nation.

[From the St. Louis (Mo.) Globe-Democrat, Oct. 22, 1971]

NOW LET US FREEZE FEDERAL SPENDING

In all of the pronouncements about Phase 2, President Nixon and his advisors have been curiously silent on one very important part of our economy—federal spending.

The national Chamber of Commerce on Thursday gave the Administration a not-very-subtle reminder of this omission as it ran full-page ads in three Washintgon newspapers saying "Now let's freeze federal spending," or, better still, cut the national budget.

This was aimed at Congress as well because its members have consistently voted more funds than President Nixon asked for—at last count about $4 billion to $5 billion more in the current year.

It will be interesting to see if members of Congress can be restrained in their spending in the year before the general election. It probably would take tremendous pressure from the public to prevent politicians from voting huge amounts for their favorite federal projects.

The President and Congress should be put on notice by the public that it won't tolerate further deficit spending.

The big deficits are one of the principal reasons the Nixon Administration was unable to contain inflation without resorting to a freeze and controls.

Phase 2 definitely should include a stringent blueprint for balancing the federal budget. Just as the battle against inflation should have been started years ago, the fight to balance the budget has been delayed far too long.

The myth that the deficit is useful to stimulate the economy has been exploded. It simply hasn't done the job. There is no good reason why the federal budget can't be balanced if waste and excessive spending are eliminated.

The trouble is that no one, from the President on down, has had the fortitude to cut as drastically as must be done to achieve this balance.

We suspect, however, that public pressure will grow for such cuts as more and more Americans recognize how futile and damaging federal deficit-spending has been.

[From the St. Louis Post-Dispatch, Oct. 21, 1971]

URGES FREEZE ON U.S. SPENDING

WASHINGTON.—The United States Chamber of Commerce placed full-page advertisements in all three Washington newspapers today under the caption, "Let's freeze government too."

The text is a public message addressed to the President and Congress, urging that federal spending "be frozen—better yet, cut," and and that growth of the money supply be halted.

The advertisement notes that government is asking sacrifice of workers in restraining their wage demands and of business in holding down prices.

"What sacrifices will government make? . . . It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline," it says.

The chamber's executive vice president, Arch N. Booth, said 12,000 copies were being reprinted for distribution across the country in the chamber's 15-day series of meetings on the economy with businessmen in 15 cities, starting Monday. Booth said local businessmen would be urged to place similar advertisements.

[From the Standard-Star, New Rochelle (N.Y.), Oct. 22, 1971]

YOU TIGHTEN BELT, C. OF C. TELLS UNITED STATES

(By Peter Behr)

WASHINGTON.—The U.S. Chamber of Commerce is telling the federal government to tighten its own belt if it expects the rest of the nation to sacrifice.

"What sacrifices will government make?" asked the chamber, in full-page advertisements Thursday in Washington's three daily newspapers. "It is unfair to control the economic decisions of people—while letting federal spending run rampant."

The chamber intends to distribute the message nationwide.

Until the mid-August freeze began, the only voluntary federal government economic sacrifice of note in recent years was Housing Secretary George Romney's refusal to accept a $22,000 pay raise last year.

Even the high minded Romney gave in and took the full $60,000 this year when none of his fellow cabinet members saw fit to emulate his gesture.

But with the freeze came several presidential decisions intended to show that the federal government was willing to push itself away from the table, too.

President Nixon said he was ordering a $5 billion cut in federal spending, to balance the tax cuts he sought to stimulate consumer spending.

This cut nicked federal white collar workers and the military most directly. A six per cent pay increase waiting for 1.2 million federal employes on Jan. 1, 1972 has been deferred until July 1, saving $1.3 billion.

And the federal payroll would be trimmed by 100,000 jobs by next July, mostly through attrition, Nixon ordered. When fully effective, this decision would save $800 million a year, the administration said. Another $600 million would be saved in various housing, foreign aid and pollution programs.

But the administration seemed to have its tongue in its cheek when it listed the rest of the savings.

The President said he was "deferring" the start of revenue-sharing and welfare reform, thus "saving" a total of $2.2 billion. Few in Congress believed that either of those programs would have passed this year.

Some congressmen—especially those with federal installations in their districts—howled in protest over the delayed federal pay raises. Why single federal employes out for a special sacrifice, they asked?

Others noted that raises since 1960 increased federal salaries 76 per cent overall compared to a 43 per cent increase for private white collar workers, and Congress upheld Nixon's decision.

These sacrifices do not satisfy the chamber, however, nor the conservatives who are appalled by the flow of federal red ink.

The federal budget should be cut and the growth of the money supply should be sharply restrained, urged the chamber.

Conservatives lost their argument for a balanced federal budget a year ago, when President Nixon junked that old Republican concept in favor of deficit spending—which he counted on to generate more consumer spending, more employment and a faster economic recovery.

The Democratic-controlled Congress saw Nixon's bid and raised him $4.2 billion over the current federal budget so far, to be precise.

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

AUDIT OF HEW

Mr. HOGAN. Mr. Speaker, I have sent the following letter to the Honorable Elmer B. Staats, Comptroller General:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 3, 1971.

The Honorable ELMER B. STAATS,
Comptroller General, General Accounting Office, Washintgon, D.C.

DEAR MR. STAATS: I would like to request that the General Accounting Office undertake an audit of the administrative procedures of the Department of Health, Education and Welfare's enforcement of Title VI of the Civil Rights Act of 1964, as well as provisions of the Emergency School Act program applicable to discrimination.

My request arises from information furnished me regarding the negotiations be-

tween the staff of the Title VI section of the Department of Health, Education and Welfare and the Prince Georges County School Board.

In addition, I would like to request that the General Accounting Office review the transcript of the hearing record of October 18th, 1971, between HEW and Prince Georges County as part of the procedural methodology of HEW. There exists a strong possibility that the administrative remedy being applied by HEW in such matters involving respondent school districts may be a denial of due process of law and may constitute both intimidation and harassment through the threat to deny funds appropriated by Congress. You should be aware that Prince Georges County Board of Education has filed a complaint for Injunctive Relief in Federal District Court, Baltimore, Maryland. I have enclosed a copy for your information.

I fully understand that the General Accounting Office may not be able to proceed in a matter currently before the courts. Nevertheless, I feel that the procedures themselves as presently applied by HEW are such that failure to investigate immediately would result in injustices to other school districts not now in litigation.

Although I am interested in a general broad review of HEW procedures in implementing desegregation plans and in the withholding of funds for non-compliance, I am particularly concerned with the following questions:

1. Are exactly the same guidelines and procedures in effect throughout the entire nation and are they being enforced uniformly?

2. Do HEW procedures take into full account the real exigencies of long-range budget planning required of school boards, including existing teacher contracts?

3. Are school boards, in effect, surprised or hamstrung by last-minute changes in the granting of HEW funds they had every reason to expect?

4. Does HEW initiate non-compliance actions which depend for their validity on information not on hand at the time of the initial action?

5. Are the non-compliance procedures of HEW, as currently executed, tantamount to treating the school boards as if they are guilty until proven innocent?

6. Are there ways the execution of non-compliance procedures could be improved to provide better service to assist the school boards in complying?

I urge that the General Accounting Office undertake a general review of the Department of Health, Education and Welfare's policies and procedures at the earliest possible date and expeditiously report its findings to the Congress.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

I have asked that the Comptroller General take this step because I am convinced that the Department of Health, Education, and Welfare, through its administration of the law, is acting in a manner which is arbitrary, capricious and biased.

Recently, the Board of Education of Prince Georges County, Md., was singled out by HEW as being in violation of title VI of the Civil Rights Act of 1964. I might add that in 1969 the Board took the steps required of it by HEW in order to integrate the facilities which HEW specified at that time as being the only ones in violation of the act.

Upon receipt of HEW's letter alleging violation of title VI, the school board responded by asking HEW to specify how they were in violation or which schools within the system offended the law or to suggest procedures to remedy the problem.

HEW officials refused to respond to the request for specific information and initiated a noncompliance action without scheduling an administrative hearing. It would appear that HEW in its voracious appetite to implement social experiments is willing to forgo due process of law.

The issue here is not race, it is not even busing. It is whether or not the Federal Government can violate its own regulations in its attempts to administer acts of Congress—and that issue affects every schoolchild in the Nation.

Mr. Speaker, it is ridiculous for a school board to be forced to resort to the Federal Courts because an agency of the Federal Government violates its own administrative regulations. Congress must investigate this matter and, if it is found that HEW is systematically and deliberately ignoring established principles of law, those responsible must be dismissed from the Government of the United States and the Congress must act to insure proper administrative procedure.

I request permission here to insert the Complaint for Injunctive Relief filed by the Prince Georges County School Board for my colleagues to study.

[In the United States District Court, for the District of Maryland, Civil Action No. ———]

BOARD OF EDUCATION OF PRINCE GEORGES COUNTY, MARYLAND, UPPER MARLBORO, MD. 20870, PLAINTIFF VS. ELLIOT L. RICHARDSON, SECRETARY, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, 330 INDEPENDECNE AVENUE S.W., WASHINGTON, D.C., DEFENDANT

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff, Board of Education of Prince George's County, Maryland, alleges as follows:

1. This is an action for injunctive relief brought against an officer of the United States Code, Annotated, as amended, Section 1391(e).

2. Jurisdiction of this Court is founded upon Title 28, United States Code, Annotated, as amended, Section 2201. The matter in controversy, exclusive of interest and costs, exceeds the sum of value of $10,000.00 and arises under the Constitution and laws of the United States.

3. That the Plaintiff, Board of Education of Prince George's County, Maryland, is a body corporate and politic, existing under and by virtue of the laws of the State of Maryland and is charged with establishing and maintaining the educational policies affecting the public education of 163,000 school pupils in said County.

4. That the Defendent, Elliot L. Richardson, as Secretary of the United States Department of Health, Education and Welfare, is an official of the United States of America, having under his immediate jurisdiction the United States Office of Education and the Office for Civil Rights, among others, and in such capacity has control and supervision over Federal financial assistance granted annually to Plaintiff in the course and conduct of its operation of a public school system, as aforestated.

5. That the Plaintiff, Board of Education of Prince George's County, Maryland, presently operates under an approved annual budget of approximately $154,900,000.00, of which sum Federal financial assistance in the approximate amount of $14,000,000.00, in various segments under varying programs, is dispensed by those Departments, agencies and offices as are under the jurisdiction of Defendant, Elliot L. Richardson, as aforestated.

6. That absent specific directions ensuing from the Defendant, his officers and agents, Plaintiff has indicated an unwillingness to summarily and arbitrarily shift and transport thousands of its public school students at great cost and expense to the fiscal levying authorities of Prince George's County as well as to the hardship and discomfort of such public school students involved, solely for the purpose of achieving racial balances, neither designated nor defined by Defendant, in such of its predominantly minority race populated schools as may have resulted from recent population shifts within Prince George's County.

7. That as a result thereof, Defendant, pursuant to the provisions of Section 80.8(b) of Title 45 C.F.R., through J. Stanley Pottinger, Director, Office for Civil Rights, issued on August 20, 1971 a letter to Plaintiff, informing Plaintiff that the Department operated by Defendant has, on its lowest administrative level, determined that Plaintiff was not in compliance with Title VI of the Civil Rights Act of 1964, advising Plaintiff that said matter was referred to the Office of General Counsel, further informing Plaintiff that administrative enforcement proceedings would be initiated against Plaintiff.

8. That, resulting from the issuance of the letter aforesaid and pending the outcome of administrative proceedings, commitments for Federal financial assistance for all new activities would be deferred.

9. That on or about August 23, 1971 Defendant instituted administrative proceedings against Plaintiff and others, designating same as No. S–25 with the Administrative Proceeding Section under the jurisdiction of Defendant and titling same as a "Consolidated Compliance Proceedings Pursuant to Section 602 of the Civil Rights Act of 1964 and Implementing Regulations issued as Required Thereunder."

10. That the docketing of such proceedings was instituted with a Notice of Opportunity for Hearing which was mailed to Plaintiff timely and in proper form.

11. That pursuant to the rights vested in Plaintiff under Section 81.56 of Title 45 C.F.R., Plaintiff filed with Defendant on or about September 8, 1971 a Request for More Definite Statement in order that Plaintiff could properly answer the charges brought by Defendant.

12. That, contrary to the rules and regulations issued by Defendant, in proceedings of this nature, on or about September 16, 1971, Defendant filed as a Response to a Request for More Definite Statement a refusal to supply Plaintiff with the particulars demanded by Plaintiff, asserting and alleging instead that Defendant is not obligated to furnish Plaintiff with particulars required by Plaintiff before Plaintiff can file an answer in said administrative proceeding.

13. That as of the date of the filing of the instant proceedings Defendant has failed to appoint a Hearing Examiner to hear and decide the preliminary issues between Plaintiff and Defendant, to wit: whether or not Defendant is obligated to furnish Plaintiff with particulars of the allegations made in the Notice of Opportunity for Hearing.

14. That on or about September 20, 1971, Defendant, through its Office of Education, notified Plaintiff that Plaintiff was in violation of Item F of Part V of the Assurances given by Plaintiff to Defendant under the Emergency School Assistance Program, Part 181, Title 45 C.F.R., notifying Plaintiff simultaneously that an Administrative Hearing was scheduled for October 1, 1971.

15. That within four days of the Notice referred to immediately hereabove, Defendant issued an Order of Designation appointing a Hearing Examiner for the purpose of

conducting an Administrative Hearing to determine whether or not Plaintiff was in fact in violation of the Assurances allegedly given under Item F, Part V of the Emergency School Assistance Program.

16. That pursuant to Plaintiff's claim that the lack of statutorily required time between the Notice for Hearing and the Hearing itself prevented Plaintiff from properly preparing a defense of this particular proceeding, the Hearing Examiner, on October 1, 1971, continued said proceeding until October 18, 1971.

17. That an evidentiary Hearing was held on October 18, 1971 at which time Defendant filed with said Hearing Examiner 27 different exhibits for the purpose of proving Defendant's case against Plaintiff.

18. That simultaneous to the pendency of all other matters, Defendant, on or about September 28, 1971, through Lloyd R. Henderson, Director, Educational Division, Office for Civil Rights, ordered Plaintiff to furnish Defendant, on or before November 1, 1971, with at least 11 different items of voluminous and detailed information, dating back to the year 1954 in some instances, said request being made by Defendant under the aegis of Section 80.6 of Title 45 C.F.R.

19. That Plaintiff alleges that Section 80.6 of Title 45 C.F.R. is inapplicable to Plaintiff at this time as said Section clearly relates to the right of Defendant to "ascertain compliance"; and Defendant having already made an initial and preliminary determination that Plaintiff is not in compliance, Defendant may resort only to his rights of discovery under Sections 81.76 et seq. of Title 45 C.F.R.

20. That Defendant's hesitation to appoint a Hearing Examiner to permit Plaintiff a preliminary administrative determination on Plaintiff's Demand for Particulars coupled with the simultaneous issuance by Defendant of a Demand for Information pursuant to Section 80.6 aforesaid, when taken in light of Defendant's immediate and spontaneous determination of charges made under the Emergency School Assistance Program as referred to in Paragraphs 14, 15, 16 and 17 hereabove is arbitrary, capricious, illegal and an abuse of the discretionary powers vested in Defendant by virtue of Defendant's own published rules and regulations guaranteeing due process in the conduct of any hearing.

21. That the Defendant, through his officers and agents, is resorting to corollary and ancillary administrative procedures and tactics for the sole purpose of harassing and intimidating Plaintiff and seeking by improper means information required by Defendant to sustain Defendant's original allegation of non-compliance as referred to in Paragraph 9 hereabove.

22. That the burden of proving the allegations asserted by Defendant is upon the Defendant and Defendant's resorting to multiple charges of non-compliance, through the different arms and agencies of Defendant, when in fact but one issue is involved, is an illegally constituted procedure to avoid Defendant's own administrative rules and regulations pertaining to the conduct of hearings.

23. That Defendant has advised Plaintiff that unless Plaintiff furnishes Defendant with the voluminous information requested allegedly pursuant to Section 80.60, Title 45 C.F.R. as referred to in Paragraph 18 hereabove on or before November 1, 1971, Defendant would immediately cause a cessation of all existing funding to Plaintiff, instituting against Plaintiff yet another administrative proceeding.

24. That Plaintiff stands itself ready, willing and able to defend Defendant's allegations of non-compliance brought pursuant to Title VI of the Civil Rights Act of 1964, provided that Defendant, his officers and agents, conduct themselves in the prosecution of these charges in a manner entitling Plaintiff to full due process under law and strictly in accord with rules and regulations related to same as promulgated by Defendant.

25. That Defendant instead is denying Plaintiff his right to an Administrative Hearing in full accord with established rules and regulations related to due process, and by continually threatening Plaintiff with corollary unrelated issues for the sole purpose of seeking evidence from Plaintiff is illegal, constitutes continuing harassment and denial of due process and an abuse of the discretionary powers vested in Defendant.

Wherefore, Plaintiff demands:

1. That this Court permanently enjoin and restrain Defendant, Elliot L. Richardson, his officers and agents, from conducting any further corollary or ancillary proceedings, or threats and intimidations thereof, until Defendant has conducted a full Hearing in accordance with established administrative procedures set forth in Defendant's own published rules and regulations pertaining to Administrative Hearings on allegations of non-compliance under Title VI of the Civil Rights Act of 1964.

2. That, pending the final determination of the issues ensuing in the Consolidated Compliance Proceeding against Plaintiff, as filed by Defendant as Docket No. S–25 on August 23, 1971, as aforesaid, this Court permanently enjoin and restrain Defendant, Elliot L. Richardson, his officers and agents, from proceeding against Plaintiff, Board of Education of Prince George's County, Maryland, in any manner other than that prescribed for under Sections 81.51 through 81.107, both inclusive, of Title 45 C.F.R.

3. That this Court permanently enjoin and restrain Defendant, Elliot L. Richardson, his officers and agents, from proceeding against Plaintiff, Board of Education of Prince George's County, Maryland, in any manner whatsoever related to an alleged violation of any of the assurances given under Federal financial assistance programs supervised by Defendant, until first a Hearing Examiner has been appointed in the Consolidated Compliance Proceedings against Plaintiff, as Docket No. S–25 on August 23, 1971, and Plaintiff, Board of Education of Prince George's County, Maryland's preliminary motions have been disposed of.

4. For such other and further relief as this Honorable Court might deem just and proper to enable Plaintiff, Board of Education of Prince George's County, Maryland, full administrative relief.

Respectfully submitted,

PAUL M. NUSSBAUM,
Attorney for Plaintiff.

VIETNAM—WAS IT WORTH IT?

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, the families of American prisoners of war and American soldiers missing in North Vietnam formed, some time ago, an organization dedicated to securing the release of their relatives and to getting better treatment for them by the Communists.

The name of the organization is the National League of Families of American Prisoners and Missing in Southeast Asia. Not long ago this group elected the 15 persons who will serve as its board of directors for 1971–72.

The new board is as follows:

Col. Edwin L. Brinckmann, 620 Hamilton Drive, Newport News, Va. 23601.

Mr. George Brooks, 16 Cresthaven Drive, Newburgh, New York 12550.

Mr. Robert Brudno, Apt. A1428, 3600 Chestnut St., Philadelphia, Pa. 19104.

Lt. Col. (Ret.) Paul J. Burns, 5021 Joe Herrera, El Paso, Texas 79924.

Mr. John B. Coker, 618 Erudo St., Linden, New Jersey 07036.

Mr. Harry Dunn, 303 W. 19th, Hutchison, Kansas 67501.

Mrs. Evelyn Grubb, 307 Nozwood Drive, Colonial Heights, Virginia 23834.

Captain Robert D. Hagerman, 4951 Westmoreland, Dayton, Ohio 45431.

Mrs. Carole Hanson, 24112 Birdrock Dr., El Toro, California 92630.

Mrs. Patricia Hardy, 649 Matchwood Place, Azusa, California 91702.

Mrs. Iris Powers, 905 6th St., SW., Apt. 104, Washington, D.C. 20024.

Mrs. Barbara Rausch, 34 Idlewood Ave., Hamburg, New York 14075.

Mrs. Sybil Stockdale, 547 A Avenue, Coronado, California 92118.

Mrs. Sallie Stratton, 8801 Woodcastle Drive, Dallas, Texas 75217.

Mrs. Joan Vinson, 2607 Childs Lane, Alexandria, Virginia 22308.

Mrs. Carole Hanson was elected chairman of the board and Mr. George Brooks was elected vice chairman.

One of the issues was whether the league would go into politics in its effort to get the prisoners turned loose or whether it would remain "humanitarian" in its activities. This, generally speaking, meant trying to bring pressure on the Communists through a campaign of public education, and not getting involved in how the war would be ended. Hanoi has deliberately refused to abide by the Geneva Convention for the humane treatment of prisoners of war. Furthermore, there is evidence that American prisoners have been physically and mentally tortured. The Communists have kept gifts and letters from them and have refused to give out information about missing Americans, who are known to be in captivity.

The proposal to become active politically included some members of the league who simply feel that the present program will not get results. I think also that it included others who are fervent doves and want to make any concession which will end the war and get the prisoners released, even if this means surrender to the Communists by both the United States and South Vietnam.

Overwhelmingly, however, the league members voted to remain "humanitarian." I think this is the right course for a variety of reasons, some of which I will outline.

In the first place, Hanoi spokesmen have been insisting that all that was necessary to get the prisoners turned loose was for the American Government to fix a date for the removal from Indochina of all American soldiers.

The propaganda line began to be peddled after President Nixon said several months ago that he would not remove American troops from Indochina while the Communists continued to hold and abuse American POW's.

Mr. Speaker, an outcry arose immediately from dovish elements that the prisoners would be freed if only a date for getting American troops out of Indochina was fixed in 1971.

For example, on July 11, Clark M. Clifford, Secretary for Defense for several months under President Johnson, said he had reliable information that such a swapout could be arranged. He did not give the names of his informants,

but Mr. Clifford evidently believed that they spoke for the government in Hanoi. He was backed up by Averell Harriman, who has a long and distinguished public service career and who headed the American delegation in Paris when the thus far barren peace negotiations began with Hanoi representatives. Either Mr. Harriman had assurances similar to those given Mr. Clifford by Communist spokesmen, or he was convinced by what the former Secretary of Defense had told him.

Only a short time before Mr. Clifford said he believed that the prisoners would be released in return for an official promise to get American troops out of Vietnam in 1971, Anthony Lewis, of the New York Times, had written a story which made the former Defense Secretary's statement sound very convincing.

Under a Paris dateline, Mr. Lewis said that a "high ranking North Vietnamese leader—Le Duc Tho, Hanoi member of the Politburo—says that the new Communist offer to return American prisoners of war if American forces are withdrawn by end of 1971 is not dependent on a political settlement in South Vietnam."

Then on September 11, 1971, Senator GEORGE MCGOVERN, of South Dakota, stated that he had been told, by official Hanoi spokesmen, that the question of the release of the prisoners in return for fixing a date for American troops to leave Vietnam would be separated from other points in a 7-point, very hard line peace proposal made by the Hanoi delegation in Paris on July 1, 1971. Senator MCGOVERN, who has announced his candidacy for the Democratic nomination for the Presidency, and who is one of the country's leading doves, made it very plain that he believed the prisoner release and troop withdrawal would be a deal which would stand on its own bottom. The South Dakota Senator said he had talked for 6 hours with Xuan Thuy, the top Hanoi negotiator, and Dinh Ba Tri, deputy Vietcong delegation chief.

The evidence that the return of the prisoners could be affected by announcing a date to bring the troops back this year had piled up at this point. To many, including some of the families of the POW's, the swapout began to sound simple and desirable.

In reality, the Communists would have gained a great advantage, since undoubtedly they would have insisted that their deal must include the return of all our military personnel, among them airmen, and technical and advisory personnel.

Such a transacton at this point probably would result in a South Vietnamese defeat. All the sacrifices made by this country to preserve the freedom of the South Vietnamese and independence of Southeast Asia, would have been completely in vain. There are those who scoff at the domino theory, the argument that, for example, the fall of South Vietnam would be followed by the Communist conquest of the other countries of Indochina. To me, this conquest seems quite logical. If we desert the South Vietnamese before they can defend themselves, I see no reason to doubt that the Communists will have little difficulty in taking over the rest of Indochina. The whole balance of power in the Mideast would be altered. By way of illustration, let me say that I have always felt that the fact that we fought communism in South Vietnam led to the downfall of pro-Communist Sukarno in Indonesia and the consequent elimination of almost all Communist influence in that nation. We have fought to preserve the freedom of the South Vietnamese, but, as I see it, we have primarily fought in our own interest. I wish that I could believe that Communist designs for further conquests had been abandoned but I see no proof that they have been.

But, suddenly and for reasons which are unfathomable to me, Hanoi made it plain that it had no intention of turning the prisoners loose in return for our fixing a date for troop withdrawal.

Mr. Speaker, the Communists handled the matter crudely indeed, so crudely that it seemed that they not only wanted to refute Senator MCGOVERN, Mr. Clifford, Mr. Harriman, and others who had been taken in by the swapout proposal, but wanted to humiliate them as well.

As I have already stated, Senator MCGOVERN made his announcement on September 11. Only 5 days later, on September 16, 1971, the Hanoi delegation in Paris officially announced that it stood by all the terms of the tough seven point peace proposal made on July 1. The Hanoi spokesmen emphasized that among the two most important points were the dismantling of all our Vietnamese military bases and that President Thieu, of South Vietnam, must be thrown out of office. This meant, of course, that the North Vietnamese were demanding a Communist-dominated regime in South Vietnam. This would be the prelude to a mass murder of South Vietnamese supporters which would appall the world, including some of those in this country who now argue that we should surrender no matter what the consequences.

As I recall, Senator MCGOVERN did not try to explain why Hanoi had let him down, nor have I read any comment from Mr. Clifford and Mr. Harriman, although those mentioned were by no means all those who were taken in.

There was some press comment on the Communist propaganda switch, but I have seen no satisfactory explanation for the turnabout. Hanoi had a good thing going. Why it was thrown away continues to puzzle me for, whatever may be said about them, the Communists, all things considered, are among the most skillful propagandists in the world.

I do not think my interpretation of the rebuff given Senator MCGOVERN and other doves is farfetched. In this connection, a Washington Post story by Jonathan C. Randal under a Paris dateline of September 16 said in commenting on the sudden toughening of the Communist stance on peace terms:

> Nguyen Thanh Le, Hanoi's press spokesman at the stalemated peace talks, drove home the change by insisting the Vietcong's seven point peace proposal "forms a whole" and that it was "indispensable to reach agreement on the whole" package program.
>
> More optimistic impressions voiced by antiwar Senator George McGovern (D.-S.D.) and a hitherto unquestioned statement by Le Duc Tho, a Hanoi Politburo member, were left in shreds. (Emphasis supplied.)

In all likelihood, Hanoi's inexplicable abandonment of the pretense that it would let the prisoners go in return for fixing a date for the return of American troops figured in the vote by the families of the POW's not to go political.

In all probability also, league members during their struggle to get their kinsmen home, have learned a lot about the Communists.

They have learned that the Communists have a long and consistent history of breaking agreements. Just by way of reminder, do you recall the vigorous and successful campaign to persuade the United States to halt the bombing of North Vietnam. In so many words, the doves told us that, if the bombing were only halted, it would be a long, long step toward peace. A solemn agreement to halt was made. We kept our part of the bargain. The Communists broke theirs and quickly. I think peace is nearer than it was, not because we halted the bombing, but because the war in Indochina has been going against Hanoi.

I think we can get our prisoners back but only if we are realistic and only if we make the Communists realize that they cannot have peace—and they must be war weary indeed—unless they stop flouting the Geneva Convention and unless they return the prisoners we know they are holding. They must also return those who are listed as missing, but are held as captives and they must account satisfactorily for other Americans who are missing in Indochina, or as satisfactorily as they can.

Mr. Speaker, I think it is appropriate at this point, to include the article by Walt Rostow appearing in the September 21, 1971, issue of Look mazagine:

VIETNAM: WAS IT WORTH IT?

(By Walt W. Rostow)

"If we mindlessly walk away . . . we shall make sure it was not worth it."

The costs to us of the struggle in Southeast Asia make sense only if you agree with the last six American Presidents that the United States will be endangered if a potentially hostile power gains control of Asia, and that control over Southeast Asia is critical to the fate of all Asia.

Southeast Asia contains nearly 300 million people—as many as Africa or Latin America. It commands the sea routes of the South Pacific and the eastern Indian Ocean. It is a buffer area separating the two giants, China and India. If any single power attempts to seize control of Southeast Asia, the other major powers must instinctively react.

America, for example, passively stood by while the Japanese took over Manchuria in 1931 and then seized the major cities of China. But in 1940–41, the Japanese moved into Indochina and toward Indonesia. President Roosevelt had every interest at that time in concentrating American attention and resources on rearming at home, and on aid to Britain and, then, to Russia. But he refused to accept passively the Japanese take-over of Southeast Asia and the balance of power in Asia, including control of the sea routes to Australia, New Zealand and India. He cut off shipments to Japan of oil and scrap metal, and he froze Japanese assets in the U.S.

Indochina was at the center of our diplo-

matic dialogue with Japan right down to the eve of Pearl Harbor.

For similar reasons, President Truman threw our resources behind the French in Indochina at the time of the Korean War, despite reservations about the viability of French colonialism.

The same rationale lay behind President Eisenhower's (and the Senate's) support for SEATO in 1954–55; President Kennedy's policies in Laos and South Vietnam and his flat affirmation of the domino theory on September 9, 1963; President Johnson's basic Vietnam decisions of 1965; and President Nixon's insistence that America withdraw from Vietnam in ways compatible with stable peace.

Throughout this period of at least 30 years, it has been U.S. policy to sustain the independence of Southeast Asia from potentially hostile control. But sacrifice for a policy that cannot succeed is meaningless or worse. What have the sacrifices since 1965 achieved?

Look back and consider the panorama of Asia in 1965.

South Vietnam was on the verge of defeat and take-over, as the weight of North Vietnamese regular-army units, introduced in 1964, was fully felt.

Indonesia was out of the United Nations, in confrontation with Malaysia, making common cause with Peking, and eager to complete what both Jakarta and Peking described as a pincer movement to envelop the whole of Southeast Asia, through a "Jakarta-Phnom-Penh-Hanoi-Peking-Pyongyang Axis"—a concept enunciated on August 17, 1965, by President Sukarno himself.

Peking was proclaiming that "Thailand is next."

All of Asia knew that its future hung in the balance. Robert Menzies, then Prime Minister of Australia, said if Vietnam fell, it would be "not so very long" before Australia would be menaced. And the danger was still closer and more obvious in the other capitals—as, for example, Macapagal, in Manila, and Abdul Rahman, in Kuala Lumpur, made clear.

The domino theory was not just a theory in the first seven months of 1965: every observer of the scene knew the dominoes were about to fall unless American power was rushed into the balance.

Then, at the end of July, 1965, President Johnson moved to commit American forces.

Now, six years later, there is a different Asia.

South Vietnam has harvested the greatest rice crop in its history and is about to conduct its second presidential election under a democratic constitution. Well over 90 percent of its population live under reasonably reliable government administration.

Indonesia is independent and advancing hopefully in economic and social progress, after the successful defense of its independence in October, 1965, which, incidentally, triggered the Cultural Revolution in China.

Asian regional organizations have come into being; for example, the Asian and Pacific Council (ASPAC), the Association of South East-Asian Nations (ASEAN), the Asian Development Bank. These offer great promise that in the future, Asians, working together, can increasingly shape their own destiny.

Japan, now the third industrial power in the world, is evidently prepared to use its expanding economic resources to help others in the region whose modernization began much later, but who are now moving forward with astonishing momentum: South Korea, Taiwan, Thailand, Malaysia, Singapore.

China is beginning to enjoy economic progress after a decade of external frustration and internal violence and is experimenting, at least, with the idea of normalizing its relations with Asia and the rest of the world.

Without the U.S. effort in Southeast Asia, there would now be no Ping-Pong diplomacy and no presidential visit to Peking planned.

But all this is still precarious and fragile.

As the South Vietnamese assume increasing responsibility for their own defense and try to make a constitutional system work (which very few post-colonial nations have been able to manage), they feel every day the threat of hasty, total American withdrawal and the pressure of those who would cut off all military aid to them in order to guarantee a Communist victory.

North Vietnamese troops are embedded, without a shred of legality, deep in Cambodia and Laos, threatening the Mekong towns and the Thai border. Not one weapon they carry or shell they fire was manufactured in North Vietnam. Putting aside their long-neglected tasks of economic and social development, the leaders in Hanoi continue to pour young men into the infiltration pipelines to South Vietnam in an effort to destroy the process of Vietnamization.

There is a decent hope that in the years ahead an Asia could emerge in which the North Vietnamese will go back within their own borders; the independent states will survive and increasingly work together; relations with China—and, indeed, North Vietnam—will be normalized; and the American role will continue to diminish, while remaining a relevant force in Asian and Pacific affairs.

There is also a real danger that all that has been achieved since 1965 by Asians and ourselves will be lost; that a vacuum will develop in Southeast Asia which Peking, as well as Hanoi, will feel impelled to try to fill; and that Asia will move from the promise of stability and progress to chaos or a war far worse than what we now see in Indochina.

Was it worth it? Clearly, the outcome of the common effort is still uncertain. If we mindlessly walk away from Asia, we shall make sure it was not worth it. If we patiently stay the course, the suffering of these years could be repaid with stable peace and security for ourselves and the two thirds of humanity who live in Asia.

What still remains to be done in Asia may not, if we are wise, involve the use of much American military force. Asians are now able to do vastly more to defend themselves than they were in 1965. And China, with some 50 Soviet divisions on its frontiers, may now be influenced to move in more peaceful directions than in the past.

But our resources and our treaty guarantees remain a decisive margin in the Asian balance of power. We ought to ask ourselves bluntly: What is likely to happen if we bury the past and leave Asia to its own devices?

First, the end of America's commitment in Southeast Asia would change the debate now under way in mainland China. Powerful forces there are working to move China toward the long-delayed concentration of its energies and talents on the modernization of life. American withdrawal would inevitably lead Peking to exploit its new opportunities to the South. No one can predict the precise form in which a nuclear China, with its huge ground forces, would exercise its power in the vacuum we would create. But I cannot believe that Peking would remain passive.

Second, the nations of Southeast Asia, certainly as far as Singapore—quite possibly as far as Indonesia—would lose their independence, as for example, Lee Kuan Yew, Prime Minister of Singapore, believes; or they would be forced into a protracted military or quasi-military struggle that would force them to abandon their exceedingly promising economic, social and political development.

Third, Burma, in particular, would either fall under Communist domination or become the scene of an Indian-Chinese struggle. For Burma, not Tibet, is the point of strategic danger for the Indian subcontinent—a warning consistently made to me in private by high and responsible officials of both India and Pakistan.

Fourth, Japan and India would quickly acquire nuclear weapons, and the Nonproliferation Treaty would quite possibly die elsewhere in the world as well. The willingness of many nations to forego the production of nuclear weapons depends on a carefully balanced calculation—a calculation that says the United States can provide greater security at less risk than going it alone with a national nuclear capability. An America that walks away from a treaty commitment, after bringing into the field a half-million of its armed forces and encouraging a small ally to fight desperately for its independence, would not be regarded as a reliable ally on such a mortal issue as nuclear deterrence in Asia or anywhere else.

There are many, I know, who believe that, somehow, the United States can live safely divorced from the fate of Asia.

I do not.

Thirty years ago, an Asian power, reaching for Asian hegemony, was able to mount Pearl Harbor.

There is already one nuclear power in Asia, now moving to produce ICBM's. If we walk away from our commitments in Asia, there are liable soon to be at least three. Having come in these hard years as close as we now are to the possibility of stable peace in Asia, I think it would be disastrous to throw in our hand and leave future Americans to bear the inevitable costs of a nuclear-armed Asia.

The more than 50,000 Americans—and the more than one million Asians—who died in this struggle for a stable, peaceful Asia deserve better of us.

U.S. CATHOLIC CONFERENCE OPPOSES "PRAYER AMENDMENT"

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, next week the House will vote on House Joint Resolution 191, a proposed constitutional amendment relating to the question of prayer in public buildings. Considerable controversy has developed on this issue, so I was pleased today to receive a copy of a news release which clearly sets forth the position of the U.S. Catholic Conference and outlines the conference's reasons for opposing the measure. The conference's position was announced by Bishop Joseph L. Bernardin, USCC general secretary, and I insert the news release in the RECORD at this point so my colleagues may have it available during their consideration of the proposal:

CATHOLIC CONFERENCE OPPOSES "PRAYER AMENDMENT"

WASHINGTON.—The U.S. Catholic Conference has gone on record in opposition to the so-called school prayer amendment, which is currently before the House of Representatives.

The conference's position was announced by Bishop Joseph L. Bernardin, USCC General Secretary, who said:

"I wish to emphasize that the conference is not opposed to the concept of prayer in public buildings nor unconcerned about the vitally important matter of meeting the religious needs of children who attend public schools."

"Our opposition to this amendment is based on the conviction that it would accomplish nothing on behalf of the goals it purports to serve and would represent a threat to the existing legality of denominational prayer."

The text of the proposed constitutional amendment, on which the House is expected to vote November 8, states:

"Nothing contained in this constitution shall abridge the right of persons lawfully assembled in any public building supported in whole or in part through the expenditure of public funds to participate in nondenominational prayer."

Bishop Bernardin said:

"The subtle implication of the amendment, therefore, is that 'denominational' prayer in public buildings is unconstitutional. This is contrary to present law. Denominational prayers are used in many public ceremonies, and in many parts of the country public buildings are rented by churches for denominational services. The proposed amendment could only serve to threaten the existing practice and worsen the present situation."

"Moreover," Bishop Bernardin continued, "the amendment cannot be justified as a 'school prayer' amendment. The amendment does not say anything about state sponsorship of prayer in public schools as part of the regular school day. Yet this was the very thing the Supreme Court found unconstitutional in the School Prayer cases."

"Passage of the amendment," he added, "might lead many to think that something serious has been done about the problem of religious education of public school children. In fact, nothing of any moment would have been achieved."

EMERGENCY SCHOOL AID ACT OF 1971—CONGRESS REFUSES AID TO SCHOOL DISTRICTS ATTEMPTING TO DESEGREGATE

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, the defeat of the Emergency School Aid Act of 1971 is one of the worst votes of the year in the House of Representatives. The House is now on record as opposed to Federal efforts to assist those school districts which are being ordered to overcome racial imbalances. By this vote, the Congress has established that it has no more intention of integrating the schools than it has of integrating housing.

In spite of the fact that many school systems are on the brink of collapse due to lack of funds and of court orders requiring costly changes, we have witnessed the spectacle of Members of Congress refusing to make Federal moneys available to facilitate an orderly compliance with the Constitution. The Supreme Court has declined to review a Federal lower court's ruling in the Pontiac, Mich., school desegregation case; so Pontiac will be forced to continue its costly busing program to comply with the Court's decision. In my own city of Detroit, a Federal court has found school officials guilty of de facto and de jure segregation and has ordered school authorities to come up with a desegregation plan which would involve both Detroit and its suburbs. And, as the Washington Post has recently commented:

Judging from the number of school desegregation cases now pending in lower courts, it seems safe to predict that a large number of communities as yet unaffected by court order or statutory obligation will soon find themselves in the turmoil that afflicts other communities—North and South—already working their way through the conflict, confusion and expense of rearranging their public school systems.

Against this backdrop, it is incredible that so many in this body seem intimidated and compromised by the shrill voices of bigotry and have themselves added to the confusion by failing to come forward with the leadership necessary to pacify many of the confused around us. Even among the members of the Michigan Democratic delegation, known for its liberalism, there is not a single white members who supported the Emergency School Aid bill.

Incredibly, some would prefer an increased local tax burden on the parents of children whom they profess to protect, rather than be identified—even mistakenly—with a pro-busing position by voting for this emergency assistance. In my judgment, this is not only unbecoming conduct, but it is the height of hypocrisy and cowardice working hand in hand.

You can run, but you cannot hide, Joe Louis once said. Now the courts in case after case are saying to this Nation—you can run but you cannot hide—you might delay and you might fulminate but equality will come. No matter what the women with antibusing slogans emblazoned on their T-shirts may tell us, equality is inevitable and undeniable, and if a racial balance in our schools is necessary to achieve that equality, it must come

It is 103 years since the 14th amendment was proclaimed a part of the U.S. Constitution. It is 75 years since the Supreme Court established in Plessy against Ferguson the doctrine of "separate but equal" for black and white races in interstate barriers. Yet, even in this landmark decision, a presage of what was to come was sounded by the lone dissenter, Justice Harlan, when he wrote:

The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law.

It is 17 years since Brown against Board of Education of Topeka reversed the separate but equal doctrine and established that separate education is inherently unequal. It is instructive even now to reread this watershed decision for it laid the foundation for many subsequent decisions of the Court, a foundation which many of us seem to have forgotten or have chosen to ignore. Consider, for example, these words delivered by Chief Justice Warren:

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.

Yet, we have again allowed ourselves to be swept away by local passion. We are told to forget busing as a way to eliminate racial barriers and, instead, to raise the quality in the black schools. In short, we are told to follow a policy which guarantees apartheid in our society. This policy is clearly unacceptable either as a means of achieving equality of education or of achieving racial harmony in our society. The Kerner Commission warned against the creation of "two separate, warring societies" and we were apparently not listening nor are we listening now. Black children and white children must learn to live and grow together and that will never be achieved by a permanent policy of separation.

The opponents of busing are hiding behind their children to protect themselves from the truth. Busing is not the issue and children are not the issue. The real issue is whether or not this country will become what it says it wants to be—that place in the world where freedom and equality exist for all.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield to me?

Mr. CONYERS. I yield to my friend and colleague from Maryland.

Mr. MITCHELL. Mr. Speaker, I want to take this opportunity to thank my distinguished colleague from Michigan for taking the time to have this special order in order to bring to the attention of this body the fact that there is a continuing failure to right the wrongs of the past.

I have discussed with my colleagues on the floor the findings of the Louis Harris poll, the recent poll which disclosed that more and more black Americans in increasingly large percentages are demonstrating an absolute lack of credibility in the white dominated institutions of this country.

That same poll disclosed that more and more black Americans are willing to turn to more militant approaches in order to achieve equality.

When I discuss this with my constituents they tell me it is your job, Mr. Congressman, to try to restore credibility. But how in the name of God can you or I or others restore credibility when we see this body act as it did on the matter under discussion and when we see our liberal friends turn away from us in terms of this important piece of legislation.

I am deeply grateful that the gentleman is taking the time to open this matter up before this entire body. I think it must be done. I think we in so doing provide an answer to those who question the growing lack of credibility on the part of the white community in America.

Mr. CONYERS. May I say to the gentleman that the pressures that he suggests they make on us and that many of us are under from our communities, we see no real evidence of relief from the ages of discrimination that have been visited upon the black people of this country. We are caught between an intractable administration and a Congress which is unwilling to appropriate Federal funds to assist in the solution of this problem. The gentleman knows and I know that most of the school districts in America are susceptible to a court suit on the same grounds that have been brought in Detroit and Pontiac, Mich., and even in Maryland. Yet, Members of this body, rather than going on record as voting for Federal funds, if and when they are needed in their own districts,

would rather run the risk of burdening their own taxpayers by refusing to accept the Federal relief which was offered in the Emergency School Aid bill which was under consideration this week.

I contend most vigorously that that is not the role of the Michigan Legislature. This House has to tackle issues as important and bitterly debated as the slave question was in this body 110 years ago.

Implicit in the arguments that led to the Civil War was the question of what to do with the black people in America. That question, even with the Civil War, has not been fully resolved. We are now here today to ask for a resolution of a small part of that question. What do we do in the area of education where we have to resolve the question of separate schools that have existed for so long? We must begin to demonstrate the moral courage that has been sadly lacking in so many instances, but most particularly in the area upon which action was taken on Monday. The gentleman is totally correct in the fact that we need to continue our efforts along this line and that we must take more special orders and begin to articulate the argument that is hidden in the language of hypocritical rhetoric surrounding this problem.

Mr. MITCHELL. Mr. Speaker, if the gentleman will yield further, in the entire long history of the story of the black Americans to achieve freedom and liberation in this country, from time to time we have looked at one area of government as a source of relief. At one time we looked at the administration in the White House. Obviously, at the present time that source of relief is not apparent in the White House. On another occasion we looked at the Supreme Court seeing that as the vehicle and the bulwark to protect our civil liberties and our civil rights. Yet, that Court can no longer be regarded as a bulwark. Therefore, we can turn to no other place but this legislative body. The action taken just a few short days ago was demonstrable evidence of the fact that this body will not meet its responsibilities insofar as black Americans are concerned.

I thank the gentleman for yielding.

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

Mr. CONYERS. I yield to the gentleman from New York.

Mr. BADILLO. I thank the gentleman for yielding and I want to commend the gentleman for having brought about this special order. I certainly believe that the defeat of the Emergency School Act of 1971 was one of the worst votes of the year in this House.

But I want to call to the gentleman's attention, and to the attention of every Member, that there is another even worse vote that is in the offing that we will have to take tomorrow or Friday, because it is the intention of the chairman of the subcommittee, the gentleman from Illinois (Mr. PUCINSKI), not to bring back the bill as it was approved by the committee, but to bring back a bill which includes everything that the committee approved plus a busing amendment, plus an amendment to preserve the neighborhood schools. And that those of us who defeated those two amendments in the committee—and I want to make it clear that those two amendments were brought up in the committee, and and they were rejected by the members of the committee—and now we are facing and will be faced with a situation where we will be presented with an amendment that was already defeated, and we will have no choice because we are going to have to vote, if we want to have emergency school aid—we are going to have to vote for the neighborhood school amendment and for the busing amendment.

I am glad to have this opportunity to bring this out to every Member of the House. I am glad the chairman of the subcommittee is here, because I want to ask the gentleman to reconsider his action in presenting this amendment tomorrow, and instead of bringing up what the gentleman proposes to present to the House, to present exactly the bill as it was approved by the committee. If the gentleman wants to make a separate amendment on busing, that is his right. If the gentleman wants to offer a separate amendment on the neighborhood schools, that is his right too. But at least let us have a vote on those two things, and let us have the will of the subcommittee respected. Let the chairman of the subcommittee present the bill as it was passed by the subcommittee. Then if he wants to make amendments, to make them as his own, so that the rest of the body may have a vote on this, and so that we do not have a repetition of what the gentleman from Michigan very properly calls the worst vote yet taken this year.

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

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

Mr. PUCINSKI. Mr. Speaker, I believe the gentleman misstates the case, and I am sure it is not his intention.

Mr. BADILLO. I hope I do.

Mr. PUCINSKI. The bill reported out by the subcommittee after a very torturous mission, through both the subcommittee and the full committee, has already been disposed of by a very overwhelming majority of 222 against, to 135 for; albeit all of this happened under suspension of the rules, the fact of the matter is that that bill reported by the full committee has been disposed of.

Now, the chairman of the subcommittee, the gentleman now addressing the House, in order to bring this very important legislation to the floor—because I believe that we are trying to help children, above all—the chairman is now exercising his own rights, the rights of any other Member of this Chamber, to offer an amendment.

And after seeing the result of the voting last Monday the House was very specific and decisive on its evaluation of the bill reported by the full committee.

So I am bringing before the House, either tomorrow or Friday, as a new title to the higher education bill, the Emergency School Aid Act, with such amendments as in my judgment can assure passage of this very important bill.

The gentleman has stated his case on many occasions. I appreciate and respect the gentleman's views. I respect his complete candor on the subject. The gentleman will have ample opportunity, when we get into the debate under the procedures which will prevail, to offer amendments to strike from this bill any section or any provision that he does not like.

As a matter of fact, the gentleman has already advised me that he is going to add, or at least attempt to add another section to the bill, a section that has been twice rejected both by the subcommittee and the full committee. And again that is the gentleman's privilege.

So it would be incorrect for the gentleman to try to say that somehow or other the chairman is under some obligation to bring to the House, under the procedures which we are now following, the bill that was reported out by the subcommittee and the full committee.

That vote has already gone. Now the chairman is trying to save the pieces on this very important legislation by offering it in the manner we are. I believe upon careful examination of this legislation, the gentleman will find it is worthy of his support. Because while we may differ here on certain provisions—and there are some strong feelings in the House on those provisions—the main thrust of this bill is to have children, children who are now caught in the switches between the courts and the local communities and children who find themselves the innocent victims of the ideological struggle sweeping the country, in my judgment it does not seem proper to deny these children an opportunity of a good education.

For this reason I hope my colleagues will support the bill when it comes up on Thursday or Friday.

Mr. CONYERS. May I point out to the subcommittee chairman, the gentleman from Illinois, that the question that is under discussion goes much further than trying to help children. There is no Member in the Congress and maybe there is no one in the country who does not want to help children.

The question we are grappling with is—will there be Federal assistance to schools under court orders to desegregate school systems which have been found to be inherently discriminatory and unable to provide equal education to all of its citizens?

Unless we address ourselves to this point, we are getting into the kind of general discussion of being good for children, which is something that everybody in this body is committed to.

We need Federal assistance to help desegregate the schools that are under court order. That will help the children and that is what we are working toward.

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

Mr. CONYERS. I yield to the gentleman.

Mr. BADILLO. Mr. Speaker, I disagree with the gentleman from Illinois. We did not vote on the bill. We voted on the suspension of the rules and if you will go back and review the debate on Monday, you will find that speaker after speaker got up and objected to the fact that this

bill was brought up under that kind of procedure. I can understand why that was done. Because if this procedure was followed by every subcommittee chairman, it means that you can take a bill that was passed in the committee where it did not have certain amendments that you wanted and bring it up under suspension of the rules and then you can bring it up again by adding those amendments to it.

The point is, I think the chairman does have the responsibility as chairman of the subcommittee to bring up the bill for debate as it was approved by the subcommittee because there never has yet been on the floor of this House an opportunity to debate the bill as such.

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

Mr. CONYERS. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, our colleague, the gentleman from New York is somewhat apparently misled as to the procedures in this House.

The bill that was reported by the full committee went to the Committee on Rules. Had the Committee on Rules given us a rule, that bill in its present form would have been brought to the House for action by the House. The chairman of the subcommittee would have been bound, as would the chairman of the full committee, to bring to this Chamber the bill that was reported by the full committee, had the Rules Committee given us a rule.

But the Committee on Rules in its wisdom and in its judgment declined to give us a rule, and we have been told that there is no chance of getting a rule. So we went the next route—we went on the suspension route, hoping that maybe we could attract two-thirds of those present and voting.

Again we submitted under suspension, the bill that was reported by the full committee, because that was my responsibility as subcommittee chairman—and that failed by an overwhelming vote.

Now in offering an amendment to the higher education bill, I am acting as a free agent. I am no longer bound by whatever the full committee or the subcommittee had reported because whatever the full committee or the subcommittee had reported is either bogged down in the Committee on Rules, which refuses to give us a vote, or has been defeated under suspension.

Mr. CONYERS. Mr. Speaker, I must decline to yield further to my colleague, the gentleman from Illinois. Let me say to the gentleman that I appreciate his remarks.

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

Mr. CONYERS. I yield to the gentleman.

Mr. QUIE. Mr. Speaker, this has been recapped pretty well here so I will not go into that at any length.

First, let me say that on Monday I was very disappointed that this came up under suspension of the rules because it denies Members an opportunity to offer amendments.

I was tempted at that time to vote against it on that same question of suspension of rules, but I felt at that time it would be misunderstood. I did not think the bill would get a two-thirds vote, but I thought it would receive a majority vote. I thought it would be a bad slap at the efforts of the Federal Government now to assist in desegregation.

The Federal Government has never provided any adequate aid for desegregation. This is the first time an attempt has been made. Our Committee on Education and Labor has never brought out any legislation to help with the desegregation of schools. This is the first time. I was hopeful we would have that good piece of legislation out. In some details I would have differed with it, but the substantial efforts are to provide aid for the court-ordered schools under the HEW plans and those who wanted voluntarily to desegregate. There was substantial and adequate aid to get started on that. It would provide $1.5 billion.

The gentleman from Illinois is a free agent. I agree with him. I do not think there is any chance of getting the Rules Committee to act now. If they did, it would be next year, and that would mean, I think, if the Congress acted next year we probably would not appropriate the money until sometime after the school year begins next fall. We are already late. I would like to see that the money that is available in the $1.5 billion also be available for the busing of children. I have said that publicly and I will stick by that.

The proposed amendment would prohibit money to be used for busing. Those who want to prohibit the use of that money for busing will attempt to get it in the legislation. There is nothing to prevent the amendment from being offered.

I stand here, as I have stood before, indicating my support for amendments that would return this to the legislation that came out of the committee. But I want to make certain the House could work its will. It could not work its will on Monday. I want to be sure that when we go into the committee tomorrow or the next day there will be ample opportunity to debate and discuss that.

The gentleman is raising an excellent point. Too often in the past the House has found means to prevent debate and discussion. I think it is regrettable that you are required to present this today during special orders, for there is just a handful of Members present. The gentleman from Illinois and I happened to be here. But all Members will be present when we come again to consider the higher education title. That is the time the House ought to engage in an in-depth debate which it has not done before.

I look to the gentleman from Michigan and his colleagues here to keep this open for that kind of debate. I do not think it matters if we go into Friday to debate this question. I think Members ought to express themselves on the question of busing and the other matters that are involved here. I am certainly willing to do that.

Mr. CONYERS. I appreciate the gentleman's contribution.

I yield to my colleague from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I wish to commend the gentleman from Michigan (Mr. CONYERS) for raising this important question. Before I make any comments on it, I would like to ask a question of the gentleman from Illinois (Mr. PUCINSKI). I listened as you said you thought it was necessary to introduce the Emergency School Aid Act—as you intended to amend it—in order to get passage of the higher education bill. I would like to know what that means.

The fact is that the emergency school aid bill which you are going to present as an amendment to the Higher Education Act has in it provisions which would maintain the segregation that is inchoate and, in fact, existing in the educational institutions of this country.

I gather that you are suggesting that the only way in which we can get aid to higher education is by also voting for funds for desegregation to carry out the orders of the courts of this land and the law of the land. I have no great difficulty with that. But at the same time, we are told that we must also accept your concept that we have to maintain segregation as it is, that we have to oppose busing, and we have to agree that there should be a neighborhood school plan. No matter how you want to slice it, my dear colleague from Illinois, this means you want to maintain segregation.

I know that there are many problems in the busing of young children. I come from a community that was involved for many years in the struggle of busing and integration of schools, in the schools of New York City as well as the schools of Westchester. I know exactly what the problems are. I know full well from my experiences there that those who fight the busing are those who are fighting the integration of our schools, the integration of our neighborhoods, and the integration of our society.

I do not understand how you could stand before this House and say that the reason you are introducing the Emergency School Act as an amendment with an antibusing provision and a neighborhood schools provision is to make it possible for us to pass the Aid to Higher Education Act. That argument seems to me to be a most questionable one. It seems to me that what you are saying—and please correct me if I am wrong—that, unless we agree that we must maintain an attitude against busing and against neighborhood schools, we may not be able to have aid to higher education.

The idea that unless we maintain an attitude toward neighborhood schools, we may not be able to have aid to higher education in this country is the calumny and shame of this House. In 1971, all of us who are engaged in the business of upholding the laws of our country, all of us who are sworn to uphold the laws and the Constitution of the United States are bound to take action to eliminate segregation in the schools and in the Nation as a whole.

The gentleman is now suggesting that we have to make a commitment against desegregation in order to get aid to higher education. I would like the gentleman to clarify how we would help this aid to higher education bill to pass by

attaching an amendment which would prohibit busing and freeze neighborhood schools.

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

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

Mr. PUCINSKI. Mr. Speaker, the gentlewoman from New York is, as usual, very well organized in her thinking and, as usual, has done a great deal of research and homework, so in this instance, I regret she could not be more incorrect in her conclusions.

The bill I will introduce tomorrow in the form of an amendment follows almost precisely the committee bill except for four basic changes which I would be very happy to discuss if time permitted.

Mr. CONYERS. Will the gentleman enumerate what those changes are?

Mr. PUCINSKI. I would be very happy to do that, and I believe the gentlewoman ought to know one thing, that no one is suggesting that the addition of this title is designed to save the higher education bill.

Mrs. ABZUG. I thought that was what the gentleman said.

Mr. PUCINSKI. The gentlewoman from Oregon is very unhappy that we are following this route, because she feels that somehow or other it jeopardizes her bill, but this is the only option left to us if we are going to bring some measure of assistance to the children in schools undergoing integration for whatever the reason may be.

So we have offered this amendment, and this is our last opportunity, as the gentleman from Minnesota stated. If we do not offer it here, then this thing is dead for the remainder of this year.

Mrs. ABZUG. If the gentleman will yield, did the gentleman not say that this is the only way that we can pass the higher education bill tomorrow?

Mr. PUCINSKI. I said this was the only route left for me and those of us who want to help the children of this country to have this aid, which is to add this as an amendment to the higher education bill, which is already the biggest education bill ever passed in the history of this country. There are many Members who are very unhappy that we are taking this route, but we are doing it because we want to help the children, as the gentleman from Michigan has so eloquently stated, so I believe the gentlewoman is incorrect.

Mrs. ABZUG. Mr. Speaker, I have another question. We have an emergency school aid bill which was reported out by the Committee on Education and Labor. No one is attacking that. What I want to know is why the gentleman thinks it is so essential to add to the emergency school aid bill provisions against busing and protecting neighborhood schools? Why is the gentleman so anxious to add this antibusing provision and the neighborhood school provision?

Mr. PUCINSKI. It has been my practice in all my years never to question another Member's honesty, sincerity, and integrity. I would hope the gentlewoman is not questioning mine.

The fact of the matter is that we brought this bill to the floor last December, and we passed it by a 2-to-1 majority simply because we had a prohibition against the use of any Federal funds for busing. We brought more or less the same bill to the floor last Monday without that prohibition, and we got our brains beat out by a staggering vote of 222 to 135.

So the gentlewoman, being a reasonable Member of this House, must then be able to draw the conclusion that the only way you are going to get a program of assistance to the children who are caught in this legal vise is to accept the proposition that Federal funds cannot be used for busing and then hope that the amendment will be adopted tomorrow and we can send it to conference and ourselves work our will there and bring back a bill and see whether or not we can give these children some help.

If you will look at the history of this complex legislation, you will find the course that I have prescribed is one which reflects an honest and sincere desire to help young people in this country who need help desperately.

That is what we are trying to do. I am not interested in polemics. The gentleman from Michigan put his finger on it. I am sick and tired of the fair weather liberals who serve two constituencies, one back home and one on the shores of the Potomac. Then when the issue gets hot they run for some sort of cover.

This bill has had a tough go for 18 months, because we have been caught in a vise of all kinds of intrigues. It is my hope that we finally have worked our way out of it.

I think the gentleman from Michigan makes a very good point. As I said repeatedly, I am unalterably opposed to busing to overcome racial imbalance. That is the position that I have taken for years. I have been out in the open where everybody can see me and shoot me down if they wish. I have not altered my position at all. But I am amazed at the crawling I have seen here and the jockeying for position to avoid a confrontation on this issue.

I compliment my colleague in the well.

Mrs. ABZUG. Will the gentleman yield to me?

Mr. CONYERS. I yield to the gentlewoman.

Mrs. ABZUG. I want to thank the gentleman from Illinois for his explanation. I disagree with you, particularly on the last things you said. I hope I can convince you to change your mind, and I hope tomorrow we can adopt an emergency school aid amendment in the form reported out by the committee. I hope that we can pass our Higher Education Act at the same time.

Mr. PUCINSKI. If the gentleman will yield further, the gentlewoman will have an opportunity under the procedures we are following tomorrow in offering this bill as an amendment to the Higher Education Act. The gentlewoman and all other Members of this Chamber on both sides of the aisle will have ample opportunity to vote on the respective amendments and to register their will. The House will work its will. There is only one thing I hope for, and that is that on tomorrow they do not try to stampede us with a limitation of time on this very important issue before the House.

Mr. QUIE. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Minnesota.

Mr. QUIE. I want to say once again to the gentleman from Illinois, while we do differ on the question of busing, I have been with him in almost all of his efforts to get the amendment ready to be offered tomorrow. While, as I said before, he is a free agent, he is doing everything he can to get the bill passed. While we do differ on busing, I know he believes strongly in this and he is ready to commit himself. Therefore, I know he differs with you. I do not think he is trying to pull any fast ones at all. He is trying to do the best he can in his judgment.

I want to commend the gentleman from Illinois.

Mr. CONYERS. I now yield to my friend and distinguished colleague from California (Mr. DELLUMS).

Mr. DELLUMS. I thank my friend for taking this special order. It is very important.

I listened very carefully to the articulate nature of the presentation. I will at this point only associate myself with the remarks made by the gentleman.

I might add further the vote on Monday in fact does reflect the hysteria, fear, and anxiety on the part of many of our colleagues in the Congress with regard to the entire question of busing.

I am sure that the gentleman in the well is aware of the fact that some of our colleagues tomorrow morning when they read this colloquy will be angry. The fact of the matter is that they should be angry at themselves for the lack of the personal courage and political integrity which they have to face not only the controversial issue of busing but many other controversial questions that arise that should be dealt with and which have gone by the boards for years. I think both of us will agree there will be no real justice on the floor of this House until we fill these Chambers with people who are more preoccupied with saving the children, babies, and human beings in this country and in the world than they are about saving their own jobs in the U.S. Congress.

I might add further that one of the major arguments of our expedient liberal friends is, "Do not embarrass me on the floor of the Congress. You know I cannot vote on this bill because I must be reelected. You can understand why I have to vote against this, because I want to come back and be reelected and help you."

The fact of the matter is we do not need that kind of help because it is precisely the expedient liberal far more than the reactionary and racist people under the guise of liberality playing games with the lives of the people of this country.

Mr. Speaker, I congratulate the gentleman in the well for taking this special order and it is my hope that we will be able to force the expedient liberals off the floor of the House because they are perhaps even more dangerous than the conservatives in view of the fact that they give the illusion of being friends.

Finally, the question of hysteria around the issue of busing is a very interesting question to me because the children do not argue about that question. I come from a district in California where we have had busing in Berkeley, and once the adults got over the emotional issue, they found that the children had no problem and suddenly everyone came together around the real issue of quality education in this country for black and white, red and yellow. The emotionalism surrounding busing, until we get past that issue, the quality of education in this country irrespective of color, it is going to continue to be inferior because there are millions of black children who are having their brains scrambled in schools all over the country because of this issue.

Therefore, Mr. Speaker, I applaud the gentleman for bringing this issue before us where we force our liberal friends to either put up or shut up.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. CONYERS. I yield further to the gentleman from Illinois.

Mr. PUCINSKI. I think the gentleman from California has made an excellent point as well as the gentleman from Michigan, because this very important historic legislation has got bogged down in issues and a debate that really do not belong in this bill.

As I said on Monday, those who honestly feel very strongly about this whole question of busing ought to sign the discharge petition and work on a constitutional amendment, because the cases that are coming down the pike are constitutional cases being decided by judges but looking at it we are missing or we will be missing an opportunity to take a great step forward in dealing with this problem if we fail to pass this legislation tomorrow or Friday.

We know that there are enormous problems connected with the incidents of suddenly integrating a school. We know that very often there is a massive flight of white students from those schools, because there is a fear that the quality of education will diminish.

However, for the first time this bill provides funds for remedial purposes, additional staffing, the retraining of staffing, guidance and counseling, new instructional techniques, repair and modernization, construction activities, special administrative services, planning and evaluation and other properly defined programs.

My subcommittee has held very extensive hearings and we want to find out what can be done to help during this transition in the wake of these court orders. To do nothing is to see the tragic plight of resegregating our schools. So, we came in with this bill because it provides the necessary assistance to local communities to meet the problems and fears that very often follow the court order. What a great tragedy it would be for this country if we failed to pass this legislation and give these schools an opportunity to cope with this problem and not get hung up on issues that really are extraneous to this bill. The further answer lies in this constitutional amendment, the discharge petition which I have signed. The answer has to be found there.

Mr. CONYERS. I thank the gentleman from Illinois for his contribution and while I regret his constant references to a constitutional amendment that I find objectionable, I recognize the fact that the gentleman is bringing to this discussion a half loaf rather than no loaf at all. To that extent we thank him for what he is doing to try to resolve this problem.

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

Mr. CONYERS. I yield to my friend, the distinguished gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I should like to commend my distinguished colleague from Michigan (Mr. CONYERS) for having taken this special order, and for having highlighted so articulately the issues which this House must confront. One issue in a sense is the question of self examination. I think that is what the gentleman is urging the House to do.

On Monday the House had an opportunity to pass a bill which would have assisted in carrying out the law of the land, as enunciated by the Supreme Court in 1954, and in subsequent decisions, and yet by catering to hysteria and by caving in to the backlash, this House not only failed to pass that bill—but only 135 Members voted for it—that was a travesty.

The Emergency School Aid Act of 1971 (H.R. 2266) would have authorized appropriations of $500 million for fiscal year 1972 and $1 billion for fiscal year 1973 to aid schools to desegregate, prevent racial isolation, and maintain quality integrated education.

School districts which would have qualified for funds include school districts ordered to desegregate under Federal or State court order or by the Department of Health, Education, and Welfare under title VI of the 1964 Civil Rights Act; school districts voluntarily integrating; school districts voluntarily adopting plans to eliminate, reduce, or prevent racial isolation, and school districts which voluntarily carry out plans to enroll and educate children who would not otherwise be eligible for enrollment because they do not reside in the school district. Also eligible are those school districts which have an attendance of more than 50 percent minority children and which have applied for and will receive at least an equal amount of money for compensatory education under this bill.

Further, this legislation would have prohibited from receiving funds school districts which transfer property to a private segregated school or discriminate against either minority teachers or pupils after the date of enactment.

The funds that would have been available under this bill would be of tremendous advantage to any school district entitled to use them.

The House should have had an opportunity to vote on that bill, not under a suspension of the rules procedure, but on a straight up and down vote. If it is to be brought up in connection with the higher education bill, then I hope that the gentleman from Illinois will not encumber it with something that he himself has described as extraneous. If an anti-civil-rights amendment is to be offered, then let that come from the floor, but not from the chairman of the subcommittee.

In that regard I agree with my colleague, the gentleman from New York (Mr. BADILLO) who pointed out that it would be consistent from the point of view of maintaining the position of the subcommittee to bring the subcommittee bill before the House, and have it stand on its own. I hope the gentleman from Illinois (Mr. PUCINSKI) will reconsider and not bring to the floor an antibusing provision or any other anti-civil-rights provisions which he feels are necessary in order to have it passed. Let the Members of the House make that decision.

That a wave of blacklash hysteria over busing could so blind the Congress to the advantages of this legislation is deplorable. But it is in large measure a consequence of a national leadership which during the 3 years it has been in office has been oblivious to the needs of black Americans and to the cause of civil rights.

As an editorial in this morning's New York Times states:

> Although Congressional blindness to the bill's self-evident benefits is hard to understand, much of the blame rests on the White House. Mr. Nixon's political exploitation of antibusing sentiments has markedly helped give this bill the unwarranted odium of being a device to increase busing . . .
>
> The President's failure to provide leadership has exposed the bill to suspicion and attack from all directs . . . its (H.R. 2266) defeat will hurt education and make the process of desegregation more difficult.

I submit that the failure is more than just a failure of the Nixon administration to speak out strongly for this legislation. It is the insensitivity of this administration to the imperative quest for equality for all Americans.

This insensitivity was evidenced by the nomination to the Supreme Court of men whose records demonstrated such a disregard for the cause of equality that the Senate which generally exercises great tolerance of presidential nominees—rejected them. And it has been evidenced further by the well publicized attempts of the administration to find other candidates whose judicial philosophy would affect adversely the achievement of equal opportunity.

It was evidenced by the President's disavowal of what he terms "forced integration"—a catchphrase which obscures the real issue: the continued bars which are raised to prevent blacks and other minority group members from obtaining their full share of our Nation's opportunities.

The insensitivity of this administration to the needs and aspirations of black people in this country, and to the needs and aspirations of all minority groups, is reflected in the administration's failure to use the full force of Government and the moral leadership of the White House to insure the civil rights of all Americans. In fact, it has done quite the contrary. Until the administration provides leadership and until this Congress assumes its responsibility and matches rhetoric with reality, we will

have to continue with pointing up these issues just as we are doing today.

A century ago, President Lincoln issued the Emancipation Proclamation, which was in some degree an act of faith. We are still redeeming Lincoln's act of faith. As a people—North as well as South—we are still learning by experience and suffering to live the truth of racial equality.

We must gather our strength and our determination to act boldly to lift from all our citizens the hypocritical burdens of intolerance, bigotry, and discrimination.

Mr. CONYERS. Mr. Speaker, I want to express my gratitude to the gentleman from New York, and to our many colleagues who have joined me in this colloquy. It is extremely important. Perhaps out of these exchanges we will be able to carry on a more full, a more honest and a more forthright examination of this crucial issue of race relations and education to a body that will receive it with more sensitivity than it has in the past.

Mr. RYAN. I thank the gentleman.

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

Mr. CONYERS. I am happy to yield to my friend and colleague, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank my colleague, the gentleman from Michigan (Mr. CONYERS) for yielding me this time. I want to add my voice to those who have preceded me in complimenting the gentleman and to thank him for his thoughtfulness and his exercise of leadership in pinpointing this issue in this special order this afternoon.

I share with the gentleman his concern about the magnitude of the issue. I deplore the fact that the issue has been presented to the House in an untoward manner. I think we do not have to be legislative procedural experts to know that it came up under constrained circumstance or situation that avoided a four-square confrontation in the issue.

There is no question that surrounding this issue there is all manner of inflammatory thinking. There were those who because of the pressure and emotionalism on the subject of busing reacted in a certain way There are those who even today, even if it was presented under different circumstances, who would say that these moneys are going to school districts in the throes of desegregation will really still mean compulsory busing—because it merely means that a school district will utilize other funds for those purposes rather than using this particular type of money for the purposes that the Congress intends.

I share with the distinguished gentleman from Michigan the feeling that this type of legislation is indeed an emergency need and is indeed crucial. But I deplore the fact, I repeat, that it has not been presented in that way to the House. I fail to understand why there is such a ready acceptance of surrender to the Committee on Rules on its refusal to entertain this legislation.

As I understand it, the Committee on Rules chairman, has stated explicitly that the Rules Committee will consider only emergency legislation. The very title of this bill defines it as such. I fail to understand why we should fold our hands and just accept this dictum from the Rules Committee without a direct confrontation with the Rules Committee to undertake serious consideration of this bill with the view in mind of issuing a rule for full and complete debate on the bill as presented by the committee to the full House. I just fail to understand that.

I am wondering what answer I can get from the distinguished gentleman from Michigan—why should we be forced to also take this up in an indirect fashion that militates against its successful consideration even tomorrow or the day after tomorrow?

Mr. CONYERS. May I say to the gentleman that all the information that has come to me on this subject indicates that some of our liberal northern friends from our side of the aisle filibustered the bill past the deadline. They demanded that the bill be read line by line so that the September date, up to which the Committee on Rules would hear bills to grant a rule on, would have passed. Then after that we had a collapse again by our liberal friends on the question of considering the bill.

Now the chairman of the Committee on Rules has never identified himself as an exponent of civil rights. The chairman of that committee has long made his position clear on all questions even tangentially involving integration in our society, even when it is required under the laws of the land.

So it was very easy to predict the kind of hassle that we would get into. We went into this same hassle on the Equal Opportunity Employment bill about 6 or 8 weeks ago. We are constantly faced with this kind of confrontation. We here, a small number of Members on this floor today, are charged with the responsibility of trying to move 277 Democratic Members in this House—a majority. We have it in our power, because we appoint the chairman of every standing and select committee in this body and we have the absolute power to determine whether we would end the war or end segregation in this land or create full opportunity and take care of all the problems that exist.

This is the bind that the gentleman from Maryland expressed earlier on this special order. But more of us are beginning to feel the pressure of an unresponsive system and, yet, are unable to transmit the frustration that is building up in our communities and in our cities because of our inability to have a full and honest discussion under the rules of the House on one of the most urgent questions of our times.

Mr. GONZALEZ. I would like to remind the gentleman, however, in that respect that I would not despair as, indeed, I have not. There have been reasons to cause one to tend to despair, but one must remember that the majority the distinguished Member refers to on this kind of issue has not indeed been a majority. I have been in the House since 1952. Some of us have seen a so-called coalition between the southerners and the conservatives. This is still in effect a challenge.

But I must remind my distinguished and respected colleague that even despite that, it has been overcome, because I happen to remember the time when we had the discussions on the Civil Rights Act of 1964. It took 10 days, but at least it was done. It was not passed in the form or shape some of us wanted, but we did get a chance.

I believe at that time the approach followed was one which was calculated to bring about a decision resulting in a full bloomed debate. It is true that leadership responded and allowed the presentation of the bill. It is true that this time it did not. It is true that it came up in this indirect fashion where it would have been a miracle if the necessary vote had been favorable.

Mr. CONYERS. Let me ask my dear friend from Texas, did he hear any leadership support for the Emergency School Aid Act of 1971?

Mr. GONZALEZ. That is what I am saying. I think, therefore, from this discussion today we can arrive at some approach that will give us a sense of direction to keep this alive and kicking, despite these despondent cries about the Rules Committee closing the door.

Who says the Rules Committee is bound in duty to close the door? Who has offered that particular dictum? I do not think we should have to accept it. I think we ought to be realistic and expect a defeat tomorrow or the day after, and therefore we ought to be taking what steps we can take even now to make sure that we do get a rule before a sine die adjournment or the end of this session.

Mr. CONYERS. I will make a simple recommendation that we go to the Speaker and the majority leader of the House and urge them to attempt once more—and we have made that march to the Speaker's office and the chairman of the Rules Committee ever since I have been here—and urge them to get the official leadership of the House to say once and for all for the record on the floor of this body that it is time the Congress implement the law of the land that has been repeatedly demanded in decision after court decision. The Supreme Court has said they will hear no more cases on the subject. They ruled that they would give certiorari no longer.

We here now are responding to your question—and I think it is an excellent question. We must begin to move our distinguished leadership and ask them to join us in urging that we resolve this problem in an honorable and proper way as national legislators ought.

I cannot go back to the First District of Michigan and explain to my constituents that this bill came up under a suspension of rules that allowed only 40 minutes of debate and we could not even get a minute apiece among the Members to debate it.

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

Mr. CONYERS. I yield to my friend from Maryland.

Mr. MITCHELL. I appreciate the gentleman's yielding to me, because our dis-

tinguished colleague (Mr. GONZALEZ) brought up a very important point, pointing out the progress that has been made in terms of an increased number of votes on the floor, new people voting for legislation. I think this is a serious error that we have made, and that is looking around at ourselves in terms of measuring progress, in terms of the numbers of new people added on to favorable legislation.

While we are doing that, we do not look at what is happening in the black community in terms of a curious rage, anger, and frustration. What we have done is to create the kind of thing about which William Blake wrote:

Tiger, tiger, burning bright
In the forests of the night.
What immortal hand or eye
Could frame thy fearful symmetry?

Mr. GONZALEZ. Let me say in comment that we have a responsibility of not succumbing to either one, because both of these extreme things are the very things the history of the 20th century particularly reveals have precisely caused societies, such advanced nations as Germany, to succumb.

True, we may go back to our district and sense a feeling of frustration and violence and all, but that does not remove the responsibility from us to discern the error and the wrong approach that would bring about the very thing we do not want. What I am saying is that if nothing else comes from this discussion today, we should not give up in despair and we should thing of an approach. I will follow the gentleman from Detroit in going to the Speaker and soliciting the votes of our colleagues, and say by whose dictum does the Rules Committee say it is not going to entertain the possibility of a rule for this legislation.

Mr. CONYERS. I appreciate the gentleman's remarks, and I am sure everyone who is participating in this colloquy is not speaking out of despair but out of frustration because of the rules we have so frequently been forced to operate under and more precisely about the inability of this National Legislature to honestly speak to and resolve the age-old problem of race in America.

Mr. Speaker, I thank all of my colleagues from the bottom of my heart for participating in this special order.

IN DEFENSE OF SUBJECTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 30 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, man's thoughts since the beginning have tended to fall into two categories—those which can be proved and those which can only be felt. Demonstrated fact and created opinion. Objective statement and subjective idea. And the question arises—"Which should we consider the more useful, which should we deem the more important?"

In recent years, perhaps due to the growing impact and interest in science, high finance, law, and other pursuits requiring attention to empirical facts, those advocates of strict objectivity have proved most vocal expressing their position.

Still, a few maintain that life consists of more than just cold, often sterile, though perhaps irrefutable, statements. They contend that the true essence of living is what can and should be, not just what currently is. With this, I agree.

I ask unanimous consent to include in the RECORD this thought-provoking speech, delivered recently by Harvard professor and TV-film producer Robert Saudek before the Third State Conference on the Arts at the University of Tennessee. It can serve to remind each of us that the innovator and composer, along with the researcher and recorder, provides an important service to our balanced, vibrant American way of life.

IN DEFENSE OF SUBJECTIVITY

(By Robert Saudek)

I have come to speak in defense of subjectivity.

Like you, I have devoted my life to the arts and humanities. And like you, I have suffered the embarrassment, not to say downright humility, of admitting it to objective people—math teachers, electricians, astronauts, public opinion pollsters, even my dentist. They can all be so sure of themselves.

Picture yourselves—a group of fuzzy-minded subjectivists—having lunch in the school cafeteria, enjoying a lively debate about whether Huck Finn was the unconscious prototype for Holden Caulfield, when all of a sudden one of those overconfident math teachers—with all of the self-assurance of a true objectivist—comes over and sits down with you. Zonk! The debate is over. You are silent; you feel resentful, inferior. He would naturally demand proof of everything, and you realize there *isn't* any proof.

There is the problem in a nutshell. What subjectivists need, then, is a public defender.

Let me define the terms "objective" and "subjective."

"Objective" refers to an object or being that is thought of, or perceived, as opposed to that which thinks or perceives.

"Objective" is said to be realistic, as opposed to idealistic.

"Subjective," on the other hand, refers to the direct experiences of the soul, as joy, grief, hope, fear. These are purely subjective.

"Subjective" relates to something purely within the mind: a mountain as a mass of a certain size, contour, color and materials is an *objective* fact. The impression our mind receives, the mental picture it forms of the mountain, is subjective. And when we make comparisons—when we compare our mental picture of the mountain with our idea of a plain, or a river, or the ocean waves, we exercise *subjectivity*.

Someone has even been bold enough to suggest that subjectivism is the doctrine that there is no objective measure of truth: that there is only "relativism."

Someone else says that objectivism is characterized by neatness; and subjectivism by disorderliness.

That is name-calling, and not very helpful to us.

What *is* useful about this distinction is to examine the postulates, the foundations, on which we plan to build our educational structures, as we approach the beginning of the third century of our nation's independence. During its first two centuries there has been a relentless dynamic tension between those who believe in knowledge for its own sake, and those others who believe in "success" as a national goal.

During the early years of the Republic, J. Hector St. John Crevecouer, the French emigrant who wrote "Letters from an American Farmer," declared—"Shining talent and university knowledge would be entirely useless here, nay, would be dangerous. It would make (Americans) more adventurous . . . much less cautious, and therefore less successful."

How different is that view of the 1780's from the attitude recently expressed by the present U.S. Commissioner of Education, in saying, a vast majority of American high school graduates go to college "simply because they don't know what career to pursue and because it's the fashionable thing to do."

The Commissioner then proposed as an alternative for these growing numbers of college-educated young people a huge "career education" system aimed at affecting 80% of all our high school students, and in his words, "designed to prepare students for the attache case professions as well as lunch-box occupations."

Now, Crevecoeur did not have access to that descriptive expression "attache case professions," but in all other respects the two men are transmitting the same objective "vibes," if I may borrow that word from our children.

At the same time, a contrasting theme runs through our history as far back as the 17th century. The Puritans, holding onto the rocky coastal wilderness of New England, so respected knowledge for its own sake that, "dreading to leave an illiterate Ministry when our present Ministers shall lie in the Dust"—they opened the Boston Latin School in 1635, Harvard Colllege in 1636, and within twelve years the Massachusetts legislature decreed the establishment of a public elementary school for each 50 householders in the colony, and a secondary school for each 100 householders. By the year 1701, English America already supported three colleges: Harvard and Yale in the north; William and Mary in the south.

Indeed, the Puritans so loved learning for its own sake that Colonial New England had a higher rate of literacy, and a population more widely versed in the classics than any other country in the western world.

So we confront the question—is study for its own sake, is subjective creativity as such, incompatible with "success"? By some objective tests of "success' they are certainly incompatible. Bach had been dead and virtually forgotten for 70 years, and his monumental *St. Matthew Passion* had lain forgotten for nearly a century, before the childgenius Felix Mendelssohn, as a 12-year-old studying in the Royal Library in Berlin, discovered it in autograph, and he was so overpowered by it that he would not rest until he had given a private performance of that massive choral and orchestral work—the first since Bach's death.

What, then, constitutes "success"? There must be two kinds—for although he died poor, although he was an unpopular man in his community almost to his dying day, and he supported his sixteen living children by sheer hard work without recognition beyond his hometown of Leipzig, there is no doubt that, in terms of history Bach is a success by any standard. At his death in 1750 no banker would have considered him a success, and he might have failed the objective tests of the pollsters. But they would have been wrong.

We speak of "objective truths". We feel comfortable and secure with them. It is reassuring to know that the sun will rise and set every day; that pluck is more dependable than luck. "Strive and Succeed" was Horatio Alger's formula for success. Just stick to what is known, don't make waves, and you will attain fame and fortune.

This, if I may say so, is a road-map leading to "attache case professions". This range of objectives, while respectable, presents rather limited visibility as the national goal for 80% of our high school students.

One of the first truths declared by our Founding Fathers was that all men are created equal. Try to measure *that* truth on your computer.

For that which is known—and provable by objective evidence—is not enough. The computer is not enough, the fact-finding expedition, or in television, the unblinking eye that looks ever backward at last week's ratings as the basis for projecting next week's schedule. These are not enough. Man is too restless for that kind of straight-jacket. Man is too filled with curiosity. Man is not so easily satisfied that he will accept the past as a substitute for the future.

The future—the unknown—is a risky business, an adventure. The future is not an objective fact, but exists only in man's minds. It can be imagined, it can be believed in, it can be predicted. But it cannot be known in advance.

The subjective universe holds something better than the eternal verities. It is filled with uncertainty, the elation of discovery, the exhaustion of the creative act. If it were not for our subjective discoverers dreaming of what might be true, we would still depend on witch doctors. If it were not for that great subjectivist, Christopher Columbus, we might all still be living in Europe. But for those early philosopher-scientists who speculated and questioned and were skeptical, we would still be secure in the certainty that the earth is flat, that it is the center of the universe, and that thunderstorms are the punishment meted out by vengeful spirits.

Thus, subjectivity is the mark of the original and independent mind reasoning inductively, creating instinctively. Objectivity is the mark of the dependent mind—ever-dependent on the ideas and creations of others.

How smug that must sound! In thus separating the sheep from the goats it seems to be the ultimate put-down. And then we remind ourselves that the subjective life is not a nostrum for all ills. The arts cannot guarantee a cheerful disposition, and in fact artists sometimes seem inaccountably intolerable to live with! They cannot ward off discomfort or tragedy; in fact, he who is sensitive to beauty—who has, as it were, the touch of the poet—is at least as deeply wounded by mediocrity and ugliness as he is transported by excellence and beauty. But I am using the passive mode, the mode of the spectator. Let me slip into the active—as in the act of creating, and in so doing, change to the declarative statements, "I am . . . therefore, I can . . . I must . . . I shall."

Sooner or later, we confront the age-old metaphorical dwellingplaces for objectivity—i.e., the market-place—and subjectivity—i.e., the ivory tower. We compare the applied arts and sciences of the grotesque world of advertising with the subjective worlds of Mozart, of Praxiteles, of Picasso. And now, at last, we come face-to-face with the question: but how can you measure what you have done?

The implication is that what is measurable, and only what is measurable, is capable of objective and therefore truthful judgment. So measurement itself becomes a kind of standard; or more precisely, the tools for measuring—the slide rule, scales, adding machine, abacus—are, in a way, holy vessels, artifacts in the sacred ceremony of determining the truth.

It works for advertising, because a given series of paintings or photographs, with the accompanying literary effort, either sells the product or service or it doesn't. The same with TV commercials: they may contain acting, dancing, music, design. But they either make it or they don't in terms of the market. What better way of judging the truth of this art-form?

Then apply the same computer, slide rule and adding machine to Stravinsky. Make a test-run on Shakespeare. Better still, order a print-out of a dozen living painters, composers, choreographers and sculptors, to determine which ones will be rediscovered a century hence, as Mendelssohn discovered Bach and started him on the road to posthumous success.

So long as the science of randomness is a measuring rod of the future, it is possible to predict that certain combinations of numbers are bound to come up sooner or later—not only at the racetrack, and not only numbers, but also words, color-combinations and notes. Thus, if Beethoven had not thought of his Fifth Symphony, someone, somewhere, based on randomness alone, would have come up with it, or something very like it. Of course, in that case we might have had to settle for a 3-note introduction.

We think of objectivity as the search for facts—the truth, the whole truth and nothing but the truth. Yet the truth is as elusive as a tear-drop of mercury. Consider the truth of death as the termination of life.

It is certain, final, the end. Apply the five senses to it: Can it see? No. Hear? Feel? Smell? Taste? Definitely not. It cannot move, and it will inevitably return to dust. So death is the end of life. In Edward Albee's words, it is "All Over."

Or is it? The living do not die so quickly—they change into deeds of valor, of kindness of wisdom, of beauty. Henry V is not dead. Nor is Brahms. Nor Rembrandt.

Death is nothing but an objective fact. But subjectively, life exists in the mind of the beholder. Just as mortality is an objective truth, so immortality is a subjective truth.

You who are involved in the arts and humanities deal in life itself. You who conserve creations of the past and explain them as part of present greatness, deal in the continuum of life. You have climbed that long spiral staircase—high above the market-place—up into your ivory tower of subjective thought, where the mind is trained not just to accept the present, but to challenge it, and to create the future.

It is high, it is lonely, and a little dangerous. But the view is breathtakingly limitless. You who are attracted by the stars, go to your own particular ivory tower, where the world and the future are in your own mind; where the direct experiences of the soul—of joy and grief, of hope and fear—await you; where hover the spirits of Aristotle, of Leonardo, of Bach, of Thomas Jefferson, of Frederick Douglass and Einstein.

With these subjectivists for companions, how could you ever be lonely?

PERSONAL ANNOUNCEMENT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, on Monday, November 1, I was necessarily absent from the House Chamber because I was in my district on previously scheduled important business for constituents.

A number of rollcall votes were taken on bills which were brought up under suspension of the rules—a procedure ordinarily reserved for noncontroversial measures.

I would like to announce that if I had been present, I would have voted in the following manner:

Roll No. 329, H.R. 2266, Emergency School Aid Act, I would have voted "yea."

Roll No. 330, H.R. 9961, credit union share insurance amendments, I would have voted "yea."

Roll No. 331, H.R. 8389, narcotic treatment in correctional institutions, I would have voted "yea."

Roll No. 332, H.R. 9180, temporary assignment of magistrates, I would have voted "yea."

Roll No. 333, H.R. 9323, amendments to the Narcotic Rehabilitation Act, I would have voted "yea."

Roll No. 333, H.R. 7854, amending the Small Reclamation Projects Act, would have voted "yea."

Roll No. 336, H.R. 11232, Farm Credit Act of 1971, I would have voted "yea."

Roll No. 338, Motion to adjourn, I would have voted "nay."

NEVER TOO OLD TO BE SUCCESSFUL

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 60 minutes.

Mr. RANDALL. Mr. Speaker, just before the beginning of the August recess the Special Studies Subcommittee of the House Committee on Government Operations, of which it is my honor to serve as chairman, was assigned the task of conducting comprehensive hearings on the problems of the aging. During the entire months of September and October we have been pursuing that effort, hearing witnesses both from within and outside of Government.

Perhaps one of the most useful witnesses, but certainly the most colorful and without a doubt the most inspiring of all of the long parade of witnesses summoned before our Subcommittee on the Aging is Col. Harland Sanders of Shelbyville, Ky. Who is Colonel Sanders? Well, as you might guess, he is the Kentucky fried chicken king.

Now 81 years old, he was a small businessman in Corbin, Ky., about 20 years ago when he began to suffer a series of personal reversals, all of which seriously reduced his circumstances about the time of his 65th birthday. The record will show that Colonel Sanders used his first social security benefit check to serve as a means to finance a road trip to try to sell his now famous fried chicken recipe. From that first trip has grown a business empire no longer confined to the United States alone but international in scope.

I suppose the appearance of Colonel Sanders best tells the story of how one man refused to let himself be put on the shelf during the later years of his life. In my judgment, this story should become the source of tremendous encouragement to thousands of other men and women who, upon reaching the age of 60 or 65, are convinced they have the energy, ambition, and drive to refuse to accept the thinking of modern society which now dictates retirement in terms of age alone.

For my part, as chairman of the subcommittee, I realized from the very moment Colonel Sanders began his visit with us that he would not only be our most distinguished witness to date, but I quickly realized what a privilege and honor it was to have a man like the colonel as a witness. It was immediately

apparent that a man like Colonel Sanders had little need for the work of our subcommittee, which has as its objective to improve the condition of the aging in our population. Instead, I saw we had need for his advice and counsel.

I became thoroughly convinced in a very short time that our committee could do all of our people a service by spreading the story of the colonel's record of success. His life story should serve as a most unusual measure of inspiration for all other senior citizens who remain reluctant to surrender their usefulness and productivity simply because of the passing of time.

I am sure the other members of my subcommittee share the view of their chairman that, up to now, far too little encouragement has been given to our senior citizens who retain their physical capability to embark upon a second career at the time they reach the accepted age of retirement.

Mr. Speaker, the prepared statement of Colonel Sanders which he read before our subcommittee on the aging was embellished by many extemporaneous personal references throughout all of the time he sat in the witness chair. He told of the time when, as a young boy, he held a job that paid only $2 a month. I must have misunderstood him, surely he must have said $2 a week. But anyhow, he said he received his board as part compensation. To make matters worse he was fired from that job and when he went home he was given a tongue lashing by his mother who said she was sad that her oldest child could not even hold such a low-paying job. The colonel was quick to point out that he learned from this reprimand by his mother that if he were ever to land another job again he intended to keep it. Well, he did get another job. It was milking cows. But he had a difficult time keeping even this job because it seemed that he was assigned only the cows, which were sore titted or those which were called kickers.

The next time he found himself out of work, through no fault of his own, he decided to take stock to try to see what he had been doing wrong. It was then he became an avid reader of the late Will Rogers. At an early age he adopted the philosophy that life must really begin at 40. One thing we all learned from our distinguished witness in that each time he suffered an adversity, he took stock of what he had not been doing right and not only where he had failed but why he had failed.

Finally he said he decided to start out operating a service station, selling gasoline, with a small six-chair restaurant in conjunction. Because of his low income and financial limitations he recalls that one time he traded some live chickens in order to buy gasoline to sell at his service station. Because of his specialty, his famous fried chicken, he was able to expand his dining room to a capacity of 140 and obtained the blessings of Duncan Hines who endorsed his restaurant as one of the finest in the State of Kentucky. Because of another stroke of good fortune the interstate route in that area was located just west of his business. But even with this good luck Colonel Sanders did not lower his standards so to speak, because he determined to keep his fried chicken the best available anywhere. He continued in the belief that one should never worry about competition as long as he possessed a good product to sell. In other words, he made up his mind to beat his competition not by any gimmicks or underhand methods, but to beat them on merit by having the best product available anywhere to sell to the public.

Colonel Sanders told us he firmly believes in taking care of his own health. He related that he enjoys perfect health today with the exception of some infrequent arthritis. I may be wrong but I cannot help but believe that it is his mental outlook, or I should say, his personal philosophy that has a great deal to do with his good physical health and also his good mental health. He recited for the committee that in his 80 years of life he had suffered many disappointments. But he pointed out that every time he had been knocked down he believed he got up stronger than before he went down. Those of us on the committee, and particularly the chairman, immediately recognized that it is this kind of attitude that provides one of the best definitions of true intelligence in a human being and that is the ability to benefit from experience.

In introducing Colonel Sanders to the committee, as chairman of the subcommittee, I asked forgiveness of the members of the committee to make reference to a personal experience, by alluding to a conversation long ago with my dear, old, grandmother, who lived to be over 90 years of age. I pointed out that when she was cautioned about working too hard or moving too fast in her later years, her stock rejoinder was:

> William, I would rather wear out than rust out.

By pure coincidence, and without seeing beforehand the prepared statement of Colonel Sanders, it was interesting to note that he used almost the same words as my grandmother.

One of the members of our subcommittee pointed out that today the elderly constitute one out of five in our total population. Unfortunately, most of our elderly do not have the same determination possessed by the colonel. In the question period afforded to interrogate Colonel Sanders it was suggested that some people are not as resourceful as he was. It was pointed out there is a serious problem for the aging because social security cannot keep up with inflation. The reply of Colonel Sanders was that he did not regard himself as especially resourceful or exceptional but, rather, that the good Lord gave us all some native abilities to use or to neglect to use as the case might be and in this regard he recalled the time he was laid off from the Southern Railroad. He admitted he had a rough time after the loss of this job but he did not cry for help. He figured it was his own job to take care of himself. So he went to the library to do a little personal research to find out what job or jobs he might train himself for. Although he had worked for the railroad he asked no quarter from his former employer. Rather, he travelled about for some time in hobo fashion on the rods and sometimes riding the gondolas. From his travels he finally found a financial backer who would lend him some money to go into business. According to his testimony he borrowed $5,500 with no security except a promise to give the lender one-third of the profits from his fried chicken business.

Even to this day Colonel Sanders disclaims the prevailing belief he has some special recipe or some extraordinary formula to cook fried chicken. This demonstrates the modesty of the man because he has in fact, made his famous recipe the foundation of one of the largest and perhaps the most attractive franchise operations in the world.

There are so many exceptional personal attributes to Colonel Sanders that it takes quite a while to survey the list, let alone comment upon each of them. He believes in scouting. He was one of the first and foremost advocates of the Boy Scout movement and even today he proudly wears on his lapel the scout emblem. While he may be best known as one whose famous fried chicken is finger-licking good, he could also, with complete justification, be honored as the father of the concept of our modern present-day motels. The colonel testified that he learned very early that the expenditure of just a little bit more money for wall-to-wall carpets would increase the occupancy rate of his rooms and by adding a few more conveniences such as sound insulation he was able to attain from the very beginning a better than 60 percent occupancy and later on in his career as a motel operator he went through an entire 4-year period without the vacancy of a single room for a single night in the motel he operated.

It was most interesting to listen to the story of how he chose the managers for his chain of motels. He told us that he always showed a preference for older, more mature persons as managers for his places of business. When asked by one member of the committee if he could find enough older persons who were responsible and able to do the job he answered in the affirmative. In many instances he said he followed the pattern of employing a widow woman who was left to support four or five children. He concluded that no one would marry her, and as long as he paid her a living wage he could be assured of a good manager. Carrying his belief in the employment of older persons a step further, he said he always tried to employ a man who had either a big family or a lot of poor in-laws because he knew such a man would have no alternative but to work in order to look after his family and in many instances, support his children and even his grandchildren.

We have all heard that a man's word should be as good as his bond. This the colonel said he firmly believes in. Many of his franchise contracts have been sealed with no more than a handshake. He said he has found that older persons are more nearly honest than the youth or young persons of today and if they seal a deal with a handshake, you can

depend on it, that our senior citizens will fulfill their promises.

In an effort to greatly summarize the colonel's testimony before our committee it should be added that the colonel does not use one of Kentucky's most famous products known as Kentucky bourbon. Nor does he use what may be its next most famous product, tobacco. He apologizes for his failure to use what he calls booze and also for his failure to use tobacco and confesses that he has not been a good salesman for the State of Kentucky. He even admits to having some vices. He agrees that he once cussed a lot, but has stopped. Not long ago he made a slip and used some little bit of profanity. One of his associates who heard this commented that the language sounded a little like cuss words. Standing close by was a third party who remarked, "You ought to have heard the colonel before he quit cussing."

Once he studied law because he was a great admirer of Clarence Darrow who, we all know, came into Kentucky to try some famous law suits. In this regard it should be recalled that Clarence Darrow, way back in the summer of 1925, participated in the famous Scopes monkey trial in Kentucky. It should be recalled that Clarence Darrow represented Mr. Scopes with William Jennings Bryan across the counsel table as a kind of special prosecutor aiding the State prosecuting attorney to try to convict Mr. Scopes of the crime of teaching the scientific theory of evolution, that man is closely related to the monkey. Colonel Sanders never passed the bar although he did earn a law degree.

The colonel was quite adamant in his judgment that simply because one becomes 65 years of age there has to be compulsory retirement. He argues there should be no such thing as mandatory retirement at any age. In this day and age when there may be some doubts among even the middle aged certainly among our senior citizens concerning the activities of the militant youth of this country and whether or not they can ever be rehabilitated or adjusted in time to become the responsible citizens of tomorrow, the colonel was of the strong belief that in the meantime we should continue to use the mature judgment, experience and wisdom of our older citizens. He believes there may not be enough young persons around or available to with the equal measure of maturity and experience, as our older citizens.

Today was a most interesting session of our committee on the aging; Colonel Sanders said that only yesterday he was an active participant in the gubernatoral election in Kentucky. We all cautioned him in a friendly way he should not extend himself too far. As chairman of the committee I recalled for the benefit of those in the hearing room the case of the late Senator Theodore Green of Rhode Island, who would not leave the other body of Congress until he was 93. Even until his last years he walked 3 miles each day to and from the Capitol. At the age of 91 he was heard to complain to his doctor when he was asked to give up high-diving, but nonetheless even at 91 continued his wrestling twice a week.

As a reaction to the testimony of our distinguished witness that at 81 he had no intention of slowing down the Chair commented that perhaps he was following the path of Amos Alonzo Stagg, the most famous of all football coaches who, when he observed his 100th birthday, thought he might live forever. When he was interrogated about the meaning of such a statement, his reply was in the form of a question as he asked:

How many men have you ever heard of who die after they are 100 years old?

The formal statement of Colonel Sanders carried the heading, "Some Thoughts on Aging and Retirement." It is my personal privilege and high honor at this time to read, for the benefit of all of my colleagues in the House and all of those who may have access to the CONGRESSIONAL RECORD, his testimony as we received it verbatim before the Special Studies Subcommittee which it is my special pleasure to chair. We may not ever become known as the House Committee on the Aging, because we do have other assignments. However we will devote our time this winter, next spring, and even next summer to the problems of the aging. I now proudly include Colonel Sanders most excellent testimony entitled, "Some Thoughts on Aging and Retirement":

SOME THOUGHTS ON AGING AND RETIREMENT

Many of us are surviving to older ages. We must make this survival worth while. To do so dictates that we do some deep thinking and planning. As for myself, I never plan to retire even though I am in my 82nd year and I personally believe one will "rust out quicker than he will wear out," but for those that are forced into retirement, it should mean only that to retire is merely stop doing one thing and start doing something else.

We now have some ground to stand on and we need only—as Archimedes demanded when he threatened to move the earth—a fulcrum and a lever. The fulcrum can be our accumulated wisdom, and the lever is our will to apply it.

Reaching retirement age does not mean that men and women can be turned out to pasture—provided with food and clothing and a roof over their heads. Advancing age has been written about in textbooks, analyzed in test tubes and debated by educationalists. It would almost seem that retirement could be taken like a doctor's prescription; a simple following of the instructions. But it is not so. Every person is an individual with his own sense of values and of the fitness of things. Every person has to assess his own possibilities, set his own goal and prepare himself to reach it.

STARTING WITH ADVANTAGES

One should not plan their retirement in the spirit of being deprived of something, but in the spirit of having something added to your life. You are not starting out from nothing, but from the point at which you have assimilated the lessons of half a century. Those years are a crown to wear.

By retirement time we have lost some of the fears and insecurities that plagued our youth, and now we have achieved perspective.

This maturity has a special significance. It is time for us to put in effect a wisdom about life that is unattainable at any previous age. Some doors have been closed by the decline of our physical strength, or by the loss of momentum; but new doors have been opened by our maturity. We have had our quota of disappointments and burned fingers and they have added up to the prudence by which we know how to distinguish the character of troubles and for choice to take the lesser evils. Our judgment is keen and we take a coherent view of life.

CHOOSING A PATH

Quoting Lord Chesterfield, who said: "There is no greater cause of Melancholy than idleness." He further described it as, "the refuge of weak minds and the holiday of fools."

Whatever other privileges we surrender, we retain the right to be useful and the right to dignity.

Use discrimination. It might show poor judgement if we were to seize upon the first post-retirement enterprise that offers itself.

It is said, "second thoughts are best." Perhaps third or fourth might be better.

Recall that when Socrates saw various articles spread out for sale, he exclaimed, "How much there is in the world that I do not want."

We must be positive in our choice and don't be against things so much as we are for things. We write our own passports and put visas on them for the special things we wish to experience. They should be pleasant things.

Even if we can afford it, we should not rely on loafing. Life does not have to be easy to be wonderful.

Our choice of what to do should include something involving work. The life role given Adam in the Garden of Eden was not that he should work until retirement age, but "till thou return unto the ground."

Dynamic retirement should be our aim. We should wish to get up every morning with the feeling that we have something to do, not as a means of livelihood, but for our physical health and mental welfare and our happiness.

There are so many variations of what can be done it's impossible to continue writing and explore them all. One should make a plan, leaving ourselves alternatives, seeking variety. It is a chance to develop original ideas. "This wise man, said Andre Gide, the Nobel Prize winning French novelist, is he who constantly wonders afresh—for him the world is always being born again."

Make the most of what we have; wherever we go, go with our whole heart; keep our eye on what's coming up, not what's slipping by; do not let the minutes rust away.

Let us remember the words of Robert Browning who said—"Grow old along with me; the best is yet to be—The last of life for which the first was made."

ADEQUATE INCOME FOR THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, to continue the discussion begun Tuesday of this week on the whole range of problems facing the elderly in this Nation of ours, I have chosen to devote my discussion today entirely to what I feel is their major concern, that is, an adequate income to enable them to face old age with dignity and peace of mind. Private pension plans have been the subject of extensive hearings on the Senate side and I am hopeful that before this Congress finishes its business, it will get around to considering significant reform legislation—something which has been

long overdue in this area. Anything as vital as pension plans are to the lives of our citizens is a proper area of concern to Congress. National standards and regulations have been needed for some time to curb the glaring abuses and short changing which many of our citizens have received under pension plans on which they had based their full trust and confidence for security in their final years. The real tragedy of the present situation is that far too often individuals only discover the hidden clauses and the inadequate income they are dependent on when it is too late and they are, in fact, living off their pensions. The cases of those who have lost pension benefits under plans to which they had contributed over their working years significant amounts, simply because they transferred jobs a few years before retirement or lost their job, are shockingly frequent and I, for one, am going to insist on tough Federal laws in this area.

There is also much to be done in the area of tax relief for income derived from pensions. At present, there are countless bills filed which address themselves separately to pensions of Federal employees, pensions of public employees, pensions of teachers, pensions of military—the very fact of such a wide range of professions and occupations behind all these bills indicates to me the need is great for an across-the-board, complete revision of taxation of pension income for every American—Treasury Department footdragging, notwithstanding. It is time that the Government stopped concentrating on potential loss of revenue resulting from needed reform in one area and ignoring the cost to the taxpayer that results from welfare payments and public assistance in order to support those with inadequate income. Again and again in these speeches, I find it necessary to conclude that one of the serious shortcomings of our present patchwork approach to the problems of the elderly is that at no time does the Federal Government seem to have sat down, either at Cabinet level or in Congress, and conducted an across-the-board review of existing programs as well as tax policies. If the total picture were before our Congressmen and department officials, I feel certain that much of the opposition to individual reforms in programs affecting the elderly would evaporate. The fact is that compartmentalization of interests between Government departments and in Congress between committees have resulted, I feel, in a fragmentation of outlook and approach to the problems of the elderly. Conferences on aging at the State and now at the national level are focusing on the broad outlook, but none of these conferences have led to a genuine departure from the traditional approach to the problems of the elderly. Somewhere between the conference halls and the corridors of power, the vision is narrowed and the outlook is fogged.

As far as I am concerned, at the very root of the problem of inadequate income for our elderly is the continued reliance on the social security system as it has operated since that historic day in 1935 when President Franklin D. Roosevelt signed the Social Security Act into law. The world the elderly face today is a far different world from that which they faced in 1935, and yet, it is the approach embodied in the act of 1935 which still governs our national attitude to the problem of adequate income for the elderly. The fact is that even historic landmark legislation, and no one can challenge the Social Security Act of 1935 as being just this—the fact is that even landmark legislation needs to be reviewed and reexamined and, I maintain, reformed after years of service to the needs of this Nation. The first fact which we, in Congress, must recognize and accept, like it or not, is that for the overwhelming majority of Americans past 65, social security checks have become essential to their financial security and wellbeing. For millions, social security checks constitute the only constant reliable source of income to meet all their needs in old age. It is time that Congress, therefore, stopped kidding itself into thinking that social security checks provide that "little extra" or are "supplements" to the income of the aged. Statistics, while incomplete, give every indication that more than 50 percent of our population over 65 is totally dependent on income received from social security checks. This fact of life, more than any other, convinces me that as presently structured, our social security benefits are totally inadequate to meet the needs of the day.

When the President signed into law the most recent social security bill back in March, it was received with less than unbounded joy in professional circles devoted to the needs of the elderly. Similarly, the 5-percent increase contained in H.R. 1, now before the Senate Finance Committee, produced little excitement and few sighs of relief were heard around the Nation when it passed the House. In other words, depending on the fate of H.R. 1, Congress will have passed a total of 15 percent in increased benefits this year and yet, the amount is dismissed as inadequate by those most affected. Are our elderly being ungrateful or greedy in doing so? The answer is a definite, "No." A moment's examination of the effect of even a 15-percent increase in social security benefits for those living on the minimum or near-minimum benefit payment level would reveal how woefully inadequate or how very little difference a 15-percent increase will make in their struggle to make ends meet. What does a 15-percent increase of $64 a month amount to? A paltry $9.60. How can any individual facing the prospect of getting along on the grand sum of $73.60 be exactly overjoyed and elated at the prospect. Sure, $73 is better than $64, but how much better? How much better off can we really believe someone trying to live off $73 really is? Or take a couple trying to live on $96 a month, the minimum benefit level at the start of 1971. Sure, $110.40 is better than $96. But how much better? Whatever the average in the statistical tables turns out to be, the fact is the average contains countless individuals and couples who are dependent upon the lowest benefit level of payments. Surveys show that of those beneficiaries receiving the minimum benefit, 50 percent of the couples, 70 percent of the unmarried men, 76 percent of the unmarried women workers, and 84 percent of the widow beneficiaries were living in poverty.

Consequently, I have concluded after years of watching the 5 and 10 percent increases work their way through Congress with little real improvement in benefit levels, when all has been said and done, without any real improvement in the standard of living of those totally dependent upon social security payments. I have concluded that what is needed is at least a 50-percent across-the-board increase in social security benefits. For the past several years, I have filed legislation that would do just this. As of the moment, 63 of my colleagues have joined me in cosponsoring this legislation. Yet every time I reintroduce this bill or draw the attention of my colleagues to its existence, I hear the reaction it produces. This man is whistling in the dark, they say; 50 percent—impossible. Since I introduced the legislation, we have had three different increases in social security benefits, which will total 30 percent if H.R. 1 is passed in its present form by the Senate. As far as I am concerned, these three separate increases, however, have just barely kept up with the rate of inflation and have really not materially improved the real standard of living of those dependent on social security benefits.

Consequently, I can stand in this well today and advocate once again a 50-percent increase, because it will take an increase of at least this magnitude to bring many of the recipients of social security to the point where they at least have their heads above water. Even then, few of them will be able to hold their heads high in any real sense or attain the financial security so necessary to human dignity. People talk about a cost-of-living escalator. Like so much else that has been suggested to reform social security, it is a reform which is long overdue. However, let the buyer beware, for it would be one of the most serious mistakes the elderly in this country could make to accept the automatic cost-of-living escalator as the complete answer to their problems. In effect, if the cost-of-living escalator is all that those living on social security benefits have to look forward to in the future, then in effect they will have been locked in at their present poverty level. It will be difficult to convince Congress to intervene dramatically once the idea takes hold that automatic adjustments to increases in cost of living will take care of future needs of the elderly. It is for this reason that I have been so vocal in recent months on the need for a dramatic increase in benefit level before the automatic cost-of-living increase escalator clause goes into effect. All the cost-of-living increase mechanism will do is to guarantee the future maintenance of the present woefully inadequate levels of income to the elderly.

Of course, I realize that what frightens most people about my proposal to increase social security benefits by 50 percent, including some of those on social security, is the price tag. Already the

social security taxes are slated to increase dramatically in the months ahead. My answer to these men of more fear than vision is that they have not studied my proposal in its entirety. I am fully cognizant of the cost that a 50-percent increase will mean for the social security system. It is for this reason that I have proposed a new formula for tax assessment which would change the present method of assessing the employer 50 percent and the employee 50 percent of the cost of administering social security. Under my proposal one-third of the cost would be borne by the employer, one-third by the employee, and one-third by General Revenues of the Federal Government. This would give the social security system access to a much broader tax base than it enjoys at present, with today's employers and employees bearing the whole burden on their own shoulders. Meanwhile, it is clear that our social security system has changed radically from the days when this formula was first adopted, back in 1935. Social security, as I have indicated, has become the only source of revenue to millions around the country and, in effect, is performing the task formerly borne by local and State welfare systems and, indeed, has in many ways supplanted private family support for the elderly.

This is, in fact, the method used in most industrialized countries of Europe. The approach makes sense because the general revenues would realize substantial savings in reduced public assistance and welfare contributions, as those receiving social security checks would be receiving substantially greater income. The psychological desirability of this approach to supporting the elderly is hard to challenge. What older persons today would not prefer to look to social security checks exclusively for income instead of having to file for public assistance and welfare. Think of how much more this will add to the dignity of old age, while at the same time taking some of the burden off the already overworked social service workers and local and Federal welfare systems.

As far as the fears of those who worry about increasing social security benefits substantially because some receive income from private pension plans in addition to social security payments, all I can say is that this problem should not be beyond the imagination of Congress and the IRS to solve. For too long now this small fear has kept Congress from addressing itself to the millions who in fact are totally dependent upon social security for their very livelihood.

As I stand here today, I feel more certain than ever before that time is on my side. Ultimately, Congress will have to significantly increase the benefit level under social security. My argument is why continue to sacrifice the present generation of elderly any longer? Why not move now and with grace and nobility accept the inevitable? Indications are that experts within and without the administration have pretty much decided that it is time for another barrier to real progress under the social security system to go. For years, administrations and Congress have lived under the illusion that the social security system had to make a profit each year if it was to remain fiscally sound. Not that it ever did, mind you; just that it ought to. In fact, for years now the most that the reserve of trust funds has been able to accumulate is about 13 months worth of payments with which to face the unlikely event that no more contributions would be coming into the system. If I can contribute in any small way today to encouraging long overdue departure from this depression-era thinking about the funding of our social security system, I would feel I had accomplished quite a bit indeed. I can honestly think of no more serious roadblock to progress over the years than this outdated thinking. It is this thinking which has fostered the belief that for every increase in benefit payments, there had to be an equal, if not greater, increase in social security taxes.

Those working today felt that they were being asked to bear an undue proportion of the increasing burden of social security payments. Worse still, it encouraged the depressing thought that social security taxes had nowhere else to go but up and up, and that by the time today's wage earners were ready to receive benefits, the whole system might collapse because of the unbearable tax burden which would face future generations, not yet working.

At present social security taxes are scheduled, because of this thinking, to rise from 5.2 percent to 7.4 percent by 1977. In my opinion, if the present accounting system is abandoned, the tax rate need rise no higher than the present level. Part of the problem since 1935 has been that the social security system has been administered on the assumption that wages do not rise, but remain level.

Obviously, under this kind of thinking every increase in benefits had to be accompanied by an increase in the social security taxes. The abandonment of this approach has been recommended by the social security system's own advisory council. From all that one can fathom about the inner workings of the administration, the idea is gaining support. I am including in the RECORD a copy of an excellent analysis of the significance of this revolution in thinking by the respected columnist, Vincent Burke of the Los Angeles Times. My only quarrel with his conclusions is that I do not feel that even by the year 2010 would there be the prospect of a marked increase in social security taxes if my recommendation to include general revenues in the tax formula were accepted. Otherwise, the article only confirms what many of us have been advocating for some time now.

As far as the income limitation is concerned, I can think of no more absurd example of outdated thinking than the present $1,680 ceiling on additional income, to be replaced by a $2,000 ceiling if the Senate passes H.R. 1. In the legislation which I have filed, I have recommended raising the ceiling to $3,000. I am not wedded, however, to this figure; as far as I am concerned it could be raised even further. The fact is that millions of people over 65 still have much to contribute to society. I see no reason why they should be forced to sit idly by, rather than lose their social security benefits which they justifiably feel they have earned over the years. Under the present system, the only people discouraged from being productive are those who could use the money the most. Anyone who can draw down in excess of $10,000 or $12,000 a year is certainly not going to worry about losing a couple of thousand dollars in social security benefits. The one who does worry about losing social security benefits is the one who would be earning a very small income—certainly $3,000 a year is a small income. The present system works as a complete discouragement to anyone over 65 being in any way productive and trying to stay off welfare. Again, fears of serious abuse were the income ceiling to be raised, I feel are grossly exaggerated and even if a real threat, it should not be beyond the ingenuity of Congress to come up with a better safeguard against abuse than the present flat prohibition and discouragement to be productive.

In conclusion, the present system, because of its very survival, has probably been proved more successful than any of its creators had reason to imagine. But, even the good things in life have a way of growing old and outdated, of requiring repair and revision every so often. The social security system is no exception. For good or for bad, the country today is not the same Nation we knew in 1935. Families are not as closely knit, do not take care of their own to the extent they did in other generations. More and more have come to rely on the social security system for their only source of income. These are the facts, not something which I am advocating or encouraging. The time has come for the conservatives among us to face reality, not to continue to tell those so unfortunate as to be in this predicament, that they should not be there. It is certainly within the realm of this country's capabilities that it can provide at least the degree of security and comfort that other industrialized nations of the west are able to. Since 1935, all of us have accepted the fact that the Government has a major role to play in the security of all our citizens. What was once anathema has become a way of life. It is now time to put away the fears of the 1930's, to stop holding back where our elderly are concerned, to put away small town accounting methods where a major national program is concerned; in short, to abandon the methods of the past and face the realities of the present. If this is done, then social security not only will do the job, but I am convinced will do the job better than any other known approach to the problems of providing our elderly with a decent income.

The above-mentioned article follows:

THE 1972 SOCIAL SECURITY DIVIDEND EYE

(By Vincent J. Burke)

Confronted with evidence that cash benefits of the Social Security System are overfinanced for the next 40 years, the Nixon administration is considering asking Congress to declare an election-year dividend.

The dividend could be used up entirely canceling a major portion—$20 billion a year—of the staggering load of new payroll taxes scheduled to be imposed in the coming decade.

But it seems more likely that political pressures would dictate that a share of the dividend be passed out to beneficiaries in the form of an election-year increase in benefit payments.

The extraordinary plan—which President Nixon probably will find politically irresistible—would produce an acturial surplus in the Social Security trust fund by shifting the system to a less conservative method of accounting in determining whether the fund is in balance.

STARTING IN 2010

The new method of accounting would, however, require sharp increases in tax rates, starting in the year 2010, when the present generation of American youth starts going on the benefit rolls.

If the new method should be enacted, and all of the "dividend" applied to erasing future tax increases, it would have this effect on Social Security taxes:

Tax rates—At present employees and their employers each pay 5.2 per cent of covered earnings—and the rate would rise to 7.4 per cent by 1977 under terms of a House-passed Social Security liberalization. If the new accounting method should be enacted, there still would have to be one more quick increase in the tax rate to help cover a deficit in Medicare's hospitalization fund. But then the rate could be frozen for decades at 5.4 per cent.

Taxable earnings—The plan would not prevent a steady rise in the maximum Social Security tax. The amount of earnings subject to tax (now $7,800 and scheduled to rise next year to $9,000) would continue rising in future years. This would be necessary to provide cost-of-living increases for beneficiaries and cover rising hospitalization costs.

WAYS OF SPENDING

In theory, the "dividend" generated by the shift in accounting methods could be "spent" in three different ways:

1. All of it could be used to provide relief to this generation of workers and businessmen from a portion—$20 billion a year—of the additional Social Security taxes which now confront them in the coming decade. Even if this were done, the payroll tax of every worker and employer would still rise above today's level. But the increase would be much smaller than is now in prospect.

2. All of it could be used to provide an across the board increase of close to 50 per cent in cash benefits for the 26 million persons on the rolls (who include 20 million voters over 60). But there seems no chance that the administration or Congress would choose this option, since it would require the quick imposition of a staggering new load of Social Security taxes on every worker and employer and self-employed person covered by the program.

TWO-WAY ADJUSTMENT

3. A combination prospective tax and immediate benefit adjustment—the option with the greatest political appeal—would permit some increase in the election-year benefit boost of five per cent which the House already has voted to put into effect next July.

Under the present accounting method, the projections indicate that by the end of the decade a worker earning $15,000 might be paying 7.4 per cent of $15,000, or $1,110 in Social Security taxes. Under the new accounting method, this projected tax payment would drop to 5.4 per cent on $15,000, or $810.

The shift to the less conservative accounting method would require these two steps:

1. The pretense would be abandoned that the Social Security System will someday accumulate a gigantic retirement fund to help pay future benefits. As a matter of explicit policy, the retirement fund would operate in the future as it generally has in the past with only enough reserve to pay one year's benefit.

2. Future tax needs for the retirement fund would be projected on the assumption that wages (and prices) will rise, instead of remaining level for the next 75 years, the present conservative assumption.

BACKED BY COUNCIL

Both steps were unanimously recommended last spring by the Social Security System's advisory council whose members, broadly representative of the public, included spokesmen for business, labor and private insurance companies. Since then, the two-part plan has won the backing of the Social Security Administration and Elliot L. Richardson, Secretary of Health, Education and Welfare, and is being considered now at the Office of Management and Budget.

The first step is not controversial, but the second is opposed as imprudent by Robert J. Myers, former chief actuary of the Social Security System.

It is the second step that unlocks the door to the actuarial windfall. Because retirement benefits are weighted in favor of low-income workers, rising wages tend to produce a "profit" for the Social Security System over and above the amount needed to pay cost-of-living benefit increases.

Congress has used the profit from past wage rises to periodically liberalize benefits or postpone scheduled rises in tax rates. However, if the new accounting method were adopted, the actuarial profit achieved by projecting future rises in wages would be extracted from the retirement system in one fell swoop.

If this were done, Congress would have to boost current Social Security Tax rates whenever it chose to hike benefits above levels required to keep up with the cost of living. Rising wages could no longer be counted upon to generate profits in the Social Security System for Congress to use in periodically tinkering with liberalizing changes.

SORT OF PERPETUAL MOTION

Thereafter, if wages continued to rise almost twice as fast as prices (as they generally have in the past), the retirement system could operate for 40 years as a sort of perpetual motion machine. A benefit escalator would automatically boost benefits periodically to offset rises in the cost of living and a wage escalator would increase periodically the amount of wages subject to the payroll taxes. But there would be no need to hike the retirement fund's tax rates until 2,010.

This is conceivable only because there will be for 40 years a fairly constant ratio between the number of benefit-collectors (persons over 65) and the number of benefit-payers (persons 20 to 64).

However, starting in or about 2,010, this ratio will begin changing radically as the bumper crop of post World War II babies (today's youth under 26) begins going onto the benefit rolls. Then, the ratio of beneficiaries to taxpayers will rise sharply, requiring tax rates to be set higher, perhaps 25 to 30 per cent.

Presumably, the resistance of the taxpayers would escalate, accordingly. By then, however, persons over 65 would constitute a much greater portion of the voting populace—and would wield proportionately greater political power—than they do today.

THIRTEEN-MONTH RESERVE

Because it would destroy a fiction that is part of the mythology of Social Security, an announced decision to limit the future size of the retirement fund might trouble some Americans. But "pay-as-you-go" is the practice that has been followed for years. Money currently paid out to beneficiaries comes from taxes currently paid in by workers and employers. The fund now has a reserve big enough to pay only 13 months of benefits.

Myers, a nationally known actuary who developed cost projections for the Social Security System for several decades, objects switching to the rising wage method of projecting the system's tax needs because it assumes that wages in the future will continue to rise almost twice as fast as prices. (The difference being what economists call "productivity"). Myers says it's imprudent to assume future productivity gains will be anywhere as great as in the past and notes that in the last few years productivity gains have been almost non-existent.

But the proposal has gained support among business and labor representatives in Washington, a development that Rep. John W. Byrnes, of Wisconsin, senior Republican on the House Ways and Means Committee, finds deplorable, but understandable.

The "business guy thinks if he can postpone his taxes, that's great," Brynes said. "And labor unions want to avoid payroll tax increases and raise benefits by taxing money out of general revenues, making the system a welfare hybrid.

"The attitude seems to be that if we can postpone the day of reckoning, let's do it. Let somebody else worry about it. We have become a soft society. We want our cake and let's not pay for it."

COMMISSION ON PENAL REFORM

Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, today my distinguished colleague from Missouri (Mr. HUNGATE) and I are introducing a bill to establish a Commission on Penal Reform. We fully realize that one of the easiest things for a legislative body to do is to establish commissions for every conceivable purpose. We are entirely aware of the fact that countless commissions have filed countless reports with the Congress in the past only to have them collect dust—and to have their findings fade into oblivion.

However, in proposing a Commission on Penal Reform, Mr. Speaker, we are determined that such a commission—and the study it would undertake is absolutely essential. Its findings and recommendations could very well provide the impetus for the most sweeping reforms in the area of penology in the history of this country—perhaps in the history of the world.

In the 19th century, Fyodor Dostoyevsky wrote:

> It is acknowledged that neither convict prisons, nor the hulks, nor any system of hard labour ever cured a criminal.

Mr. Speaker, the sad irony is that our prisons are not curing criminals today any more than they were in 19th century Russia. They are without a doubt creating criminals out of first offenders and individuals whose foolish errors brought them into conflict with the law.

In a recent decision in the U.S. district court in Richmond, Va., Judge Robert R. Merhige ordered an end to the frequently arbitrary and cruel disciplinary practices which, in his words, were "representative of conditions existing gen-

erally throughout" the penal system. Judge Merhige cited a case where an inmate on a prison farm had screamed day and night for almost a full week during his stay in solitary confinement in August 1970. He screamed for help until he died on August 31, 1971—of sickle cell anemia, a slow and painful death.

Examples of such treatment can be found in any State in the Union—and simple decency demands that it be stopped. We have somehow lost the meaning of the word "rehabilitation"—which Webster defines "to restore to good repute."

Mr. Speaker, Attica was not the first reminder we have had that there is something sorely wrong with our penal system. And, I fear, it will not be the last. Let us not permit these painful reminders to pass without acting in the manner in which a civilized and compassionate people are expected to act.

Mr. Speaker, I fervently hope that Congress will act upon this proposal to establish a Commission on Penal Reform so that all who are incarcerated in our penal institutions will know that we are setting about to review and revise the forms of punishment which are daily visited upon them. In addition, we can make patently clear through such a commission—and its recommendations—that we are dedicated to devote our primary efforts toward crime prevention—and criminal rehabilitation.

Mr. Speaker, I am proud to have my distinguished colleague Mr. HUNGATE, who is one of our ablest lawyer Members of this body—as a cosponsor of this measure.

NATIONAL WEEK OF CONCERN

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, it has now been 7 years, 222 days since the capture on March 26, 1964, of Capt. Floyd Thompson, the first American taken prisoner in South Vietnam. Today more than 1,500 Americans are being held prisoner by the North Vietnamese and Vietcong.

Their welfare is no partisan concern. Humanitarians of every political persuasion are united in their efforts to secure the release of our prisoners and their speedy reunion with their families at home.

Very soon the Communists' excuse for refusing to discuss the return of American prisoners at the Paris peace talks will be eliminated through the steady withdrawal of American fighting men from South Vietnam. Hopefully, this situation will soften the enemy's inhumane policy toward the prisoners which violates the Geneva Convention.

Americans should not be allowed to forget the plight of these prisoners even as the war rapidly fades from public consciousness. A strong and steady expression of American public opinion and concern for the humane treatment of the prisoners can be an important persuasive argument with the North Vietnamese and Vietcong. Many House Members joined in sponsoring a resolution earlier this year calling for a National Week of Concern. Let us resolve to make the situation of our prisoners in Southeast Asia a daily concern for each of us.

THE AMCHITKA DELUSION

(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, no convincing justification has yet been offered the American public or the Congress for going ahead with the Cannikin nuclear test scheduled to take place under Amchitka Island in the Aleutians this week. The President and the courts have an opportunity to stop the test, but they have not seen fit to do so. They have ignored the pleas of friendly allied nations like Japan and Canada who have urged us not to undertake this threatening test. They have also ignored the concerns of millions of Americans, particularly in Hawaii and along the western coast, who oppose the test and who stand to suffer if anything goes wrong.

It is long past time we recognize that such nuclear tests as this contribute nothing to our national security. As the New York Times pointed out today in its lead editorial:

> Few things would strengthen the security of this planet more than abandonment of the delusion that American—or Russian—security is enhanced by such menacing underground weapons tests.

I strongly urge the President to reverse his past decisions and to stop the Cannikin test. The full text of the editorial follows:

THE AMCHITKA DELUSION

Sometime between Friday morning and early next week at the bottom of a huge hole more than a mile below the surface of the barren Aleutian island of Amchitka, the United States will be setting off an explosion of unimaginable power.

If all goes as planned by the weapons technicians, the earth itself will absorb the force of this test. The fantastic heat, the terrifying roar, the tearing, blasting, incomprehensible force—250 times more powerful than the explosion that destroyed Hiroshima—will be muffled and contained within the man-made shell 6,000 feet deep and the yielding encompassing earth outside.

The earth, as weapons technicians view it, is tough and durable. The earth, as many seismologists view it, is flawed and sensitive and unstable. Amchitka lies in an earthquake zone. If pessimists are right, "Cannikin," as this test is called, may set off a quake under the ocean floor. Then a fearsome wave of water would sweep across the North Pacific bringing death to coastal peoples wherever it touched land—Alaska or Japan or Canada or perhaps Hawaii.

Then again the man-made shaft may not hold. Some of the radioactivity may escape into the surrounding water and air. Seal and fish and birds would die. The waters would be deeply poisoned. Of course, the worst may not happen. It only happens now and then.

The probabilities are good that the test will be safe and successful. But the probabilities are also good that this device will never be needed in any defense strategy. Smaller multiple nuclear warheads now exist to do the job. The reasons for the test lie within that murky realm of diplomatic bluff and military intimidation and counter-intimidation which goes by the name of "security."

Unless the Court of Appeals for the District of Columbia orders a temporary halt, Cannikin will occur. President Nixon may be able to justify his judgment to himself although he has not yet justified it to the American people or to friendly, worried allies like Canada and Japan. But no President and no people can any longer justify these reckless gambles with the earth and sea and air. Amchitka seems far away but this planet is small and it fate in doubt.

Few things would strengthen the security of this planet more than abandonment of the delusion that American—or Russian—security is enhanced by such menacing underground weapons tests. The folly of Amchitka is the folly of a species that burns and poisons and blows up its only home.

BUSING AMENDMENT TEXT

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, the gentleman from Illinois (Mr. PUCINSKI) has announced that he will offer an amendment tomorrow which will substantially incorporate the provisions of the emergency desegregation bill which was defeated Monday. A number of improvements will be made and the objections we raised on Monday have, for the most part, been met. One glaring omission should be noted.

The proponents of this amendment would have us believe that the busing amendment contained therein would satisfy objections of those who are concerned about Federal busing schemes. I submit for the record that this is not correct. Their amendment clearly pertains only to the desegregation bill title. It would be entirely possible for HEW to utilize the $1.5 billion contained in that authorization for nonbusing uses and then spend money under other titles to launch any variety of busing schemes. We all know about the left and right pocket routine. A prohibition in the left pocket would not counter schemes financed from the right pocket.

The President says he does not approve of Federal expenditure for busing in racial schemes. Secretary Richardson says he does not approve of HEW funds for busing of this type. This amendment will accomplish that purpose once and for all and should be adopted.

I am offering an amendment not to the Pucinski amendment but to the General Education Provisions Act which appears in section 2002 on page 278. It would insert a new section 408 and read as follows:

Page 278, line 4, after "Sec. 2002." insert "(a)" and following line 19 insert:

"(b) Part A of the General Education Provisions Act is further amended by adding at the end thereof the following:

"PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

"SEC. 408. No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers in order to overcome racial imbalance in any school or school sys-

tem, or for the transportation of students or teachers in order to carry out a plan of racial desegregation of any school or school system."

Mr. Speaker, the amendment I am offering is designed to correct an omission in the General Education Provisions Act—which covers all programs administered by the Commissioner of Education—and to carry out the real intent of Congress that Federal funds should not be used for busing programs.

Section 422 of the act is entitled "Prohibition Against Federal Control of Education" and it has the standard language prohibiting controls over instruction, personnel, or the administration of school systems. At the end of that language there was added this further prohibition, that the various education acts could not be used "to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

That language is virtually meaningless, because none of the acts listed could be interpreted as making any such requirement in any event. Those requirements are made by the courts, or by the Secretary of Health, Education, and Welfare under title VI of the Civil Rights Act, or even by some State agency other than a court.

The loophole is that Federal funds in any number of programs might then be used for busing to carry out such requirements. My amendment would plug that loophole. It would come earlier in the act under provisions dealing with appropriated funds and their uses, and it would simply prohibit the use of Federal funds appropriated for any program administered by the Commissioner of Education—whether directly or by delegation—for the use of busing to overcome racial imbalance or to carry out desegregation plans. Transportation for any other purpose—such as for handicapped children—could be carried out with Federal funds if the particular act authorized such use.

Accordingly, this amendment very specifically and very carefully restricts the use of Federal education funds to educational programs, rather than busing students to achieve other purposes.

This would not duplicate any antibusing amendment adopted under the emergency school aid program because the House version of that bill places the authority in the Secretary and it might or might not be delegated to the Commissioner of Education. This amendment is also far broader in scope.

This busing amendment can be easily understood. If Members want to brush the matter under the rug and seek the supposedly safe sanctuary of the Pucinski busing amendment, let them do so. They are not really on record against busing for racial purposes. They are merely indicating that money from this one program, a relatively small proportion of the total Federal educational expenditure, shall not be used for busing.

In view of the need to improve the education of children in all of our schools, whatever their racial composition, I think that Federal funds should be restricted to educational purposes. So long as we permit the use of these funds for busing it is a major temptation to every Federal and State court, and even to State agencies, to order extensive and unpopular busing programs on the theory that the costs will be picked up by the Federal Government. My amendment would remove that temptation once and for all, and I urge its adoption.

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.

The greater demand of the American people to stay informed has prompted dramatic increases over the years in the number of persons employed by newspapers. Employment in newspapers in 1966 averaged 353,800, an increase of more than 42 percent since 1947.

INCREASE IN TERMINATION CHARGES ON URANIUM ENRICHMENT SERVICES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, for the information of my colleagues I should like to insert in the RECORD a copy of a committee resolution adopted by the Joint Committee on Atomic Energy on November 2, 1971. This resolution was adopted pursuant to the authority contained in section 161 v. of the Atomic Energy Act of 1954, as amended.

The resolution waives a waiting period contained in that section of the law relative to the time during which any proposed amendment to the AEC's uranium enrichment services criteria must lie before the Joint Committee before such amendment may be established. The proposed amendment was submitted to the Joint Committee on October 13, 1971, and would increase termination charges to customers for AEC's uranium enrichment services and the notice period by which enrichment services contracts may be terminated by the customer without incurring such termination charges. The committee carefully considered the proposed amendment and determined that it would be in the best interest of the United States for the proposed amendment to be established without further delay.

The resolution follows:

RESOLUTION—JOINT COMMITTEE ON ATOMIC ENERGY, NOVEMBER 2, 1971

To waive certain provisions of the Atomic Energy Act of 1954, as amended, so as to permit an amendment to the Atomic Energy Commission's Uranium Enrichment Services Criteria to be immediately established

Whereas, on October 13, 1971, the Atomic Energy Commission submitted to the Joint Committee on Atomic Energy, pursuant to subsection 161 v. of the Atomic Energy Act of 1954, as amended, a proposed amendment to the Uranium Enrichment Services Criteria; and

Whereas, Section 161 v. of the Atomic Energy Act of 1954, as amended, provides in effect that such amendments may not be established until forty-five days have expired while the Congress is in session after the submission of the amendment, without adverse action thereon by the Congress, and unless such period is waived by resolution of the Joint Committee on Atomic Energy; and

Whereas, the Joint Committee on Atomic Energy is satisfied that the proposed amendment is in keeping with the provisions of the Atomic Energy Act of 1954, as amended, and the legislative history thereof; and

Whereas, the Joint Committee on Atomic Energy recognizes that the early establishment of the proposed amendment would be in the best interests of the United States: Now, therefore, be it

Resolved by the Joint Committee on Atomic Energy of the United States Congress assembled,

That notwithstanding the provisions of section 161 v. of the Atomic Energy Act of 1954, as amended, which provides for a forty-five day waiting period before amendments to the Uranium Enrichment Services Criteria may be established, the proposed amendment submitted on October 13, 1971, by the Atomic Energy Commission, may be established at any time after the approval of this Resolution.

Approved by a majority of the Joint Committee on Atomic Energy, November 2, 1971.

CONGRESSMAN JAMES T. BROYHILL ANNOUNCES RESULTS OF HIS PUBLIC OPINION SURVEY ON NATIONAL ISSUES

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, for the past 9 years, I have conducted an annual opinion poll in my district in North Carolina. I have found the residents of the 10th District to be very receptive to the idea of an opinion poll since it affords them the opportunity to make their views known to me on many issues and events of national importance. I have found it helpful to know the feelings of my constituents in order to provide them the type of representation they deserve and one that best reflects their thinking. In June of this year, such a poll was taken of the 10th Congressional District of North Carolina and I would like to present the results of this survey to the Congress.

The poll consisted of 18 questions and presented a broad spectrum of issues that I believe to be of interest to the people of my district. As in the past, it was distributed through the mails to nearly every mailbox and home in the eight counties I represent. No attempt was made to restrict the poll to any one particular group and because of this, I feel that the results of the poll correctly reflect the prevailing opinion in the 10th District.

I was pleased at the number of people who responded, a total of 11,110. This year, for the first time I asked both husbands and wives to indicate their views. I am aware that there is often a differ-

ence of opinion on issues in the same family and I wanted to provide the opportunity for both views to be expressed.

Based on past experience, I knew that many who responded would not be satisfied with giving just a categorical "yes" or "no" answer to the questions. Thousands of comments and, in some cases, letters accompanied the survey. There is no way I can express these comments in statistical terms but they aided immeassurably in my understanding of the opinions of my constituents. I wish there were some way for me to give my colleagues here in the Congress a summary of the comments I received but this being impossible, I will discuss some of the major trends which these remarks have demonstrated.

Perhaps the most hotly debated subject in the United States this year has been the wage-price freeze that the President instituted in August. In a series of far-reaching ecoomic moves intended to curb inflation, excessive unemployment, Federal budget deficits, balance-of-trade deficits, and the lagging business investments, the President has begun a process that I believe will restore the confidence of every American in our economy The result of my poll, taken 2 months before the implementation of the wage-price program, show that there was strong support for such a policy. This response indicated to me that the American people are willing to accept economic controls in order that the Nation's economy can be brought back to a state that will benefit everyone in the country, and are willing to put the national good ahead of personal gain.

The war in Vietnam continues to occupy the thinking of Americans, despite the winding down of our military commitment. I asked my constituents if they would support a gradual withdrawal of U.S. troops from Vietnam and turning responsibility for defense over to the South Vietnamese. More than 80 percent supported such a policy. The people of the 10th District believe that after 10 years of U.S. support, our commitment has been filled and it is time to give the lead role back to South Vietnam.

The poll results also demonstrated that the present draft system is no longer an acceptable method of maintaining our military troop strength. One of the proposals put forth has been to substitute the draft lottery with an all-volunteer military. The armed services have been emphasizing the volunteer concept in order to obtain more enlistments and to cut down on the number of young men needed through the draft. I asked if a volunteer military force would be acceptable as an alternative to the draft, and nearly 60 percent responded that it would be. I, too, favor the volunteer system and have cosponsored legislation that would make it a reality.

The administration has put an emphasis on foreign policy in the past 2 years and I believe that the American people are responding to this emphasis by becoming more aware of foreign issues and the effect on our lives. Before the President's announcement that he would go to mainland China, I asked my constituents if they would favor a policy that would improve diplomatic and trade relations between the two countries. They responded with a definite yes. Our past policy toward mainland China has been examined by the American people and I am certain that they feel it is no longer feasible to ignore a country that contains one-fourth of the world's population. In an age when a small misunderstanding could touch off a nuclear holocaust, it is good that we seek to improve the relations between two of the world's superpowers.

Revenue sharing with the States by the Federal Government drew strong support, as did a program of Federal tax incentives to encourage new, job-creating industries in rural areas. Less support was indicated for a system that would guarantee a minimum income to every family provided that all able-bodied adults accepted jobs or job-training as a condition of receiving aid.

I would like to be able to discuss these results in detail with my colleagues in the House of Representatives, but I know that this would be difficult to do. The detailed results of the poll are as follows:

[In percent]

	His		Hers	
	Yes	No	Yes	No
1. Do you favor an all-volunteer military as an alternative to present draft lottery system?	61.3	38.7	56.1	43.9
2. Do you believe the Federal Government should share tax revenues with State and local governments to be used for public programs of their choice?	61.3	37.7	62.4	37.6
3. Do you think the United States should continue attempts to improve diplomatic and trade relations with mainland China?	77.0	23.0	65.3	34.7
4. Should the Federal Government guarantee that all persons are provided health insurance coverage, including the cost of an extended illness?	43.3	56.7	47.7	52.3
5. Would you be willing to pay more for products and services (autos, gasoline, electricity, etc.) if they could be made pollution free?	67.7	32.3	73.9	26.1
6. Do you support the present policy of gradual withdrawal of U.S. troops from Vietnam and turning over to the South Vietnamese responsibility for their own defense?	83.5	16.5	81.2	18.8
7. Would you approve Federal wage and price controls to curb inflation?	71.9	28.1	57.8	42.2
8. Should the Veterans' Administration provide drug treatment to rehabilitate veterans regardless of the type of discharge from military service they received?	68.1	31.9	71.1	28.9
9. Should Federal employees have the right to strike?	24.1	75.9	25.6	74.4
10. Do you favor the legalization of abortion by Federal law?	48.8	51.2	43.6	56.4
11. Should the United States increase the sale of planes and weapons to Israel?	52.9	47.1	44.1	55.9
12. Would you favor a program of Federal guarantees of loan repayment to major corporations (such as Lockheed) encountering serious financial difficulties?	27.7	72.3	27.9	72.1
13. Do you favor the establishment of a legal Services Corporation to provide legal services in noncriminal matters to persons unable to pay attorneys?	54.8	45.2	59.7	40.3
14. Should the United States continue development of an antiballistic missile (ABM) system?	75.8	24.2	72.0	28.0
15. Would you approve Federal legislation allowing only limited strikes in the railroad industry and providing for compulsory arbitration?	76.8	23.2	78.7	21.3
16. Do you favor increasing the Federal minimum wage to $2 per hour?	53.3	46.7	59.1	40.9
17. Would you support a program of Federal tax incentives to encourage new, job-creating industries in rural areas?	63.0	37.0	63.6	35.4
18. Do you support a system guaranteeing a minimum income to every family provided that able-bodied adults accept jobs or training as a condition of receiving aid?	52.3	47.7	54.7	45.3

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOSMER for November 4 to November 7, 1971, on account of official business of the Joint Committee on Atomic Energy.

Mr. BAKER (at the request of Mr. GERALD R. FORD) for November 3, 4, and 5, 1971, on account of official business, representing Tennessee at National Conference on Highway Safety.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD) from 3:30 p.m. today and balance of week on account of official business.

Mr. HANSEN of Idaho for November 4 to November 7 on account of official business of the Joint Committee on Atomic Energy.

Mr. MARTIN (at the request of Mr. GERALD R. FORD) from 3:30 p.m. today and balance of week on account of official business.

Mr. FOUNTAIN (at the request of Mr. BOGGS) from 6:15 p.m. until 12 noon November 4 on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUJAN) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. BLACKBURN for 5 minutes today.

Mr. HOGAN for 5 minutes today.

Mr. KEMP for 5 minutes today.

(The following Members (at the request of Mr. DAVIS of South Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO for 10 minutes today.

Mr. CONYERS for 60 minutes today.

Mr. GONZALEZ for 10 minutes today.

Mr. FULTON of Tennessee for 30 minutes today.

Mr. DANIELSON for 5 minutes today.

Mr. RANDALL for 60 minutes today.

Mr. BURKE of Massachusetts for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances, and to include extraneous material.

Mr. RANDALL, to revise and extend his remarks on H.R. 2 today prior to the vote on the Sebelius amendment.

Mr. RANDALL, to revise and extend his remarks today on the Erlenborn amendment to H.R. 7248, the Higher Education Act.

Mr. MITCHELL, and to include extraneous material.

Mr. RODINO, to extend his remarks on the House Concurrent Resolution 417.

(The following Members (at the request of Mr. LUJAN) and to include extraneous matter:)

Mr. MCKINNEY in two instances.
Mr. MILLS of Maryland.
Mr. SCHERLE.
Mr. SCHMITZ in four instances.
Mr. LLOYD in four instances.
Mr. HUTCHINSON.
Mr. HOSMER in three instances.
Mr. REID of New York.
Mr. VEYSEY in two instances.
Mr. STEIGER of Wisconsin in two instances.
Mr. WYMAN in two instances.
Mr. HUNT.
Mr. GOLDWATER.
Mr. DERWINSKI.
Mr. KEMP in two instances.
Mr. MORSE.
Mr. BOB WILSON in three instances.
Mr. MICHEL in two instances.
Mr. DUNCAN.
Mr. COLLINS of Texas in five instances.
MRS. HECKLER of Massachusetts in four instances.
Mr. PRICE of Texas in two instances.
Mr. HANSEN of Idaho.
Mr. BROOMFIELD.
Mr. SCHWENGEL in two instances.
Mr. KING in five instances.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. DINGELL in three instances.
Mr. DRINAN in three instances.
Mr. FISHER in three instances.
Mr. RODINO in three instances.
Mrs. HANSEN of Washington.
Mr. HARRINGTON.
Mr. RARICK in three instances.
Mr. BEGICH in five instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. KLUCZYNSKI in three instances.
Mr. FOUNTAIN in three instances.
Mr. PUCINSKI in six instances.
Mr. ADAMS in five instances.
Mr. MONTGOMERY in two instances.
Mr. MITCHELL in five instances.
Mr. WOLFF.
Mr. BRINKLEY in two instances.
Mr. DE LA GARZA in 10 instances.
Mr. ROY.
Mr. CELLER in two instances.
Mr. ROONEY of New York.
Mr. DOW.
Mr. DANIEL of Virginia in two instances.
Mr. WALDIE in six instances.
Mr. BINGHAM in three instances.
Mr. JAMES V. STANTON in two instances.
Mr. MURPHY of Illinois in two instances.
Mr. GALLAGHER.
Mr. BLATNIK in two instances.
Mr. YOUNG of Texas in three instances.
Mrs. SULLIVAN in five instances.
Mr. ANDERSON of Tennessee.
Mr. CHARLES H. WILSON in 10 instances.
Mrs. GREEN of Oregon.
Mr. O'HARA in two instances.
Mr. ANDERSON of California in two instances.
Mr. GREEN of Pennsylvania in four instances.
Mr. JONES of North Carolina in two instances.
Mr. MAHON.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on November 2, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 4590. An act to amend the Tariff Schedules of the United States with respect to the dutiable status of certain articles.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.) the House adjourned until tomorrow, Thursday, November 4, 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:

1250. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report covering January through June 1971, of Department of Defense military procurement actions for experimental, developmental, test, or research work negotiated under the provisions of 10 U.S.C. 2304(a)(11), and in the interest of national defense or industrial mobilization under the provisions of 10 U.S.C. 2304(a)(16) pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

1251. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1252. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in a certain case, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1253. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to reduce Federal costs under the law enforcement education program, Law Enforcement Assistance Administration, Department of Justice; 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. CELLER: Committee on the Judiciary. Senate Joint Resolution 132. Joint resolution extending the duration of copyright protection in certain cases (Rept. No. 92-605). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John; with an amendment (Rept. No. 92-604). Referred to the Committee of the Whole House.

Mr. MCMILLAN: Committee on the District of Columbia. H.R. 10677. A bill to incorporate in the District of Columbia the Gold Star Wives of America (Rept. No. 92-606). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, Mr. CEDERBERG, Mr. BURKE of Florida, Mr. SARBANES, Mr. PIRNIE, Mr. TIERNAN, Mr. MCDONALD of Michigan, Mr. SEIBERLING, Mr. VEYSEY, Mr. WILLIAM D. FORD, Mr. ROY, and Mr. KYROS):

H.R. 11538. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 11539. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 each year of any Federal annuity shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. ESHLEMAN (for himself, Mr. ANDERSON of Illinois, Mr. COLLINS of Texas, Mr. WINN, Mr. ARCHER, Mr. WARE, and Mr. BLACKBURN):

H.R. 11540. A bill to amend section 8(e) of the National Labor Relations Act with respect to its application to labor agreements relating to construction; to the Committee on Education and Labor.

By Mr. HANLEY:

H.R. 11541. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 11542. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD:

H.R. 11543. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. McCLORY (for himself and Mr. HUNGATE):

H.R. 11544. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.R. 11545. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 11546. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 11547. A bill to provide that disabled individuals entitled to monthly cash benefits under section 223 of the Social Security Act, and individuals retired for disability under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age, and to reduce from $50 to $25 the annual deductible imposed under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 11548. A bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 11549. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

H.R. 11550. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 11551. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 11552. A bill to amend title 38 of the United States Code to authorize the enrollment of eligible veterans in a course offered by an institution which has changed its location; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN:

H.R. 11553. A bill to amend the act of September 18, 1964, authorizing the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUNGATE:

H.R. 11554. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 11555. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mrs. ABZUG, Mr. BADILLO, Mr. BEGICH, Mr. BERGLAND, Mr. BINGHAM, Mr. BRADEMAS, Mr. BURTON, Mr. CORMAN, Mr. DELLENBACK, Mr. DOW, Mr. DRINAN, Mr. EDWARDS of California, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. FRENZEL, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. MCCORMACK, Mr. MILLER of California, Mr. MITCHELL, Mr. MORSE, Mr. MOSHER, and Mr. MOSS):

H.R. 11556. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. HARRINGTON, Mr. HOWARD, Mr. LEGGETT, Mr. KOCH, Mr. MATSUNAGA, Mr. MEEDS, Mr. MIKVA, Mr. PEPPER, Mr. NIX, Mr. REES, Mr. SCHEUER, Mr. STOKES, and Mr. THOMPSON of New Jersey):

H.R. 11557. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 11558. A bill to amend the Economic Stabilization Act of 1970 to stabilize mass transit and commuter service fares through the period ending midnight April 30, 1973; to the Committee on Banking and Currency.

By Mr. STEELE:

H.R. 11559. A bill to amend the Public Works and Economic Development Act to extend the benefits thereof to all townships and other political subdivisions of 10,000 population or more; to the Committee on Public Works.

By Mr. VAN DEERLIN (for himself, Mr. BROWN of Ohio, Mr. LEGGETT, Mr. MCFALL, Mrs. MINK, and Mr. MURPHY of New York):

H.R. 11560. A bill to amend the Federal Aviation Act of 1958 to provide that an indirect air passenger carrier may promote, assemble, and consolidate charter passengers and arrange their transportation between points within the United States and points in foreign countries in accordance with regulations established by the Civil Aeronautics Board pertaining to charter air transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO:

H.R. 11561. A bill to deauthorize the Lake Erie-Ohio River Canal; to the Committee on Public Works.

H.R. 11562. A bill to reduce solid waste pollution and litter which is caused by glass containers by making safer and more efficient the process of recycling glass containers by requiring that glass containers be made of clear glass; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 11563. A bill to amend chapter 87 of title 5, United States Code to waive employee deductions for Federal employees' group life insurance purposes during a period of erroneous removal or suspension; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

H.R. 11564. A bill to amend section 312 of the Immigration and Nationality Act to exempt certain additional persons from the requirements as to understanding the English language before their naturalization as citizens of the United States; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 946. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. GERALD R. FORD:

H.J. Res. 947. Joint resolution authorizing the President to proclaim the fourth Wednesday in January as "National School Nurse Day"; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. GROVER, Mr. WYDLER, Mr. CRANE, Mr. SCHERLE, Mr. JONAS, Mr. RHODES, Mr. HALPERN, Mr. STUCKEY, Mr. BRINKLEY, Mr. DUNCAN, Mr. DANIEL of Virginia, Mr. ESHLEMAN, Mr. FISHER, Mr. WINN, Mr. BARING, Mr. BIAGGI, Mr. HARVEY, Mr. TERRY, Mr. BAKER, Mr. MANN, Mr. WAGGONNER, Mr. SIKES, Mr. BLACKBURN, and Mr. SPENCE):

H.J. Res. 948. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day"; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. CLARK, Mr. COLLIER, Mr. ROBINSON of Virginia, Mr. RUNNELS, Mr. CARTER, Mr. SCOTT, Mr. BROWN of Michigan, Mr. MILLER of Ohio, Mr. MAZZOLI, Mr. HORTON, Mr. ALEXANDER, Mr. ADDABBO, Mr. YOUNG of Florida, Mr. WYLIE, Mrs. HICKS of Massachusetts, Mr. POWELL, Mr. SEBELIUS, Mr. DELANEY, Mr. FLOWERS, Mr. HUNT, Mr. DERWINSKI, Mr. CLEVELAND, Mr. CHAPPELL, and Mr. STRATTON):

H.J. Res. 949. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day"; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. HELSTOSKI, Mr. HAMMERSCHMIDT, Mr. KEMP, Mr. MIZELL, Mr. NELSEN, Mr. CÓRDOVA, and Mr. STEIGER of Arizona):

H.J. Res. 950. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day"; to the Committee on the Judiciary.

By Mr. MARTIN:

H.J. Res. 951. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.J. Res. 952. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. GALLAGHER (for himself, Mrs. ABZUG, Mr. DUNCAN, Mr. FRASER, Mr. HORTON, Mr. MEEDS, Mr. RANDALL, Mr. SMITH of New York, Mr. STRATTON, Mr. THOMSON of Wisconsin, and Mr. YATES):

H. Res. 683. Resolution to express the sense of the House of Representatives with respect to measures to improve relations with Canada; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 11565. A bill for the relief of Leopoldo Chavarria and Solita Chavarria; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 11566. A bill to direct the Secretary of the Interior to convey certain public land in the State of Michigan to the Wisconsin Electric Power Co.; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

151. The SPEAKER presented a petition of Daniel E. Leveque, Sheboygan, Wis., relative to redress of grievances, which was referred to the Committee on the Judiciary.