of Our City and County," which opened in 1963.

After the development of the ethnic exhibit, Dr. Gredel was chairman of the Historical Society Festival of Nations program, a weekly series which provided a focus and revival of interest in many national groups. One year later he helped to establish the Folk Art Council, which took over sponsorship of those programs.

Dr. Gredel's studies led him to the publication of two books. The first volume, "People of Our City and County," was published in 1965 as part of the society's "Adventures in Western New York" series.

The second book, "Pioneers of Buffalo, Its Growth and Development," was published in 1966 by the Buffalo Commission on Human Relations, of which Dr. Gredel was a member.

Dr. Gredel was a contributor to "History of Erie County, 1870–1970," published by the Historical Society. He also served on the Erie County Sesquicentennial Committee.

Dr. Gredel was honored with many commendations and awards from local ethnic groups and national organizations, including the Community Leader of America Award in 1969 from the American Biographical Institute. Buffalo Mayor Frank A. Sedita presented him with a civic commendation in 1967.

The Buffalo Commission on Human Relations honored Dr. Gredel in 1966 for promoting the purposes of the commission "by fostering mutual understanding, a spirit of Americanism among all racial, religious and ethnic groups."

Dr. Gredel was a member of the Croatian Catholic Union and an honorary member of numerous ethnic organizations in the Buffalo area.

Dr. Gredel was born in 1911 in Nova Gradiska, Croatia, then in Austria-Hungary. Croatia now is part of Yugoslavia.

He received his master's and doctor of law degrees from the University of Zagreb in the mid-1930s.

At the outbreak of World War II Dr. Gredel was an artillery officer in the Yugoslav Army, and he was taken prisoner by the Germans in 1941. After a few months of imprisonment, he was released and appointed vice president of police headquarters in Zagreb.

In 1942 Dr. Gredel was named counselor of the Croatian Foreign Ministry in Zagreb. The next year he became consul of Croatia in Vienna. In 1944 he was appointed consul of Croatia in Essen, Germany.

After World War II, Dr. Gredel was a U.S. Army librarian and later was an archivist for the Historical Society of Bamberg, Germany.

Dr. Gredel came to the United States in 1957 and was an employe at the Bethlehem Steel Corp., Lackawanna plant for three years before joining the Historical Society staff in 1960.

Surviving are his wife, Ljerka; two daughters, Dr. Zdenka Gredel-Manuele and Miss Ksenia Gredel, both of Buffalo; and one grandson.

The magnitude of Dr. Gredel's accomplishments can only be understood by having an awareness of his extensive writings, the public offices he has held, and the honors he has received. Some of those accomplishments include:

DR. STEPHEN GREDEL

PUBLICATIONS

Indexes and Registers of the publication of the Bamberg Historical Society, "Fraenkische Blaetter", 1953–1956 (Germany).

"Early Polish pioneers in Buffalo" and "Immigration of ethnic groups to Buffalo" published by the Buffalo & Erie County Historical Society in the *Niagara Frontier*, Summer 1963.

"People of Our City and County," Adventures series in Western New York, Vol. XIII, 1965, published by the B.E.C.H.S.

"Pioneers of Buffalo—its growth and development," published by the City's Commission on Human Relations, 1966 (entered into the Congressional Record (May 8, 1972) in support of the national law (Ethnic Heritage S.P.)

PUBLIC OFFICES

Member of the Buffalo's Board of Community Relations (Jan. 1965); Member of the City's Commission on Human Relations (Aug. 1965–1970); Chairman of its Research & Public Information Committee (1965–1969); President & Festival Chairman of the Niagara Frontier Folk Art Council, Inc., (1968–); Member of the Advisory Council of the National Folk Festival Assoc., Inc., Washington, D.C. (Aug. 1971–); Member of the Erie County Sesquicentennial Committee (1970–1971).

HONORS

Recipient of the Honorary Membership presented by the German-American Federation of Buffalo & Vicinity (5.23.1965) and by the United Irish-American Assoc. of Erie County (2.25.1955) "in appreciation for extraordinary services rendered to this Association;" of Commendation by the German-American Federation (12.8.1966) "for his efforts on behalf on Buffalo and for his dedication to its people;" of a Plaque presented by the School Board of the Hellenic Orthodox Church of the Annunciation (4.25.1966) "in recognition of his interest and dedication to the promotion of the international friendship;" of a Commendation presented by the Commission on Human Relations (10.7.1966) "for his promotion of the purposes of the Commission by fostering mutual understanding and a spirit of Americanism among all racial, religious and ethnic groups;" of a Certificate of Merit presented by the Polish-American Citizens Organization (10.1.1967) in "appreciation for Participation and spirited Assistance in keeping with the finest tradition of Polish-American organization, Patriotism, Loyalty and Contribution to our Country"; Ukrainian Congress Committee of America, Buffalo Chapter's presentation of a Plaque (4.3.1967) "in recognition of his able leadership in organizing and conducting the Annual Folk Festival and appreciation of his great love toward various ethnic groups in the Buffalo area;" of a Medal of Honor presented by the Bulgarian National Front, Buffalo Chapter (2.22.1970).

Meritorious for the Award of Merit presented by the American Association for State and Local History to the Buffalo & Erie County Historical Society (10.15.1965) "for preserving the heritage and contributions made by those of foreign birth and parentage;" Recipient of the Civic Citation presented by Buffalo Mayor Hon. Frank A. Sedita (3,10,1967); Recipient of a Community Leader of America Award in 1969; Listed in "Who's Who in the East," 1968–1969, Vol. II and 12; (Recipient of the key to the City presented by Mayor Frank A. Sedita Feb. 21, 1971).

It is a privilege to pay tribute to Dr. Gredel; his memory and accomplishments will live with western New Yorkers for years to come.

HOUSE OF REPRESENTATIVES—*Tuesday, March 12, 1974*

The House met at 12 o'clock noon.

Rev. Boswell J. Clark, of the Clinton Presbyterian Church, Clinton, Md., offered the following prayer:

Eternal God, Creator and Ruler of the universe, Thou who hast led this Nation into freedom under the law, we thank Thee for this Government which provides the way that we may govern ourselves with equity and justice. Grant us wisdom and courage for the needs of this day as we perform the duties for which we have been elected. Where there is need for decision on matters of state, grant us the wisdom of Solomon and the courage of David to stand firm in that in which we believe; yet give us tolerant hearts to listen to the views of our fellow Representatives, that this democracy may function well "to establish justice, insure domestic tranquillity, promote the general welfare and secure the blessings of life, liberty, and the pursuit of happiness" for all. 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.

Is there objection to dispensing with the reading of the Journal?

MOTION OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Speaker, I object to dispensing with the reading of the Journal, and I move that the Journal be read.

The SPEAKER. The question is, Shall the Journal be read?

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WOLFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 16, nays 365, answered "present" 3, not voting 47, as follows:

[Roll No. 75]

YEAS—16

Abzug	Grasso	Rangel
Addabbo	Grover	Rosenthal
Badillo	Holtzman	Stanton, James V.
Bingham	Koch	Wolff
Brown, Calif.	Lent	
Dulski	Mathis, Ga.	

NAYS—365

Abdnor	Barrett	Brooks
Adams	Bauman	Broomfield
Anderson, Calif.	Beard	Brotzman
Anderson, Ill.	Bell	Brown, Mich.
Andrews, N.C.	Bennett	Brown, Ohio
Andrews, N. Dak.	Bergland	Broyhill, N.C.
Annunzio	Bevill	Broyhill, Va.
Archer	Biester	Buchanan
Arends	Blackburn	Burgener
Armstrong	Boggs	Burke, Fla.
Ashbrook	Boland	Burke, Mass.
Ashley	Bolling	Burleson, Tex.
Aspin	Bowen	Burlison, Mo.
Bafalis	Brademas	Burton
Baker	Bray	Byron
	Breaux	Camp
	Brinkley	Carney, Ohio

Carter	Hicks	Price, Tex.
Casey, Tex.	Hillis	Pritchard
Cederberg	Hinshaw	Quie
Chamberlain	Hogan	Quillen
Chappell	Holt	Railsback
Chisholm	Horton	Randall
Clancy	Hosmer	Rarick
Clark	Huber	Regula
Clausen, Don H.	Hudnut	Reuss
Clawson, Del	Hungate	Rhodes
Cleveland	Hunt	Riegle
Cochran	Hutchinson	Rinaldo
Cohen	Ichord	Roberts
Collier	Jarman	Robinson, Va.
Collins, Ill.	Johnson, Calif.	Rodino
Collins, Tex.	Johnson, Colo.	Roe
Conable	Johnson, Pa.	Rogers
Conlan	Jones, Ala.	Roncalio, Wyo.
Conte	Jones, N.C.	Roncallo, N.Y.
Corman	Jones, Okla.	Rooney, Pa.
Cotter	Jones, Tenn.	Rose
Coughlin	Jordan	Rostenkowski
Crane	Karth	Roush
Cronin	Kastenmeier	Rousselot
Culver	Kazen	Roy
Daniel, Dan	Kemp	Roybal
Daniel, Robert W., Jr.	Ketchum	Runnels
Daniels, Dominick V.	King	Ruppe
Danielson	Kluczynski	Ruth
Davis, Ga.	Kuykendall	Ryan
Davis, S.C.	Kyros	St Germain
Davis, Wis.	Landgrebe	Sandman
de la Garza	Landrum	Sarasin
Delaney	Latta	Sarbanes
Dellenback	Leggett	Satterfield
Dellums	Lehman	Scherle
Denholm	Litton	Schneebeli
Dennis	Long, La.	Schroeder
Dent	Long, Md.	Sebelius
Derwinski	Lott	Shipley
Devine	Lujan	Shoup
Dickinson	Luken	Shriver
Dingell	McClory	Shuster
Donohue	McCloskey	Sisk
Dorn	McCollister	Skubitz
Downing	McCormack	Slack
Drinan	McDade	Smith, Iowa
Duncan	McFall	Snyder
du Pont	McKay	Spence
Edwards, Ala.	McKinney	Staggers
Edwards, Calif.	McSpadden	Stanton, J. William
Eilberg	Madden	Stark
Erlenborn	Madigan	Steed
Esch	Mahon	Steele
Eshleman	Mallary	Steelman
Evans, Colo.	Mann	Steiger, Ariz.
Evins, Tenn.	Martin, Nebr.	Steiger, Wis.
Fascell	Martin, N.C.	Stephens
Findley	Mathias, Calif.	Stokes
Fish	Matsunaga	Stratton
Flood	Mayne	Stuckey
Flynt	Mazzoli	Studds
Foley	Meeds	Sullivan
Ford	Melcher	Symington
Forsythe	Metcalfe	Symms
Fountain	Mezvinsky	Talcott
Fraser	Michel	Taylor, Mo.
Frenzel	Milford	Taylor, N.C.
Frey	Miller	Teague
Froehlich	Mills	Thompson, N.J.
Fuqua	Minish	Thomson, Wis.
Gaydos	Mink	Thone
Gettys	Mitchell, Md.	Tiernan
Giaimo	Mitchell, N.Y.	Towell, Nev.
Gibbons	Moakley	Treen
Gilman	Mollohan	Udall
Ginn	Moorhead, Calif.	Ullman
Goldwater	Moorhead, Pa.	Van Deerlin
Gonzalez	Mosher	Vander Veen
Goodling	Moss	Vanik
Green, Oreg.	Murphy, Ill.	Veysey
Green, Pa.	Murtha	Vigorito
Griffiths	Myers	Waggonner
Gross	Natcher	Waldie
Gubser	Nedzi	Walsh
Gude	Nelsen	Wampler
Gunter	Nichols	Ware
Guyer	Obey	Whalen
Haley	O'Brien	White
Hamilton	O'Hara	Whitehurst
Hammer-schmidt	O'Neill	Whitten
Hanley	Owens	Widnall
Hanrahan	Parris	Wiggins
Hansen, Idaho	Passman	Williams
Hansen, Wash.	Patten	Wilson, Bob
Hastings	Pepper	Winn
Hawkins	Perkins	Wright
Hays	Pettis	Wyatt
Hechler, W. Va.	Peyser	Wydler
Heckler, Mass.	Pickle	Wylie
Helstoski	Pike	Wyman
	Powell, Ohio	Yates
	Preyer	Yatron
	Price, Ill.	Young, Fla.
	Young, Ga.	Young, Tex.
	Young, Ill.	Zablocki
	Young, S.C.	Zion
	Zwach	

ANSWERED "PRESENT"—3

Fulton	Harrington	Poage

NOT VOTING—47

Alexander	Harsha	Rees
Biaggi	Hébert	Reid
Blatnik	Heinz	Robison, N.Y.
Brasco	Henderson	Rooney, N.Y.
Breckinridge	Holifield	Seiberling
Burke, Calif.	Howard	Sikes
Butler	McEwen	Smith, N.Y.
Carey, N.Y.	Macdonald	Stubblefield
Clay	Maraziti	Thornton
Conyers	Minshall, Ohio	Vander Jagt
Diggs	Mizell	Wilson, Charles H., Calif.
Eckhardt	Montgomery	Wilson, Charles, Tex.
Fisher	Morgan	Young, Alaska
Flowers	Murphy, N.Y.	
Frelinghuysen	Nix	
Gray	Patman	
Hanna	Podell	

So the motion was rejected.

The SPEAKER. Without objection, the Journal stands approved.

There was no objection.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6119. An act for the relief of Arturo Robles.

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

S. 2662. An act to authorize appropriations for U.S. participation in the International Ocean Exposition '75.

DISCHARGE PETITION TO RELEASE HOUSE JOINT RESOLUTION 846

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

Mr. BELL. Mr. Speaker, I am taking this opportunity to remind you that a discharge petition to release House Joint Resolution 846 from the Armed Services Committee is at the desk.

House Joint Resolution 846 authorizes increased production of oil and gas from the Elk Hills Naval Reserve.

In my opinion this would be a substantial contributing factor in alleviating the present fuel shortage.

My colleagues, by signing this discharge petition, you will have contributed significantly to solving the Nation's energy shortage.

I will be happy to discuss this matter with you in greater length at your convenience.

Also, I refer you to my comments in the CONGRESSIONAL RECORD of March 6, 1974, on page 5462.

You are all aware of the long lines at the gasoline stations.

We cannot delay further.

The needs of our Nation call for action, and action now.

I urge you to put all obstacles aside and sign the discharge petition.

PERSONAL EXPLANATION

Mr. HUDNUT. Mr. Speaker, I was unavoidably detained on other congressional business with a constituent and did not reach the floor in time to record my position on roll No. 70 and roll No. 71 on March 7. However, I want the RECORD to show that I would have voted no on roll No. 70. I am against a rollback of prices on crude oil because, in my judgment, it would curtail incentives for further exploration, thereby leading to greater shortages and higher prices in the long run. I am glad that a majority of the House agreed with my position and voted down the amendment 163–216. On roll No. 71, the final passage of the act to establish the Federal Energy Administration, I would have voted aye because I believe that such an agency, established by statutory authority, will provide a more efficient and effective means to manage the energy crisis and to help the United States become self-sufficient in energy production.

SOVIET PROPAGANDA FAVORS OIL EMBARGO

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

Mr. HAYS. Mr. Speaker, I read in the morning paper that the Soviet Union is unleashing vast propaganda barrages to the Arab States asking them to keep the oil embargo on, and making all sorts of accusations against Sadat and others who want to lift it.

Mr. Speaker, I imagine the American motorist is going to be pretty interested in what Mr. Nixon's latest new-found friends, Mr. Brezhnev and company, are doing, and if we are going to continue the détente which is going to mean less and less fuel for Americans, then maybe détente is not such a great bargain.

Perhaps if Dr. Kissinger goes to Moscow this weekend, he ought to take Mr. Nixon with him and he can see what he can do with his buddies over there.

PROVIDING FOR CONSIDERATION OF H.R. 69, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1974

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 963 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 963

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 69) to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes. Three legislative days after the conclusion of general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. Notwithstanding the provisions of clause 7, rule XVI, it shall be in order to

consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. All points of order under clause 4, rule XXI, are hereby waived against title I and sections 305, 403, 605, 702, and 803 of said substitute, and said substitute shall be read for amendment by titles instead of by sections. No amendment shall be in order to title I of said substitute except germane amendments which have been printed in the Congressional Record at least two calendar days prior to their being offered during the consideration of said substitute for amendment, and amendments offered by the direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, this is an unusual rule. It occurs to me that the Members should want to know what is in the rule, because it is a modified rule which closes up an important title of this bill to any amendment except two kinds:

One type of amendment must be printed in the RECORD 2 days before it is brought up for consideration, and the rule provides for a gap between general debate and the amendment stage in order to insure the Members have a fair opportunity to have their amendments printed to title I in the CONGRESSIONAL RECORD in compliance with this rule; and the rule also makes in order committee amendments which are decided upon by the Committee on Education and Labor.

That does not mean that it makes in order amendments offered by members of the committee; it means that it makes in order committee amendments, amendments that are adopted by the committee. It also denies the right to any Member to amend either of those categories, either of those classes of amendments to title I.

Mr. Speaker, the rest of the bill is open. There are two waivers of points of order, which are necessary in the nature of the matter reported by the Committee on Education and Labor.

There is a waiver of points of order on germaneness, because the committee substitute which is made in order is a substitute that goes beyond the content of the originally introduced bill. And there is a waiver of points of order on the appropriations question. This is an authorization bill, and consequently no appropriation is in order, because there are a number of sections which in effect are, or appear to be, or may be, appropriations.

This, therefore, is a very complicated rule, and it is not only very important before the Members vote that they understand what they are limiting themselves to, but it is also important that they understand why the Committee on Rules reported the rule.

This is not exactly the rule that was requested by the Committee on Education and Labor. The Committee on Rules provided for that gap between general debate and the amendment stage in order to protect the rights of Members to comply with the limitation on their right to offer amendments to title I. The Committee on Rules agreed to the rule without dissent, as I remember it, because the House of Representatives in a whole series of different ways has found it extraordinarily difficult to know what it was doing when it was voting on the formulas that applied to this particular piece of legislation. I am not an expert on how many times this has come up in a different way, but I do know that it has been more than three or four times, and it has been very difficult and very controversial, and I am perfectly willing to say that there has been at least one occasion when I was not exactly sure what the consequences of my vote on the particular matter before the House—and I think it was on an appropriation bill—as to exactly what these consequences were going to be on my district as well as on the United States.

The whole purpose of providing for this particular kind of rule is to see to it that whatever else happens the Members of the House of Representatives will have an opportunity—a reasonable opportunity—to know what the meaning of an amendment to the committee provisions might be.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I will be glad to yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I appreciate the explanation given by the gentleman from Missouri, but I just wonder if that was so why is it the rule provides that there is no amendment permitted to an amendment?

Mr. BOLLING. For exactly the same reasons.

Ms. ABZUG. Does it not have the effect of locking in the formulas which are already in the committee bill, and in the same sense does this not prevent us, in the event there are amendments to really deal with those matters realistically by not allowing us to offer amendments to them?

Mr. BOLLING. Not in my judgment. I thought about this as carefully as I could so that that is not so. The 3-day gap is there, and the purpose of it is to see to it that there is plenty of time for Members, having been warned by the situation last week, to come up with an amendment.

The reason that it has to exclude amendments from the floor to amendments offered either after they have been published in the RECORD or to amendments offered by the committee, is for the same reason, to prevent Members from being blind-sided.

Ms. ABZUG. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I will yield further to the gentlewoman for another question, but first I would like to complete my reply.

There is a question of whether or not one does or does not have confidence in what is said by the members of the committee when they offer an amendment. That is the one potential I wonder about and if, at that point, this gentleman is concerned about the effect on his district, having been through one experience, the effect on his district and on the country as a whole on the formula, this gentleman is going to vote against the bill.

I think the safeguard to the attempt to protect Members is the understanding that its purpose is to try to be fair to Members and to see that Members are informed. If there is any attempt to subvert that purpose then there *should be* a very clear effort to defeat the bill.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentlewoman from New York.

Ms. ABZUG. I thank the gentleman for yielding.

The other question I have is, we are all familiar with the fact that these formulas are very unclear and that the data has never been either fully presented or consistent before the Committee on Education and Labor, as well as the Committee on Rules, let alone the Members of this House. If there are amendments proposed by any Members and printed in the RECORD, let us say, on Friday, it makes it very difficult for those of us who want to judge the national impact or the local impact to get the kind of computations from the appropriate departments of Government, National and State, over the weekend in order to determine whether or not those amendments do, indeed, reflect an improvement or an advantage or disadvantage.

So what the gentleman from Missouri really is doing is again freezing us to formulas which we again will be unable to assess. Until now the formulas have been based on very unclear, different, inconsistent, often conflicting tables. The gentleman is proposing by this rule only an apparent flexibility, but in fact it can only operate to produce the opposite effect.

Mr. BOLLING. In answer to the gentlewoman's question, I will merely state that I disagree with her statement.

Mr. Speaker, I reserve the balance of my time.

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

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

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

For purposes of clarification, I assume by definition the legislative day is a day

that this body is actually in session, when we refer to the fact that the bill shall not be read for amendment under the 5-minute rule until 3 legislative days after the conclusion of general debate. In other words, to be more specific, if this House is not in session on Friday of this week, then the amending process would not be starting until Tuesday of next week.

Mr. BOLLING. That is my understanding, that a legislative day is a day that the House meets.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should like to ask the gentleman from Misouri just one question, particularly in connection with the rule. The 3 legislative days' reference is specific in the text.

The gentleman meant at least 3 legislative days, I assume. Is that not correct?

Mr. BOLLING. At least 3 legislative days, because the Committee on Rules, and to a considerable degree the House, would leave anything that was a matter of final scheduling to the leadership.

Mr. DEL CLAWSON. The vote in the committee was not unanimous. There were four votes against the rule.

Mr. BOLLING. I apologize. I did not state the situation correctly. I apologize to the House. I am glad the gentleman corrected me.

Mr. DEL CLAWSON. I thank the gentleman.

Mr. Speaker, I am opposed to this bill, and the rule which makes it in order.

First, let me review the provisions of this most unusual rule. The rule provides for 4 hours of general debate on H.R. 69, the Elementary and Secondary Education Amendments of 1974. Then the rule provides for a gap of 3 legislative days, before the amending process begins. The purpose of the gap is to allow Members time to prepare amendments. The rule requires that any amendments to title I, which contains the formula for distributing the funds, must be printed in the CONGRESSIONAL RECORD at least 2 calendar days prior to their being offered. The only other amendments in order to title I would be amendments offered by the direction of the Committee on Education and Labor. None of the amendments offered to title I would be subject to further amendment on the floor. Unless an individual Member thinks of his amendment 2 days before the time of offering it, he will be precluded from offering an amendment to change title I.

In addition to these unusual provisions, this rule makes in order the committee substitute as an original bill for the purpose of amendment, and provides that the bill be read for amendment by titles instead of by sections. The rule provides a waiver of points of order against the committee substitute for failure to comply with the provisions of clause 7 of rule XVI, which is the germaneness rule.

Moreover, the rule waives points of order against title I and sections 305, 403, 605, 702, and 803 for failure to comply with the provisions of clause 4, rule XXI. This waiver is necessary because this bill takes effect immediately upon enactment and the effect on funds already in the pipeline may be to reappropriate them to a new purpose. Clause 4 of rule XXI is the clause which prohibits appropriations on a legislative bill, such as this one.

Mr. Speaker, I am opposed to this highly complex rule, because it restricts the freedom of a Member to offer amendments at the time the bill is being amended. In addition to my reservations about the provisions in this rule, Mr. Speaker, I am strongly opposed to the bill made in order under this rule.

H.R. 69 is not the answer to the Nation's educational problems. Once again Congress is throwing a huge sum of money at a problem and hoping that it will go away. This is the wrong approach.

My good friend from Oregon (Mrs. GREEN) stated the dilemma in a New York Times article on January 16, 1974. These conclusions are more significant because the gentlewoman from Oregon is a former advocate of this type of program. The article begins as follows:

> As a long-time supporter of Federal financial aid for education, I have come to realize with much pain that many billions of Federal tax dollars have not brought the significant improvement we anticipated. There are even signs that we may be losing ground.

At a later point in the same article the gentlewoman from Oregon observes as follows:

> Two years ago, my office did a study of O.E. contracts and grants. What we found was appalling. The General Accounting Office said the department was in absolute chaos. No one knew to whom the grants were given, for what purpose, or what were the results. More than 90 percent of all contracts and grants from 1967 to 1972 were awarded on a noncompetitive basis.

Finally, near the end of the article, Mrs. GREEN makes the following conclusions:

> It seems to me that the time has come for an "agonizing reappraisal." We can no longer afford another new program for each new problem, or another new agency for each old agency that has lost its vitality. We cannot tolerate more centralization and Federal control. We cannot afford to enlarge, or even to continue with, a huge administrative apparatus that operates out of public view and beyond public control.

The SPEAKER. The gentleman from California has consumed 6 minutes.

Mr. DEL CLAWSON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, if 6 months ago or 7 months ago when we started working on the education bill in the committee anyone had told me I was going to rise on the floor in opposition to the rule, I would have said that he was certainly mistaken because I recognized the desperate need in this country for the Elementary and Secondary Education Act, but nevertheless today I am rising in opposition to the rule because in my opinion this bill—I am speaking now only on the title I section—is a disaster for the educationally deprived children in this country.

I do not want to get into the argument or discussion today of the merits, particularly, of the bill, as much as the reason for not granting a rule today and for the reasons for Members to vote down the rule. There are some real inaccuracies that have been put into the reports and into the charts, and I do not mean put in in the term that someone was trying to put them over on Members, but they are nevertheless in the RECORD.

I would like to take one chart that shows the values of title I to the various States. This chart does not show title I had $225 million of impounded money that was supposed to be paid in 1973 that has now been released by the court.

That title I money, $225 million, is not reflected in these tables. If it were reflected in the tables that the committee has printed we would then see a greater discrepancy in all areas in losses over what we now see.

People have said, this is a bill to protect New York, or the reason we are opposing this is to protect New York. Well, this is not true. Certainly, New York being the leading loser under title I in the country is certainly deeply concerned; but every major city area in this country where the biggest number of educationally deprived children are, are also going to be losers.

Even beyond that, I have a list, and it is just a partial list in front of me, of counties in Oklahoma, in Texas, a great many in Texas, a great many in Oklahoma, Mississippi, Tennessee, Nebraska, West Virginia, all over this country, who are going to be losers where the concentration of the disadvantaged children are. Now, this is wrong.

It seems to me that we are basically justified in defeating the rule so that we in the House can have time to get one other formula presented to the Members, so that we have the opportunity of looking at computer runouts on other formulas than just the one that is presented here.

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

Mr. PEYSER. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I congratulate the gentleman on the statement he has made and add that it took 13 months to come up with the title I formula in our Education and Labor Committee. I know how hard the committee worked, and serving on the committee, I appreciate the problems with which we wrestled. That is why I oppose this rule.

I agree with my friend that we should defeat the rule so that all Members can come up with a better understanding of the ramifications of this ESEA legislation. In Erie County, which I represent, we would lose almost $1 million in 1975. We need a more equitable formula for New York and the urban areas of America.

I associate myself with his remarks.

Mr. Speaker, the title I formula, as it now stands, is a product of incredibly poor research and preparation. Ms. Orshansky herself, testifying before the Special Education Subcommittee, recom-

mended that "further analysis" of her poverty index be conducted before it is used for the purposes of this formula.

Mr. Speaker, I submit that the title I formula is outdated and biased against urban areas which are precisely the areas with the greatest concentration of educationally deprived children. Furthermore, this formula would penalize those States which are spending the most on their children's education. New York State would lose in the short run—but all States would lose in the long run if we legislate a formula with built-in disincentives to higher State funding of education.

Mr. Speaker, so many myths abound regarding New York State and the old and new title I to ESEA that New York State Education Commissioner Ewald B. Nyquist called a special meeting to discuss this entire subject. Speaking before various legislative staffers, Commissioner Nyquist expertly refuted charges that have been unjustly alleged against New York State. I commend his remarks to the attention of my colleagues:

As you know, the Education and Labor Commitee, after more than a year of deliberations, has finally reported HR 69, the Elementary and Secondary Education Amendments of 1974. This legislation contains changes in many of the federal programs for aid to elementary and secondary education, but we in New York are most concerned about the new formula for Title I of the Elementary and Secondary Education Act, Aid to Disadvantaged Children. The use of this formula will cause a reduction of approximately $50 million, or 20%, in the funds for New York, and a significant cut in funds for almost every urban center in this country. The unfortunate fact is that this severe reduction for New York was not the result of an oversight by the Committee but, rather, it was one of the central selling points for the new formula.

Throughout the Committee's consideration of HR 69, the proponents of the new formula created myths about New York in an attempt to shift everyone's attention from the substantive issues surrounding the formula they were proposing. Many inaccurate, even misleading, statements were made about New York, and these were used to convince Representatives from other states that they needed to cut New York's Title I allotment if they were to increase their own. Before discussing the Title I formula itself, I would like to take the time to clear up a number of the confusing points regarding New York.

First, in Committee it was argued that New York was getting more than its fair share of the program monies and that the reason for this was that our Average Per Pupil Expenditure, which is a factor of the formula, was inflated due to the size of the pension we pay our teachers. A distinguished member of the Committee, and a proponent of the new formula, said: "I tried to find out why New York is so high (our per pupil expenditure) and the best I could come up with is that they have an extremely high retirement program for the teachers which, of course, takes a lot of money." I do not know who this person contacted to try to find out why our per pupil expenditure is so high, but he never bothered to call me because I would have told him it wasn't due to our teachers' pensions. The reason is that New York is committed to providing quality education to all of our children, and to accomplish this we maintain a much higher ratio of instructional staff to students than anywhere else in the country. The staffing ratio of New York exceeds the national average by 25% in instructional staff and 18% in classroom teacher staffing. This is needed not only for quality education, but for dealing with problems in large urban centers. The "richness" of our teachers' pension that gained so much attention in Committee and has since been brought before the House only accounts for 5% of our average per pupil expenditure.

Myth number two was that New York was receiving far more money per Title I child than any other state. This argument was constantly used with members of the California delegation on the Committee to try to keep the two of us apart. Although we do receive a greater dollar per child grant than California, due to our higher average per pupil expenditure, New York and California both receive only 19.8% of their average per pupil expenditure for a Title I child, while such states as Minnesota and Mississippi are getting 25 and 89.5% of their per pupil expenditures respectively. In real terms, this means that if New York, California and Mississippi all wanted to reduce the size of their classes, New York and California could reduce class size only 29% while Mississippi could reduce class size by 46%. In this context it should also be noted that federal monies account for only 5.4% of the total expenditures made in New York for elementary and secondary education, while the federal share of Mississippi's expenditure is 26%.

It is clear that if there are any inequities in the present Title I formula they do not favor New York but, rather, they favor the Southern, less populated states. It is shocking that New York State, which according to the Advisory Commission on Intergovernmental Relations is making the highest tax effort of any state in the country and which has one of the lowest returns of monies that its citizens send to the federal government, should be singled out as getting too much money and is legislated against for its efforts to provide quality education. During the Committee mark-up of HR 69, Congressman Lloyd Meeds of Washington, not a New Yorker, said: "I think the people of New York, who are expending a lot of funds for education, are to be commended and we shouldn't place a stumbling block in their way to doing this." Unfortunately, too many other members of the Committee had been misled by the myths created by the new formula's proponents, and they voted in favor of a formula that clearly was written to reduce New York's allocation.

In 1965, when the Education and Labor Committee first wrote the Elementary and Secondary Education Act, the main purpose behind Title I was to provide substantial federal assistance to local school districts with high concentrations of low income families to help pay for the additional costs of providing special programs for educationally disadvantaged children. It was felt at that time, and subsequent studies have supported this theory, that there was a significant correlation between being economically and educationally disadvantaged. The formula the Committee wrote, at that time, permitted local school districts to count as eligible for Title I any child aged 5 to 17 from a family with an income under $2000 per year or a yearly income in excess of $2000 due to payments under Title IV of the Social Security Act, Aid to Families with Dependent Children (these are the AFDC children you will be hearing about for the next few weeks). The formula then multiplied the number of eligible children by 50% of the higher of the state or national average per pupil expenditure. Each part of this formula has been changed, and each section of the new Committee formula is detrimental to New York and most population centers.

First, the Committee has substituted the Orshansky Poverty Index for the $2000 poverty level of the old formula. Although there was a definite need to update the poverty level in this formula, there are numerous shortcomings in the Orshansky Formula that made its use in Title I impractical.

In considering Title I, you must realize that the funds appropriated for this program have never been sufficient to meet the needs of all of the eligible children. Under the old formula, it was estimated that $5 billion was needed to fully fund the program, but we never had more than $1.81 billion in appropriations.

As a result, and I quote one of the few accurate statements in the Committee's report to accompany HR 69: "Equal educational opportunity cannot possibly be achieved by providing the approximately 175 additional dollars a year for each Title I student, which has been the pattern of the program since its initiation." Rather than trying to correct this key failure of the program, which the Committee itself recognized, the Committee's use of the Orshansky poverty index will increase the number of children eligible for Title I under the census poverty cut-off from 5 million to over 7.7 million. Further, in most of the Southern states, an average of more than 30% of the children between the ages of 5 and 17 enrolled in the state's schools will be eligible for Title I assistance, while the number of children eligible in urban states increases slightly by an average of 13% of the enrolled children. In New York and California this figure is 12%, while North Carolina and Mississippi will have 40 and 42% of their total enrollment respectively. The Orshansky Poverty Index is out of date, and it does not accurately reflect the differences in poverty between urban and rural locals. The effect of its use in Title I will be a dispersion of funds, rendering the program less effective for many states and a general aid program for some others.

The second major change the Committee has made in Title I formula is to lift the number of children eligible for assistance due to AFDC to only 2/3 of those from families receiving AFDC payments exceeding the updated Orshansky poverty levels. For New York, and for most states since New York has relatively high AFDC payments, the count of children under this part of the formula is virtually eliminated. At this time, very few AFDC payment levels are higher than comparable updated Orshansky levels, and unless state legislatures are willing to increase welfare payments by up to 20 to 30% this year and 10% a year thereafter, to keep up with inflation, then there will be few children from families above the poverty criteria due to AFDC payments. In addition, this new AFDC section of the formula will create an administrative nightmare, and it has been estimated that it could take from 6 to 12 months before an adequate count of the eligible children could be completed.

The third part of this formula that adversely affects New York is the 120% of the national average per pupil expenditure limitation that the bill imposes. This limitation presently affects only New York, New Jersey, Connecticut, Alaska and the District of Columbia, but if Illinois, Michigan, Minnesota, Pennsylvania, Rhode Island, Wisconsin, and Maryland continue to increase their average per pupil expenditures at the present rate they will also exceed the ceiling. This part of the formula is in effect a penalty to states for trying to upgrade their educational efforts.

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

Mr. PEYSER. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding and I associate myself with his remarks.

I would like to point out, this formula, the title I portion of it, has been discussed. I was a member of the committee, as was the gentleman in the well, to work for the overall interest of students over these many, many trying months.

On a statewide basis, three States appear to be the only losers; that is California, Michigan, and New York; however, a great number of counties in these and other States will lose funds. This is where I exhort all the Members to look at the computer printout to determine where respective counties stand.

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

(At the request of Mr. PEYSER and by unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Mr. Speaker, I suggest a breakdown of all the counties will show an entirely different picture. There are many counties that will suffer a loss from this formula.

I suggest the rule be defeated, not for the purpose of defeating the bill, but for the purpose of dealing with this problem.

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentlewoman from New York.

Mrs. CHISHOLM. Mr. Speaker, I thank my colleague from New York. He has indicated a point I wanted to raise; that is, that many Members of the House are under the impression because their States may have gotten more money on a statewide basis, that it behooves them to support the bill and support the rule.

But, if we break this down according to our counties, we will find in many, many instances that there have been tremendous losses of funds, particularly in those areas where we are serving the disadvantaged children of this nation.

Mr. Speaker, I have inserted into the CONGRESSIONAL RECORD about 2 weeks ago the real listing of what would happen in many cities of this country. I hope this rule will be voted down.

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

Mr. PEYSER. Mr. Speaker, I yield to the gentleman from New York.

Mr. DELANEY. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York (Mr. PEYSER). The gentleman was on the committee, and the formula was devised without having the facts or the figures; is that correct?

Mr. PEYSER. That is correct.

Mr. DELANEY. Mr. Speaker, what we are asking now is an opportunity to review and get the correct figures so that we can have a formula that is fair.

Mr. PEYSER. Mr. Speaker, I thank the gentleman for his comments.

Mr. DELANEY. Mr. Speaker, I urge the defeat of the rule under all the circumstances.

Mr. PEYSER. Mr. Speaker, I would like to make one point here which I think is very important. This is directly out of the record. When the committee met, one of the key parts of this formula was the so-called Orshansky formula. What is the Orshansky poverty level? It says:

Orshansky is plus two-thirds AFDC above $4,000.

This is the thing the committee acted on, as though Orshansky was at $4,000. The facts are that today, in the month of March, the Orshansky formula now shows the poverty level to be $4,679.

Now, this effectively wipes out every bit of the so-called AFDC formula in this bill, which will produce a far greater loss for all urban areas and all population areas than is indicated in any of these tables.

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

Mr. PEYSER. Mr. Speaker, I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I want to associate myself with the remarks of the gentleman from New York (Mr. PEYSER).

Mr. Speaker, I ask the question, actually what we are faced with is a series of misleading, to put it mildly, figures that have been offered this body. Therefore, I join with the gentleman in asking for the defeat of this rule.

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

Mr. PEYSER. Mr. Speaker, I yield to the gentleman from New York.

Mr. GROVER. Mr. Speaker, I join in voting against the rule. I would like to point out that there is a tremendous impact on the suburban counties as well as the city of New York. I think there is a great inequity in the formula, and I associate myself with the position of the gentleman from New York (Mr. PEYSER).

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

Mr. PEYSER. Mr. Speaker, I yield to the gentleman from New York.

Mr. BADILLO. Mr. Speaker, I want to commend the gentleman and to point out to the Members of the House that this rule should be defeated because the argument that has been used by the proponents of the rule, that the reason why amendments are required is so that the Members may understand the impact on their particular districts, is not valid.

The argument is not valid because of the fact that there is nothing in the rule that requires the amendments to show a county by county breakdown, which is the only way by which the Members can see how the amendment would affect their districts.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time only for the reason that I believe everyone who has spoken thus far from this side of the aisle has indicated either opposition to the bill itself, and I think without exception to the rule as well, and have urged the defeat of the rule.

Mr. Speaker, I voted for this rule in the Committee on Rules, and I support it here on the floor this afternoon.

It is significant, I believe, that with a single exception, all of those who have risen in opposition to the rule this afternoon are from the State of New York. And, having listened to many of these same Members in appearances before the Committee on Rules, I can assure them that I am not unsympathetic to the concerns that they have expressed, that under the formula, title I of the committee bill, their State would suffer a certain financial loss.

Mr. Speaker, I simply want to urge, however, that we adopt this rule this afternoon. I see no advantage for them or for anyone else to be gained from further delay. I think, as the gentleman from Missouri (Mr. BOLLING) pointed out, this rule was very purposely drafted to meet the objections of those who find fault with the formula.

In the 4 hours that are permitted for general debate and in the intervening 3 legislative days, which would bring us to Tuesday of next week, I think there is opportunity to explore what are the weaknesses and the strengths of the committee's recommendations and, if necessary, to frame appropriate alternative recommendations.

We were told, for example, by the distinguished chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) that it would be possible within 48 hours to obtain a computer printout as to the amounts that would be allocated on a county basis and to States, either under the formula in the committee bill or under the terms of alternative formulas that might be suggested.

So I, with full regard for the concerns that these Members have shown, would urge us to get on with the very important business of considering this legislation under the rule, as drafted and recommended by the Committee on Rules.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Speaker, I thank the gentleman for yielding.

I just wish to ask the gentleman whether he considers that the bill would meet the educational needs of this Nation if it severely undermines the educational requirements of the second largest State in the Nation, and the ability of that State to provide decent education to its children.

Mr. ANDERSON of Illinois. The answer to that question is very much in dispute. I realize that.

I merely suggest that under the terms of this rule, I think there is an appropriate and adequate amount of time to discuss our differences and to frame alternative recommendations and have them printed in the RECORD and considered, of course, by the Members of the Committee of the Whole.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to associate myself with the remarks of the distinguished gentleman from Illinois.

It makes absolutely no sense to me at all to defeat this rule.

Perhaps on the basis of fact there is some difficulty in working the formula out, but we should not ask the House to sit and wait and ask local school districts to sit and wait and ask States to sit and wait while the New York delegation attempts to work out some kind of formula which treats them on a better basis.

The way the rule is drafted, I suggest the House and every Member of the House is assured of an opportunity to find out what the alternatives are and to get alternative formulas printed in the RECORD and to give the House a basis upon which to make its judgment.

Mr. Speaker, I find absolutely no sense at all in attempting to defeat the rule and asking everybody to wait while we work on this matter for a longer period of time.

Mr. ANDERSON of Illinois. I thank the gentleman.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, since the gentleman's remarks were directed toward New York, and we cannot seem to get information so far as the effect upon individual counties is concerned, I will ask the gentleman this question:

Does the gentleman have an idea of the formula's effect upon the counties in his area?

Mr. ANDERSON of Illinois. Yes. Mr. Speaker, under title I, under the formula that is now in the bill, there has been a computer printout furnished.

Mr. WOLFF. There has been a computer printout furnished. We have not been able to secure that.

Mr. ANDERSON of Illinois. Mr. Speaker, I will say again that I feel sure that in the intervening time that information can be made available. We have been very definitely assured by the distinguished gentleman from Kentucky, the chairman of the committee (Mr. PERKINS) that information will be made available.

Mr. WOLFF. So the gentleman's districts are all affected by this bill?

Mr. ANDERSON of Illinois. Mr. Speaker, I will say further, in response to the gentleman's initial question, that the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) has just informed me that through the post office here in the House of Representatives last evening, yesterday, the information which the gentleman is seeking was delivered to each and every congressional office.

Mr. WOLFF. Well, Mr. Speaker, through my post office, as in a number of other cases, we have not received delivery yet, and the bill is being considered now.

Mr. ANDERSON of Illinois. Mr. Speaker, I am afraid I cannot yield further to the gentleman, inasmuch as there are additional requests for time.

Mr. Speaker, I merely wish to conclude by urging the adoption of the rule so that we can proceed with the orderly dispatch of this very important business.

Mr. DEL CLAWSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Speaker, I just wish to ask a question of the gentleman who is handling the rule of the floor here today.

I ask a question, rather than just trying to concentrate on the weaknesses of this rule insofar as the payout formula might be concerned.

First, how did the Republican members on the Committee on Rules vote?

Mr. DEL CLAWSON. Mr. Speaker, in reply to the inquiry of the gentleman from New York, as I recall the vote in the Committee on Rules on the rule, there were three members from the Republican side who voted against the rule, one who voted for it, and one who was not in attendance.

Mr. WYDLER. Let me ask the gentleman this question: I understand that the gentleman from Indiana (Mr. LANDGREBE) was trying very hard to make in order and get under consideration his proposal for what the gentleman calls the Freer Schools Act. How did the Committee on Rules handle that gentleman's request?

Mr. DEL CLAWSON. The gentleman from Indiana (Mr. LANDGREBE) did appear before the Committee on Rules, and he did make a statement on behalf of his position and on behalf of his bill, and in the resolution that was adopted on the rule, as was adopted, no consideration was given to the gentleman from Indiana for his position or for his bill.

Mr. WYDLER. So under the rule that we have before us today we could not have voted on that proposal at all; is that correct?

Mr. DEL CLAWSON. That is not made in order. The gentleman from Indiana would have to offer his amendment through the amendment procedure provided in the resolution, and this would have to be done in each instance as the amendments are offered to the section.

Mr. WYDLER. I thank the gentleman.

Mr. DEL CLAWSON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I urge my colleagues to vote for this rule. I think it is an excellent rule. The Members have seen in this past year the problem that existed when we worked on continuing resolutions, and the appropriation bill, and we were just talking about the hold-harmless provision, and where the Membership was confused on the implication of any changes as they affected their districts, their States, and the Nation.

This rule is written so that the amendments are printed in the RECORD, then it is possible to secure the information and the implication of that amendment on one's district, or on one's State, or the Nation. That is our responsibility so that we will not be flying blind this year, or do not know what we are doing.

In the committee we had available to us not only the information from the Office of Education that the Members called into question heretofore, but now the Library of Congress has the capability of making computer runs so that we can check that which the Office of Education provides against what is provided by the Library of Congress and vice versa so that there is a doublecheck that is available.

The main objection here seems to be from the State of New York. The State of New York is not going to get as much money in 1975 as they did in 1974. We were not able to cut back the amount of money in 1974 because we were required to work on the hold-harmless provision in the appropriations bill. However, New York has 6.3 percent of the poverty children as listed in the Orshansky formula. This last year they got 15 percent of the money in title I and their entitlement was for 18 percent of the money. If you look at the total number of children you find that there are 8 percent of the children of the Nation in the State of New York, and yet they are getting 15 percent of the money this year, or 18 percent of the entitlement.

What will this bill do? It rolls them back to 11 percent of the money. They have about 6 percent of the poverty children and they will get 11 percent of the money. They do not think that is enough. If they get 11 percent of the money with 6 percent of the poverty children that means somebody else is not getting as much money.

There are other people who lose money aside from New York. The gentleman from New York (Mr. PEYSER) indicated there are some other counties in the Nation that lose money.

The chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) is going to lose 19 percent in his congressional district, as compared to the 1974 money in a chart he showed me. Of course, the 85 percent hold formula provision will help the first year. Is that gentleman up here asking for us to defeat the rule, or to defeat the bill? No. That gentleman recognizes that there will be changes in the allocation of the money if we update the information on the census.

You see, last year, as well as all of the years since 1963, were based on the 1960 census information. As I say, last year, because the 1970 census information was not calculated, we left it as it was on the 1960 because of the hold-harmless provisions. Things have changed since 1960 when the information was based on the 1959 incomes, and where none of the people are in school anymore that were counted back then. The other factor was the AFDC, and there was a rapid change in the AFDC in some States, which we will get into later.

The gentleman from New York (Mr. PEYSER) says we ought to vote down the

rule because the tables do not take into consideration the amount of money that was released that had been impounded. That was not 1974 money; that was 1973 money that is being released now. If we can get the amendment adopted finally that passed this House in January to let the school districts spend that money in fiscal year 1975 as well as 1974, that 1973 money will be available in 1975 as well and, therefore, those are arguments to try and confuse the issue to get the Members to defeat the rule.

Mr. Speaker, I urge that the Members support it.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I request this time really to direct some questions to the distinguished gentleman on the Committee on Rules. Would he advise me in title I under the rule if there could be an amendment to the amendment?

Mr. BOLLING. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Missouri.

Mr. BOLLING. I thank the gentlewoman. No, there could not be an amendment to an amendment under the rule.

Mrs. GREEN of Oregon. Under any circumstances or unless it were printed 2 days in advance?

Mr. BOLLING. The rule says that any amendments to title I must either be printed in the RECORD 2 days, 2 calendar days, in advance of consideration or be committee amendments. Then it says that those amendments will not be subject to amendment.

Mrs. GREEN of Oregon. If an amendment should be adopted and it would have an adverse effect—and no one would know that until after the vote occurred in the House—there would be absolutely no way that an amendment could be made at all to it to change it, as we are allowed to do under any other normal debate in the House.

Mr. BOLLING. That, of course, is the reason that no amendment to the amendment without publication can be made.

Mrs. GREEN of Oregon. But the gentleman told me even with publication we cannot have an amendment to an amendment.

Mr. BOLLING. I believe it would be stretching the rule a good deal if one did.

Mrs. GREEN of Oregon. It would be in violation of the rule?

Mr. BOLLING. I am not sure of that. The gentlewoman raises a very interesting point, because if there were an amendment offered, and it was in title I, and then it were published, and there were 2 days of delay, it might be in order, but I am not the person who would have to make that ruling.

Mrs. GREEN of Oregon. But I thought the gentleman told me that the rule said there could not be an amendment to an amendment.

Mr. BOLLING. That is correct.

Mrs. GREEN of Oregon. All right.

I suggest to the House that in this case if the Members vote for the rule, they may be voting blindly, because they may have an amendment adopted which from their standpoint, or the standpoint of their congressional districts, would be disastrous, and under normal debate they would have a chance to amend that amendment. Yet under the proposed rule—this would be denied.

Let me ask a second question, if I may.

Mr. BOLLING. Will the gentlewoman yield for a comment on what the gentlewoman has just said?

Mrs. GREEN of Oregon. I yield to the gentleman from Missouri.

Mr. BOLLING. I thank the gentlewoman for yielding.

I think what she says is conceivably accurate, but what the Committee on Rules is trying to do is to prevent at least a degree of unawareness of what is in a very complicated formula. While what the gentlewoman says is certainly possible, it is even more possible—in fact, it has happened I do not know how many times already under a free amendment situation—where Members simply had no way of finding out what the formula meant as far as their districts were concerned.

So what we are doing may not be perfect, but it is at least the first major attempt that I know of to address the problem that Members have had in the past by the total confusion that has existed on the floor on at least two of the occasions that I remember with regard to formula.

I am not disagreeing with the gentlewoman. We have not been able to construct the perfect solution, but I think we have made some progress in a special direction. Of course, I will yield the gentlewoman additional time to compensate for my long comment.

Mrs. GREEN of Oregon. I thank the gentleman.

I appreciate the efforts of the Committee on Rules to have alternative formulas printed at least 2 days in advance. I think this is good.

But some of the other things that result from the rule, it seems to me are very questionable in terms of allowing the House to know what the Members are voting on.

Let me ask the distinguished gentleman another question. Would an antibusing amendment be germane to title I or has that been ruled out?

Mr. BOLLING. I am not in a position to answer that question definitely. The gentleman from Missouri took the precaution of making inquiry of the committee as to whether the whole of title I was limited only to the formula and things pertaining to the formula, and he was initially informed that that was the case, it would only pertain to the formula and matters directly connected with the formula. That was corrected later and there were pointed out several other matters that appeared in other sections of the title.

I am not in a position to say flatly whether there is no parliamentary way in which an antibusing amendment could be offered. The gentleman from Missouri had the dilemma of having to rule on an antibusing amendment which was drawn in such a way that it turned out to be, in his opinion at least, in the Committee of the Whole germane to the bill under consideration. But it is simply impossible for the gentleman from Missouri to answer honestly the gentlewoman from Oregon. That would be a question that would be decided by whoever will be chairman of the Committee of the Whole at the time the matter comes up.

Mrs. GREEN of Oregon. But I would suggest to my colleagues in the House that I have gone to the Parliamentarian and he cannot tell me whether an antibusing amendment would be germane to title I, and the distinguished gentleman who is a member of the Rules Committee cannot tell me and, therefore, if we vote for this rule again we do not know for sure what amendments may or may not be offered—as the general rules of procedure of the House do provide for and would ordinarily be allowed.

If I may direct a third question to the gentleman from Missouri, would an antibusing amendment as a separate title to the entire bill be considered as a nongermane because it also pertained to title I and the rule may have been so written that it would not be applicable to title I?

Mr. BOLLING. Again the gentleman from Missouri is not in a position to give the gentlewoman from Oregon a definitive answer because there is only one person who is going to be able to give that definitive answer and nobody now knows, at least I do not know, who that person will be. It depends on the way the matter will be drafted. So I do not know whether it will be a yes or a no answer. It is my strong suspicion that in some parliamentary fashion an amendment to accomplish that purpose can be attached to the bill.

Mr. QUIE. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Will the gentleman let me complete this please and then if I have time I will yield to him.

Mr. QUIE. I thank the gentlewoman from Oregon.

Mrs. GREEN of Oregon, Mr. Speaker, what really bothers me is this, because I served on the Education Committee and I was keenly aware of the manner in which certain things were done by a few members of that committee to preclude the House from exercising its will. If it required devious methods, even they were used. I would simply raise the question, and I do not know the answer, but maybe some people who are extremely clever planned to urge the drafting of the rule so that they could preclude Members of the House from offering certain amendments they opposed but amendments which the majority of the House have indicated time and time again that they approve.

If I could ask one other question, if a

substitute were to be offered does the rule require that the substitute be printed in the RECORD 2 days prior to its consideration?

Mr. BOLLING. I do not believe that the rule requires that and I think it would be very difficult to make the rule require that, but if I had such a substitute I would attempt to protect myself by putting it in the RECORD in advance just so there would not be any question.

Mrs. GREEN of Oregon. But if I may suggest to the gentleman, a situation where we are proceeding with the debate and various amendments have been offered; if the majority of the House feel that those amendments that have been adopted are pretty bad in terms of education in this country, then they may decide a substitute is the only way out but under this rule which we ordinarily do not operate under—we would be able to offer a substitute without having it printed 2 days in advance in the RECORD.

Mr. BOLLING. My own guess is that it would be possible to devise a substitute to accomplish the purpose anybody might have in mind and still have it be parliamentarily acceptable. I am not going to prejudge the situation.

There is one recourse that I suggested in the earlier discussion of the rule. I think it is a perfectly legitimate recourse. I wish the House had used it on a number of occasions here before when there was utter confusion. I am not talking just about the bill coming to the Committee on Education and Labor. I am talking about matters that have come from other committees.

I think it would be very smart of Members of the House when they are not satisfied, when they are not sure they know what is in a bill, to vote it down so that the committee could start over.

If anybody devised this rule, I suspect it would be the Committee on Rules and within the Committee on Rules I would have to take a good share of the responsibility. It initially came up in connection with a very complicated bill out of the Committee on the Judiciary.

The only purpose of the rule is to attempt to better protect the Members of the Committee of the Whole and the Congress from the kind of thing the gentlewoman fears.

Mr. Speaker, I will yield 5 additional minutes. I believe I have 10 remaining.

Mrs. GREEN of Oregon. Mr. Speaker, I am in complete agreement with the gentleman's argument that this House should not be required to vote on very complicated formulas without having seen them in advance; but it seems to me that under this rule in attempting to do that, they have also limited the parliamentary situation which now prevents other amendments from being offered; you have eliminated the chance of offering an amendment to an amendment, which under the rules of the House, in ordinary debate, the Members can do.

There is certainly a question as to whether or not an antibusing amendment can be offered to title I. There is a question as to whether or not an antibusing amendment could be offered as a separate amendment, because it might affect title I and be considered as nongermane and there is a question as to whether or not a substitute bill could be offered as we proceed with the debate and as new circumstances develop.

In those three areas in attempting to get the formula out, they are very, very seriously, limiting the possibility of the Members of this House working their will on one of the most important education bills that will come before us this year.

Now, let me add one other thing. I am in complete sympathy with the people who come from New York. In my judgment, this bill really does them in. I do not see how anybody from New York could possibily vote for this rule or could possibly vote for the bill if this formula stays in it.

I have heard around the floor, "well, New York had a ripoff on the funds for the last several years, so it is time they got cut back." If we just simply look at the way the funds have been distributed for the last 14 years, I suggest there are several States that had a ripoff because they have been paid for education of youngsters who had not been in attendance in those schools for 10 years and year after year we have doled out money to them for those empty desks.

I also suggest that those people who now believe, "well, we are really going to give it to New York," those people can give it to another State next time. If we are going to take it out on any State, it is a heck of a way to legislate.

I would join with those people who urge that this go back to the Committee on Rules, that there be a requirement for any new formula in title I to be printed 2 days in advance, but that the rule not place other limitations on the usual way in which we debate legislation and present amendments. I would support Congressman CLAUSEN in his request.

Mr. BOLLING. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, I would like to pursue one of the statements the gentlewoman from Oregon (Mrs. GREEN) made, which is that this rule and the legislation is an attempt to, as she phrased it quite correctly, "to do in New York."

Mr. Speaker, it is very troublesome for someone who comes from the city and State of New York to constantly see the animosity to New York that shows itself on the floor in legislation. I consider myself a national legislator. I have voted time and time again for legislation which provides moneys for other areas, when New York did not get a dime of the moneys that were legislated for the Midwest, the South, the farm areas, suburban areas, and rural areas. I did and do it with full knowledge that it is good for the country to meet their needs, so I did and do it without hesitation.

But, I do not find that same spirit responding to the needs of the cities such as New York or the other metropolitan areas. We had a bill on the floor the other day relating to propane gas. The people who use propane gas in my district primarily are those who use it in cigarette lighters, but it seemed to me only right that the many people who use propane gas for heat, that they be given some protection against the rising costs, and so I voted for the amendment, which benefits the rural areas of our country.

To take away about $50 million from the city of New York, from the education of its children, who are suffering now, children who are suffering because they live in poverty, because they have language problems, does not seem to me to be helping the country and a Member who is interested in the welfare of all the people should not allow himself to be a party to that.

So, what we are saying to the Members, not just because it is New York we are representing, but because we too are part of this great country as they are, that they respond to the problems of education in New York as well as those elsewhere, and that they vote down this rule, and that we come back with legislation which will provide an appropriate formula that will protect all of the children in this country, including the children that live in New York.

Mr. BOLLING. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, we have in New York made great efforts to provide quality education for all our children. I am sure many other States have done the same. To accomplish this, we have maintained very low ratios of students to instructional staff, perhaps lower than in other parts of the country. We have done this because we believe it essential, with all the enormous problems of educating urban center children. Without devoting a substantial amount of staff time to each child, we could not begin to deal with these problems.

There have been a lot of myths spread here, and apparently before the Committee on Education and this House for many years. It has been said that New York is receiving far more money per title I child than any other State. As a matter of fact, this argument was used to divide New York from California. Although we do receive a greater dollar per child grant than California, due to our higher average per pupil expenditure, New York and California both receive only 19.8 percent of their average per pupil expenditure for title I children, while such States as Minnesota and Mississippi are getting 25 and 89.5 percent of their per pupil expenditure, respectively.

In this context, Federal moneys account for only 5.4 percent of the total expenditures made in New York for elementary education, while the Federal share of Mississippi's expenditures is 26 percent. There are tables which can demonstrate this all down the line.

The fact is that we have spent more

money in New York. The fact is that we have been more innovative in New York. The fact is that we pay an enormous amount of Federal taxes in New York to provide for the running of this Government. I think it is foolhardy to act as though this was a body of precincts instead of a national legislative body. I am very concerned that today, in the proposed formula for title I of H.R. 69, we find that perhaps only New York, New Jersey, Connecticut, Alaska, and the District of Columbia will be adversely affected by the 120-percent ceiling imposed on State per pupil expenditures.

But if Illinois, Michigan, Minnesota, Pennsylvania, Rhode Island, Wisconsin, and Maryland continue to increase their expenditures at the present rate, their averages may also soon exceed 120 percent of the national average per pupil expenditure.

This is only one part of the formula. We are not arguing the bill now. I just want to point out, however, that what we do here today penalizes not only New York State, but many other States as well. One by one, State after State—if they are really serious about upgrading their educational systems—are going to find themselves coming under that onerous formula which has been worked out for the benefit of a very small part of this Congress and this Nation—perhaps 11 or 12 southern and the border States.

Mr. Speaker, that is not the way a national legislative body should behave. The reason I object to the rule is that the rule freezes this formula and does not really give us a chance to amend it on the floor. We still do not know exactly how badly that formula will affect us.

I must inform the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) that we have not yet received that printout. I have also checked with the Library of Congress, without any success. None of us has been able to get the facts.

We are Members of a national body and we are called upon to act on the basis of facts that affect the whole country. It is entirely inappropriate to ignore the needs of States and cities like New York, because we have greater problems or because we can solve the needs of our own areas without regard to the total good.

Mr. Speaker, I urge that we defeat the rule.

Mr. BINGHAM. Mr. Speaker, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I thank the gentlewoman for yielding.

I would like to commend the gentlewoman for her remarks and associate myself with those remarks, as well as with the remarks of the gentleman from New York (Mr. KOCH).

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I will say to the Members of Congress that it is with no disrespect to my colleagues on the Education and Labor Committee that I rise to oppose the adoption of this rule. I wish to remind the Members of this House that there was bipartisan opposition to this bill as it was reported out of the committee. There were two Democratic votes and two Republican votes against it.

My main concern in this matter is that this rule limits the debate on the floor, and I am most concerned about the fact that the discussions in the Education and Labor Committee and the Committee on Rules and again here on the floor concerning the rule center around the formula for the distribution of money.

Mr. Speaker, I think it is time that we reject this rule, send it back to the Committee on Rules, and let the Committee on Rules come out with a completely open rule so that the Members of this Congress can take up the serious business of children and their education.

What is happening to the educational standards in our country? I have plenty of proof to show that they have sharply declined throughout our country, since the intervention of Federal support and control of elementary and secondary education.

I appreciate that I am appearing on the floor here in cooperation with some of my friends from the State of New York with whom I seldom vote. However, I think our reasons for approving the granting of this rule are somewhat different.

My main concern is, of course, that we act responsibly and stand up and see what we are doing to the education of the boys and girls of this country, and that we harken to the people in most of the States which have expressed concern about the testing, psychotherapeutic techniques, group therapy behavior modification, humanism, and other things that are happening to our boys and girls.

So, Mr. Speaker, for that reason I most respectfully ask that we reject this limited rule and send it back and insist upon an open rule so that the Members of this House can assert their responsibility and their wisdom in returning highest quality possible to the classrooms of America.

Mr. DEL CLAWSON. Mr. Speaker, I yield the remaining 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I join with the gentleman from California (Mr. DEL CLAWSON) and the gentlewoman from Oregon (Mrs. GREEN) in opposition to the adoption of this rule, not because of the arguments of the Members from New York or any other State, but because this is a bad, bad rule.

The gentleman from Missouri (Mr. BOLLING) says that the rule is designed to protect the Members from being blindsided by certain provisions in the bill. Let me say, in answer to the gentleman from Missouri, that the Members very likely will get blind-sided if this rule is adopted.

The gentlewoman from Oregon (Mrs. GREEN) very wel pointed this out in her remarks to the House.

Mr. Speaker, if rules of this nature are to become standard procedure in the House, then clause 7 of rule XVI ought to be amended to provide that the House can debate the questions posed in the rules and sort out what they want, not what the Committee on Rules says they shall have.

Mr. BOLLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe that anyone should be confused by the situation. We can all cut to pieces even the best efforts to bring a little more reason to the consideration of complicated matters. This is, I believe, a legitimate step toward trying to protect the House and its Members from being blind-sided on a very complicated formula. If the House decides it does not want to deal with this matter on this basis, then it has every right to vote down the rule. I tried very hard to give the Members an opportunity to understand what the rule did, but I believe it is important to take this step toward a rational consideration of matters of this importance. The previous consideration of these matters has not in my judgment done any honor to the House.

The SPEAKER. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. BOLLING. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 163, not voting 34, as follows:

[Roll No. 76]

YEAS—234

Abdnor	Burton	Erlenborn
Adams	Carney, Ohio	Eshleman
Anderson, Calif.	Carter	Evans, Colo.
Anderson, Ill.	Casey, Tex.	Evins, Tenn.
Andrews, N.C.	Cederberg	Fascell
Andrews, N. Dak.	Chamberlain	Findley
Ashley	Clark	Flood
Aspin	Clausen, Don H.	Foley
Bell	Clay	Forsythe
Bergland	Cochran	Fountain
Bevill	Cohen	Frenzel
Biester	Conte	Froehlich
Blatnik	Conyers	Fulton
Boggs	Corman	Gaydos
Bolling	Coughlin	Gettys
Bowen	Cronin	Gibbons
Brademas	Culver	Ginn
Breaux	Danielson	Gonzalez
Brinkley	Davis, Ga.	Guyer
Brooks	Davis, S.C.	Haley
Brotzman	de la Garza	Hamilton
Brown, Calif.	Dellenback	Hanrahan
Brown, Ohio	Denholm	Hansen, Idaho
Broyhill, N.C.	Dent	Hansen, Wash.
Buchanan	Dickinson	Harrington
Burgener	Diggs	Hastings
Burke, Calif.	Dorn	Hawkins
Burke, Mass.	Drinan	Hays
Burleson, Tex.	du Pont	Hébert
Burlison, Mo.	Edwards, Ala.	Hechler, W. Va.
	Edwards, Calif.	Heckler, Mass.
		Heinz

Henderson	Michel	Shoup
Hicks	Miller	Shriver
Hillis	Mills	Sisk
Hinshaw	Mink	Skubitz
Hogan	Mollohan	Slack
Hungate	Moorhead, Pa.	Smith, Iowa
Jarman	Morgan	Spence
Johnson, Calif.	Mosher	Staggers
Johnson, Colo.	Moss	Stanton,
Johnson, Pa.	Murtha	J. William
Jones, Ala.	Natcher	Stark
Jones, N.C.	Nelsen	Steed
Jones, Okla.	Nichols	Steiger, Wis.
Jones, Tenn.	Obey	Stephens
Jordan	O'Brien	Stuckey
Karth	O'Neill	Studds
Kastenmeier	Owens	Symington
Kazen	Parris	Talcott
Kyros	Passman	Taylor, N.C.
Landrum	Pepper	Teague
Latta	Perkins	Thomson, Wis.
Leggett	Pettis	Thone
Lehman	Pickle	Towell, Nev.
Litton	Poage	Ullman
Long, La.	Preyer	Van Deerlin
Long, Md.	Price, Ill.	Veysey
Lott	Pritchard	Vigorito
Lujan	Quie	Waldie
McClory	Railsback	Ware
McCloskey	Randall	White
McCollister	Regula	Whitten
McCormack	Reuss	Widnall
McDade	Rhodes	Wiggins
McFall	Rogers	Williams
McKay	Roncalio, Wyo.	Wilson,
McSpadden	Rooney, Pa.	Charles H.,
Madden	Rose	Calif.
Madigan	Roush	Winn
Mahon	Roy	Wright
Mallary	Roybal	Wyatt
Mann	Ryan	Yates
Martin, Nebr.	Sandman	Yatron
Mathis, Ga.	Sarbanes	Young, Alaska
Matsunaga	Schneebeli	Young, Ill.
Mayne	Schroeder	Young, S.C.
Meeds	Sebelius	Young, Tex.
Melcher	Seiberling	Zablocki
Mezvinsky	Shipley	Zwach

NAYS—163

Abzug	Eilberg	Moakley
Addabbo	Esch	Moorhead,
Annunzio	Fish	Calif.
Archer	Flynt	Murphy, Ill.
Arends	Ford	Myers
Armstrong	Fraser	Nedzi
Ashbrook	Frelinghuysen	O'Hara
Badillo	Frey	Patten
Bafalis	Fuqua	Peyser
Baker	Giaimo	Pike
Barrett	Gilman	Powell, Ohio
Bauman	Goldwater	Price, Tex.
Beard	Goodling	Quillen
Bennett	Grasso	Rangel
Biaggi	Green, Oreg.	Rarick
Bingham	Green, Pa.	Riegle
Blackburn	Griffiths	Rinaldo
Boland	Gross	Roberts
Bray	Grover	Robinson, Va.
Broomfield	Gubser	Rodino
Brown, Mich.	Gude	Roe
Broyhill, Va.	Gunter	Roncallo, N.Y.
Burke, Fla.	Hammer-	Rosenthal
Byron	schmidt	Rostenkowski
Camp	Hanley	Rousselot
Chappell	Helstoski	Runnels
Chisholm	Holt	Ruppe
Clancy	Holtzman	Ruth
Clawson, Del	Horton	St Germain
Cleveland	Hosmer	Sarasin
Collier	Huber	Satterfield
Collins, Ill.	Hudnut	Scherle
Collins, Tex.	Hunt	Shuster
Conable	Hutchinson	Sikes
Conlan	Ichord	Smith, N.Y.
Cotter	Kemp	Snyder
Crane	Ketchum	Stanton,
Daniel, Dan	King	James V.
Daniel, Robert	Kluczynski	Steele
W., Jr.	Koch	Steelman
Daniels,	Kuykendall	Steiger, Ariz.
Dominick V.	Landgrebe	Stokes
Davis, Wis.	Lent	Stratton
Delaney	McKinney	Symms
Dellums	Martin, N.C.	Taylor, Mo.
Dennis	Mathias, Calif.	Thompson, N.J.
Derwinski	Mazzoli	Tiernan
Devine	Metcalfe	Treen
Dingell	Milford	Udall
Donohue	Minish	Vander Veen
Dulski	Mitchell, Md.	Vanik
Duncan	Mitchell, N.Y.	Waggonner
Walsh	Wilson, Bob	Wyman
Wampler	Wolff	Young, Fla.
Whalen	Wydler	Young, Ga.
Whitehurst	Wylie	Zion

NOT VOTING—34

Alexander	Holifield	Podell
Brasco	Howard	Rees
Breckinridge	Luken	Reid
Butler	McEwen	Robison, N.Y.
Carey, N.Y.	Macdonald	Rooney, N.Y.
Downing	Maraziti	Stubblefield
Eckhardt	Minshall, Ohio	Sullivan
Fisher	Mizell	Thornton
Flowers	Montgomery	Vander Jagt
Gray	Murphy, N.Y.	Wilson,
Hanna	Nix	Charles, Tex.
Harsha	Patman	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Montgomery for, with Mr. Carey of New York against.

Mr. Breckinridge for, with Mr. Rooney of New York against.

Mr. Gray for, with Mr. Murphy of New York against.

Mr. Hanna for, with Mr. Brasco against.

Mr. Holifield for, with Mr. Nix against.

Mr. Rees for, with Mr. Reid against.

Mr. Fisher for, with Mr. Podell against.

Until further notice:

Mr. Macdonald with Mr. McEwen.

Mr. Howard with Mr. Butler.

Mr. Alexander with Mr. Maraziti.

Mrs. Sullivan with Mr. Mizell.

Mr. Downing with Mr. Harsha.

Mr. Patman with Mr. Minshall of Ohio.

Mr. Charles Wilson of Texas with Mr. Robison of New York.

Mr. Stubblefield with Mr. Vander Jagt.

Mr. Flowers with Mr. Luken.

Mr. Eckhardt with Mr. Thornton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1974

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 69) to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes.

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

The yeas and nays were refused.

CALL OF THE HOUSE

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

The SPEAKER. The Chair will count.

One hundred and sixty-seven Members are present, not a quorum.

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

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 77]

Alexander	Flowers	Patman
Andrews, N.C.	Fountain	Podell
Ashley	Goldwater	Rees
Beard	Gray	Reid
Blatnik	Hanna	Robison, N.Y.
Brasco	Hansen, Wash.	Rooney, N.Y.
Breckinridge	Harsha	Stubblefield
Broyhill, N.C.	Holifield	Sullivan
Burleson, Tex.	Howard	Thornton
Butler	McEwen	Vander Jagt
Carey, N.Y.	Macdonald	Wilson, Bob
Clark	Maraziti	Wilson,
Clay	Minshall, Ohio	Charles H.,
Downing	Mizell	Calif.
Eckhardt	Montgomery	Wilson,
Edwards, Ala.	Murphy, N.Y.	Charles, Tex.
Erlenborn	Nix	
Fisher	Parris	

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1974

The SPEAKER. When the point of order that a quorum was not present was raised, the House was about to resolve itself into the Committee of the Whole House on the State of the Union.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 69, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 2 hours, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 2 hours.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have tried to bring before this body the most equitable bill that could possibly be written by the House Committee on Education and Labor. I think we have done just that.

The Members heard in the debate this afternoon during the consideration of the rule the assertion that we have purportedly done something to the State of New York. New York State for fiscal 1975 will receive substantially as much money as it received for fiscal year 1973 for grants to local school districts.

Mr. Chairman, H.R. 69 comes to the House after weeks and months of intensive discussion and debate, as well as after full and serious consideration of hundreds of suggestions and proposals from members of the authorizing committee as well as from other Members of the Congress. The committee conducted 36 days of hearings on this legislation and heard from approximately 275 witnesses. We also had 21 markup sessions and numerous caucuses before reporting the bill.

This careful preparation of the legislation went on because we knew it was absolutely essential that we come to the floor with as fair and as equitable a bill as we or anyone else could prepare. That was our objective, and to my way of thinking, we have achieved it.

The committee bill basically extends most of the Federal elementary and secondary education laws for 3 years and consolidates seven of the categorical programs into two broad purpose programs. The impact aid programs are only extended for 1 more year, however.

The bill also extends and amends the Adult Education Act, the Education of the Handicapped Act, the Bilingual Education Act, and the General Education Provisions Act. In addition, a new community education program is established, and a White House Conference on Education is authorized to be called in 1975.

TITLE I

The title I formula for distributing funds is the heart of the ESEA bill. With this formula, the committee has made a scrupulous effort to treat all children fairly, regardless of the State or county in which they live. I believe we have come closer to equity in this new formula than at any time in recent years.

Frankly, there is a crisis in the title I program. This crisis was produced by distortions in the data which was available to us. For months, the committee has made a diligent search for ways to eliminate these distortions.

Obviously, we have not satisfied everyone. It may be that we have not satisfied anyone, entirely. But I am convinced that the formula we bring before the House today is the fairest that can presently be devised. We hope it will eliminate the distortions which have occurred in title I allocations within the last few years.

These distortions grew out of the use of the old poverty criteria of the mid-1960's, and the fact that we were obliged to use 1960 census figures in counting poor children for the years 1965 to 1973.

When we passed ESEA back in 1965, we devised a system that seemed adequate at the time for figuring the grant to which each school district was entitled.

At that time, $2,000 was considered an appropriate poverty level for a family of four. So we said we would count from the census the number of children from families earning less than $2,000 in each school district.

The census, of course, is taken only every 10 years. It was clear that we needed to have another figure that was more current. So we added to the census figure the number of children in families receiving AFDC—aid for families with dependent children—payment in excess of $2,000. The $2,000 floor under AFDC was supposed to prevent double counting.

That formula seemed to work well for 1965 and a few years after that. But by 1969, it was clear that the poverty level had changed, and the $2,000 family income as an index of poverty was completely out of date and unrealistic.

Use of this outdated figure was causing a distortion in the distribution of title I funds. The money just was not going in an equitable manner to the areas where the poor children were concentrated.

In the ESEA Amendments of 1967, we increased that poverty level to $3,000.

Four years ago, in the ESEA Amendments of 1970, we established a two-step increase in the poverty level: first to $3,000, and then to $4,000.

But Congress stipulated that before these increases could go into effect, the appropriations had to be sufficient to give every school district every dollar it was entitled to under the $2,000 level.

Unfortunately, we never reached that level. The President never asked, and the Congress never appropriated enough money to give each school district its full entitlement at the $2,000 level.

The distortions that began showing up in 1969 quickly became aggravated. I dwell on this at some length because it is the crux of the argument that exists today on the ESEA formula.

Remember, until 1973 we had only 1960 census data to go on—so the number of poor children remained stationary.

The children counted under AFDC simply mushroomed, because in some States and cities there was a rapid expansion of AFDC. And AFDC is counted every year, not every decade, as the census.

In 1966, only 10 percent of the children counted for title I fund distribution came from AFDC. Seven years later, in 1973, AFDC accounted for 60 percent of the title I count.

Now this would not have been too bad if the AFDC increases had occurred uniformly throughout the country. But they did not. They were concentrated in the wealthier States, the States with the higher per capita income.

This created great havoc in the title I program. It was almost as if we had tilted the country up on one end and let all the ESEA funds flow into those States with the highest per capita income. And this, Mr. Chairman, is not right. It perverts the entire purpose of ESEA—to provide funds for poor children, the poorest of the poor, who were not sharing equally in the educational bounty which this wealthy Nation is capable of providing.

School districts in wealthy States were adding more and more AFDC children into their total count for title I money, while school districts in poorer States were left with the same number of children they started out with—those counted as being from families earning less than $2,000 a year according to the 1960 census.

A logical question arises at this point—were not some of the poorer States increasing AFDC at least enough so that there was some equity?

The answer to that is simply the fact that when we held our hearings, and looked at the data on AFDC, we found several States with not one family receiving as much as $2,000 from AFDC. Unless those families were counted in the census—and they may or may not have been back in 1960—they were not counted for title I funds.

So we saw funds shifting from the poorer States to the wealthier States.

For example, New York State's percentage of the Nation's population dropped between 1960 and 1970 from 9.4 percent to 9 percent, while Texas increased its share of the population from 5.3 to 5.5 percent. But, because New York was wealthier, it was able to add seven times as many AFDC children to its total count of title I children as Texas between 1965 and 1973. This meant that New York, which was proportionately losing population as compared to Texas, was dramatically increasing its share of the title I money.

Now, another dimension of the distortion problem developed when we started using the 1970 census figures, and that occurred for the first time this year—1974.

The distortion was enormous, because we were still limited to only counting children from families with incomes under $2,000 as poor.

Under the 1970 census, using the $2,000 figure for poverty, the decline in the number of poor children was over 50 percent. We all know why the decline showed up the way it did—many of these poor families were earning a few dollars more a week than they had been when the 1960 census was taken, and so they showed up with incomes in the $2,000 to $3,000 or $4,000 category.

Those are absolutely subpoverty levels by current standards; but it did not help so far as title I was concerned, because the $2,000 factor was still the law, despite the fact that it was extremely out-of-date.

When that fact is tied in with the annual increase of AFDC children counted for title I, the dimensions of the distortion become apparent.

New York and Florida are an example of this distortion. New York State, with only 7 percent of the school attendance in the country, was eligible to receive 18 percent of the title I money during fiscal 1974. Florida, with 4 percent of the average daily attendance, was eligible to receive only 2 percent.

Congress tried to make at least some degree of correction in the distortion through "hold-harmless" provisions. After the protracted debate on the Labor-HEW appropriations bill for 1974, several "hold-harmless" provisions were inserted in the final measure in order to mitigate this distortion.

However, after applying the "hold-harmless" provisions, New York is still receiving 15.6 percent of the title I money for 1974, while Florida is receiving 1.8 percent.

There are dozens of additional examples showing that while the "hold-harmless" provisions were steps in the right direction, they were not anywhere near actual corrections of the distortion.

Therefore, it is very important to remember that allocations under the 1974 appropriations should not be considered a fair and equitable distribution of title I funds. All of the distortions which have been discussed exist in that allocation.

That is why the committee developed a new formula, which is current, and which is equitable and fair.

The committee has amended the formula in H.R. 69 by updating the definition of poverty used with the census data and limiting the number of AFDC children counted. The updated definition of poverty for the census will be the official Federal definition, the Orshansky index. That definition was adopted by the Bureau of the Budget in 1969 as the official Federal standard for determining poverty. It is now widely used in Federal domestic assistance programs, such as the manpower program and the school lunch program.

The allegation has been made that the Orshansky index has a rural bias. Well, I would like to point out that if anything it has an urban bias.

Under Orshansky, the poverty level for a farm family is set at 15 percent less than the level for a nonfarm family. The Office of Management and Budget in its study of the Orshansky index last year recommended the elimination of that lower level for a farm family because it could find no objective statistical evidence that it costs less to live in a rural area than in an urban area.

I would also like to point out to my colleagues that this conclusion is supported by data from the Bureau of Labor Statistics. That data shows that although it may cost less for some things in rural areas and small towns than it does in urban areas, it costs more for other things. For instance, transportation for a rural poor family was determined to be at 120 by BLS while it was only 96 for an urban family—100 is the national average.

In addition to counting children from poverty families in the 1970 census, two-thirds of all the children from families receiving AFDC payments in excess of the current Federal definition of poverty for a nonfarm family of four will also be counted. This definition is the same Orshansky index used for the census, and updated every year by increases in the Consumer Price Index.

The reason that the annually updated definition must be used in counting AFDC children above that definition is to prevent some of these AFDC children from being double-counted. If the poverty figure for counting AFDC children were any lower than the current Orshansky definition, then any AFDC children who were counted in the 1970 census as being in families below the poverty level would be counted again.

Since there has been some confusion about which current years Orshansky definition is to be used in determining AFDC children, I would like to clarify how these children will be counted. The present law, which is unamended by H.R. 69, requires the Department of Health, Education, and Welfare to collect AFDC data for title I purposes for the January preceding the fiscal year in which the information is to be used in distributing funds. In other words, the AFDC children who are to be counted during fiscal year 1975 have to be determined by HEW in January of 1974 since fiscal year 1975 begins on July 1, 1974.

Now, since the final Orshansky definition of poverty for calendar year 1973 will not be available until the end of March or beginning of April of 1974, the definition which HEW must use in collecting the AFDC data from January of 1974 will have to be the 1972 Orshansky definition of poverty.

In 1972 a nonfarm family of four was determined to be poor, using the updated Orshansky definition, if its income was less than $4,250. Therefore, two-thirds of all AFDC children whose families are receiving in excess of $4,250 in January of 1974 will be counted in determining that school district's entitlement.

I would like to point out that the committee's version of the title I formula still helps the wealthier States, because they will be the ones that will be able to add AFDC children every year to their total count of title I children. None of the poorer States will be able to make AFDC payments of more than $4,250 a year.

The other part of the formula which the committee bill changes is the payment rate for all title I children. Under present law, a school district is entitled to either 50 percent of the State or national average expenditure for every title I child.

The committee bill changes this payment rate by providing that every school district is entitled to 40 percent of the State per-pupil expenditure for education, except that if a State's expenditure is below 80 percent of the national average, it is raised to 80 percent of the national, and if it is in excess of 120 of the national average, it is limited to 120 percent of the national.

The effect of this amendment is to lower the payment rate for the poorer States and to put a ceiling on the payment rate for the wealthiest States. Thereby, payments for all title I children are grouped closer to a national average.

But I would like to point out that the ceiling—40 percent of 120 percent of the national average, instead of 50 percent of the State average—only affects four States, and they are among the wealthiest in the country. The lowering of the minimum—40 percent of 80 percent of the national average, instead of 50 percent of the national average—affects 32 States which include all the poorest States in the country.

The last amendment to the title I formula in H.R. 69 is a provision to guarantee every school district 85 percent of the previous year's allocation. This local "hold-harmless" is meant to cushion any adverse effects on local school districts of the new title I formula.

The title I formula which we adopted in H.R. 69 is the best that our committee could do to restore equity to the distribution of title I funds. We deliberated in committee for 21 days in formal mark-up sessions on H.R. 69, and most of those sessions were on the title I formula. Many members of the committee caucused privately many more times than the committee met. I know that elements of this formula will cause great debate, but I can say honestly that no other title I formula was able to marshal a majority of the committee.

If what we have done does not prove to be equitable over time, we can always return to a consideration of the formula. In fact, we have included several provisions in the bill which will insure consideration of the effects of this new formula very soon.

H.R. 69 mandates several studies and a survey to be conducted on title I by February 1, 1975. These studies and the survey are meant to supply us with the best information possible within the next year on various methods to update more promptly and accurately the statistics used in distributing title I assistance.

In addition to the updating of the formula, the committee adopted several other amendments to the title I program. One of these amendments allows local school districts to use educational disadvantagement as a means for choosing their title I target schools. Under present law, school districts are restricted to using poverty criteria in choosing eligible schools.

Another amendment adopted by the committee requires the target schools, once they are chosen—either according to poverty criteria or criteria of educational disadvantagement—must retain their eligibility for 3 years. The purpose of this amendment is to assure that educationally deprived children are included in title I program for a long enough period of time to achieve measurable gains. The committee heard testimony during our hearings on how some States were eliminating children from programs after only a year or two of participation.

The committee also adopted amendments allowing school districts to use title I funds for teacher training and requiring that school districts must use title I funds only for the excess costs of programs. The excess cost amendment is meant to reemphasize that title I services must be in addition to services provided from State and local money. That amendment also affects the comparability requirement under title I so that title I funds are not denied to schools if they are using State and local funds on programs for the handicapped, for the educationally deprived, and for those with limited English-speaking ability.

The committee also adopted an amendment requiring the Commissioner of Education to bypass any local school district if it cannot legally provide, or if it is substantially failing to provide, services for private school children in its title I programs. Since there has been considerable controversy concerning this provision, I would like to spend a minute giving an explanation of this amendment.

Since 1965, the law authorizing the

title I program has required that private school children must participate in local title I programs to the extent that they have needs to be met with title I funds. The amendment adopted by the committee does not change that requirement. It does not expand its scope, nor does it constrict it. Rather, it simply provides an administrative device for the enforcement of that provision of the original 1965 law.

The administrative device which is authorized is modeled on provisions which have been in Federal laws for 20 years in the school lunch program and in various other programs. In fact, the same provision has been in title III of ESEA since 1970.

Some concern has been expressed that this amendment will mean that the Department of Health, Education, and Welfare will have to begin immediately to examine each local school district's title I program to determine if private school children are participating adequately. This is not the purpose of the amendment. The amendment is simply meant to be invoked when there is a failure to a substantial degree on the part of the local school district to provide services. The burden in alleging that this failure exists rests with local people, such as the parents of private school children; and only when such an allegation has been made will the administrative procedures have to begin to invoke this provision.

The committee bill also contains several amendments to the State agency programs under title I. In the migrant program, the Commissioner is authorized to use the migrant student record transfer system if he determines that that system provides the most accurate data on the number of migrant students in the country. Since the use of that system may lead to a substantial increase in the number of migrant students counted and since the "full funding" requirement is retained from the present law for all the State agency programs, it is our intention that the Commissioner phase in the use of this data over several years—if he decides to use MSRTS data—in order to avoid any disruption in the other title I programs.

The committee also adopted several amendments to the State agency handicapped program. The principal amendment requires that State agencies actually provide programs for all handicapped children in their institutions who are counted for purposes of this title I assistance.

I am inserting two charts to explain the committee's formula. Chart No. 1 shows the total title I grants to each State under H.R. 69 and compares that to the total grants received during fiscal year 1974. These total title I grants are both grants to local school districts and grants for programs operated by the State educational agencies. Chart No. 2 shows a comparison for fiscal 1973, 1974, and under H.R. 69 of local school district grants only. Both of these charts are based on the amounts States and school districts actually received during fiscal years 1973 and 1974. They do not include the impounded funds for either one of those 2 years. As regards H.R. 69, they show the bill at the President's budget request for fiscal year 1975, $1.885 billion.

The charts follow:

CHART NO. 1

TITLE I GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES FOR FISCAL 1974 AND UNDER H.R. 69

State	Fiscal year 1974 allocation (A)	H.R. 69 allocation (B)	Increase/ decrease (A—B)	Percent increase, decrease
Alabama	$36, 498, 672	$46, 069, 880	$9, 571, 208	26. 2234
Alaska	4, 599, 584	4, 584, 737	—14, 846	—. 3228
Arizona	11, 326, 911	17, 604, 268	6, 277, 357	55. 4199
Arkansas	23, 394, 192	27, 097, 231	3, 703, 039	15. 8289
California	136, 486, 016	158, 460, 568	21, 974, 552	16. 1002
Colorado	14, 311, 073	17, 462, 127	3, 151, 054	22. 0183
Connecticut	16, 660, 632	19, 545, 836	2, 885, 204	17. 3175
Delaware	3, 689, 165	5, 606, 532	1, 917, 367	51. 9729
Florida	40, 146, 464	67, 324, 244	27, 177, 780	67. 6966
Georgia	43, 002, 496	50, 218, 655	7, 216, 159	16. 7808
Hawaii	4, 552, 617	5, 843, 309	1, 290, 692	28. 3506
Idaho	4, 063, 449	4, 951, 430	887, 981	21. 8529
Illinois	85, 305, 776	92, 887, 706	7, 581, 930	8. 8879
Indiana	22, 535, 584	27, 623, 346	5, 087, 762	22. 5766
Iowa	15, 830, 087	17, 177, 747	1, 347, 660	8. 5133
Kansas	11, 762, 936	14, 142, 536	2, 379, 600	20. 2296
Kentucky	33, 409, 408	35, 608, 290	2, 198, 882	6. 5816
Louisiana	34, 756, 000	57, 972, 394	23, 216, 394	66. 7982
Maine	6, 547, 142	7, 375, 441	828, 299	12. 6513
Maryland	25, 912, 208	32, 352, 734	6, 440, 526	24. 8552
Massachusetts	32, 268, 400	34, 239, 929	1, 971, 529	6. 1098
Michigan	69, 596, 528	81, 126, 454	11, 529, 926	16. 5668
Minnesota	22, 761, 440	28, 670, 350	5, 908, 910	25. 9602
Mississippi	38, 134, 032	44, 250, 347	6, 116, 315	16. 0390
Missouri	26, 074, 784	32, 926, 969	6, 852, 185	26. 2790
Montana	4, 355, 160	5, 863, 672	1, 508, 512	34. 6374
Nebraska	8, 068, 653	9, 726, 591	1, 657, 938	20. 5479
Nevada	$1, 548, 527	$2, 607, 489	$1, 058, 962	68. 3852
New Hampshire	2, 881, 740	3, 526, 094	644, 354	22. 3599
New Jersey	60, 575, 552	57, 995, 387	—2, 580, 164	—4. 2594
New Mexico	9, 083, 931	14, 736, 279	5, 652, 348	62. 2236
New York	235, 867, 520	206, 586, 717	—29, 280, 802	—12. 4141
North Carolina	56, 969, 632	55, 528, 579	—1, 441, 052	—2. 5295
North Dakota	5, 393, 937	5, 699, 719	305, 782	5. 6690
Ohio	53, 476, 816	59, 181, 545	5, 704, 729	10. 6677
Oklahoma	18, 889, 360	21, 833, 286	2, 943, 926	15. 5851
Oregon	12, 441, 113	17, 221, 871	4, 780, 758	38. 4271
Pennsylvania	78, 045, 120	88, 164, 738	10, 119, 618	12. 9664
Rhode Island	5, 771, 045	7, 453, 511	1, 682, 466	29. 1536
South Carolina	32, 812, 752	35, 985, 007	3, 172, 255	9. 6678
South Dakota	6, 049, 284	6, 463, 950	414, 666	6. 8548
Tennessee	33, 561, 968	42, 090, 442	8, 528, 474	25. 4111
Texas	95, 159, 456	122, 761, 154	27, 601, 698	29. 0057
Utah	5, 394, 049	6, 325, 710	931, 661	17. 2720
Vermont	3, 054, 045	3, 892, 729	838, 684	27. 4614
Virginia	34, 657, 008	41, 576, 422	6, 919, 414	19. 9654
Washington	19, 257, 392	23, 742, 190	4, 484, 798	23. 2887
West Virginia	18, 480, 096	18, 609, 299	129, 203	. 6992
Wisconsin	22, 167, 888	30, 903, 656	8, 735, 768	39. 4073
Wyoming	1, 800, 767	2, 783, 793	983, 026	54. 5893
District of Columbia	12, 639, 227	11, 468, 080	—1, 171, 146	—9. 2660
Puerto Rico	31, 837, 390	32, 897, 354	1, 059, 964	3. 3293
Total	1, 633, 865, 204	1, 866, 748, 355	232, 883, 331	

CHART NO. 2

COUNTY LEA ALLOTMENTS, FISCAL YEARS 1973, 1974, AND H.R. 69

	Fiscal year 1973	Fiscal year 1974	H.R. 69	Percent increase/ decrease, 1973–74	Percent increase/ decrease, 1974–H.R. 69
Alabama	$34, 549, 166	$34, 549, 132	$44, 597, 343	0	+29
Alaska	2, 415, 064	2, 898, 066	3, 567, 869	+20	+23
Arizona	8, 134, 242	8, 222, 684	15, 352, 487	+1	+87
Arkansas	20, 963, 618	20, 963, 686	25, 421, 619	0	+21
California	111, 618, 375	121, 364, 075	145, 922, 632	+9	+20
Colorado	10, 237, 378	10, 931, 380	14, 840, 333	+7	+36
Connecticut	11, 747, 931	14, 097, 513	17, 456, 707	+20	+24
Delaware	2, 323, 748	2, 323, 746	4, 484, 199	0	+93
Florida	24, 111, 072	25, 295, 553	56, 173, 071	+5	+122
Georgia	40, 573, 812	40, 573, 733	48, 439, 570	0	+19
Hawaii	3, 715, 263	4, 107, 062	5, 456, 868	+11	+33
Idaho	2, 719, 220	2, 719, 197	4, 037, 124	0	+48
Illinois	69, 554, 901	77, 374, 186	86, 298, 479	+11	+12
Indiana	18, 773, 439	18, 773, 393	24, 758, 413	0	+32
Iowa	14, 601, 661	14, 601, 612	16, 150, 316	0	+11
Kansas	9, 147, 430	9, 632, 718	12, 583, 564	+5	+31
Kentucky	32, 212, 778	32, 212, 725	34, 701, 603	0	+8
Louisiana	31, 322, 489	31, 322, 458	55, 238, 698	0	+76
Maine	5, 633, 673	5, 641, 857	6, 715, 073	0	+19
Maryland	19, 380, 669	22, 691, 077	29, 660, 776	+17	+31
Massachusetts	24, 893, 505	28, 110, 257	30, 830, 000	+13	+10
Michigan	51, 768, 916	58, 920, 723	72, 333, 877	+14	+23
Minnesota	20, 897, 155	20, 896, 111	27, 075, 344	0	+30
Mississippi	35, 922, 629	35, 922, 589	42, 638, 564	0	+19
Missouri	23, 367, 302	23, 367, 243	30, 924, 399	0	+32
Montana	$2, 865, 542	$2, 865, 506	$4, 742, 341	0	+65
Nebraska	7, 187, 530	7, 187, 485	9, 033, 851	0	+26
Nevada	923, 899	1, 108, 671	2, 235, 885	+10	+102
New Hampshire	2, 007, 413	2, 274, 204	3, 059, 334	+13	+35
New Jersey	44, 232, 287	52, 911, 392	52, 135, 686	+20	—1
New Mexico	7, 393, 185	7, 393, 165	13, 574, 993	0	+84
New York	196, 835, 764	218, 053, 696	195, 598, 825	+11	—10
North Carolina	51, 556, 663	51, 556, 617	51, 865, 486	0	+1
North Dakota	4, 101, 267	4, 101, 244	4, 808, 138	0	+17
Ohio	42, 248, 122	45, 285, 369	53, 183, 250	+7	+17
Oklahoma	16, 649, 246	16, 649, 203	20, 303, 138	0	+22
Oregon	8, 421, 321	8, 710, 584	14, 186, 947	+4	+63
Pennsylvania	64, 998, 125	69, 652, 264	81, 195, 750	+7	+17
Rhode Island	4, 873, 849	5, 032, 813	6, 837, 727	+3	+38
South Carolina	29, 853, 231	29, 853, 205	33, 942, 548	0	+16
South Dakota	5, 470, 551	5, 470, 522	6, 039, 561	0	+14
Tennessee	31, 273, 191	31, 273, 147	40, 421, 562	0	+20
Texas	67, 675, 754	67, 675, 627	104, 559, 118	0	+59
Utah	3, 894, 921	4, 462, 745	5, 675, 686	+15	+25
Vermont	2, 093, 957	2, 093, 948	3, 100, 714	0	+47
Virginia	31, 522, 692	31, 522, 626	39, 209, 398	0	+24
Washington	13, 449, 639	15, 136, 897	20, 363, 272	+13	+35
West Virginia	17, 319, 813	17, 319, 783	17, 799, 572	0	+3
Wisconsin	17, 340, 875	18, 711, 174	28, 007, 920	+8	+50
Wyoming	1, 170, 817	1, 186, 466	2, 262, 362	+1	+91
District of Columbia	10, 096, 368	11, 196, 398	10, 352, 661	+11	—8

CONSOLIDATION

The committee bill contains a conditional consolidation of seven categorical aid programs into two broad purpose aid programs. The title II, ESEA, program—library books—the title III, ESEA, program—guidance and counseling—and the title III, NDEA, program—equipment—are to be consolidated into a libraries and learning resources program. And the remainder of the title III, ESEA—innovation—the drop-out prevention and nutrition and health programs—both now in title VIII, ESEA—and title V, ESEA—aid to State departments of education—are to be consolidated into the new innovation and support services program.

The condition on these consolidations is that there must be at least the same level of funding for the consolidated programs as there was in the previous year for the separate categorical programs. This condition is meant to make clear that the administrative device of consolidation must not be used as an excuse for cutting back on the Federal commitment to education.

There are several particular features of these consolidated grants which I would like to mention. First, the consolidated program for libraries and learning resources requires local decisionmaking on the amount of money which is to be used for libraries, equipment, and guidance and counseling. Presently, those decisions are being made on the Federal and State levels.

Second, the funds for the libraries and learning resources program must be distributed by the States among local school districts according to a definite policy set forth in the law. This policy is that the enrollments of local districts must be the basis for allocation of funds and that substantial funds must be provided to those school districts exerting a great tax effort and to those districts which have substantial numbers of children whose education costs more. We have set out this policy in the law in order to set precise parameters for State decisionmaking on how to distribute these funds.

Third, in both consolidated programs approximately 95 percent of the funds must be passed through by the State educational agencies to local school districts. There have been too many instances in the past where State agencies have retained funds at the State level and refused to operate local programs with them. That type of administration is inappropriate for the programs which the committee proposes to consolidate. These funds must be spent on the local level.

IMPACT AID

The committee bill extends the two impact aid programs—the school construction and the school maintenance and operation assistance programs—for 1 additional year, through June 30, 1975. The committee bill also amends the impact aid programs in order to make all children who live on Federal land "a" children and to clarify the status of certain Indian children living in public housing projects in Oklahoma.

The maintenance and operation assistance program is also amended to count as one and one-half children, every federally connected handicapped child and to allow States to consider impact aid as local resources in distributing State aid if the State has adopted a school equalization program. The State can consider the impact aid payments as local resources to the same degree that the State is providing funds for education from its own sources.

COMMUNITY EDUCATION

The committee bill authorizes a new program for community education. This program would be phased in over several years. The purpose of this program is to encourage the States and local school districts to use their public buildings as much as possible for programs benefiting local communities.

During fiscal year 1975, planning for community education is authorized, and during fiscal 1976 and 1977 local programs can be funded.

ADULT EDUCATION

H.R. 69 extends the Adult Education Act for 3 years and amends it in order to remove the Commissioner's authorization to reserve 15 percent of the funds for projects to be funded at the national level. Instead, all funds under the act will be distributed to the States. Any programs approved by the Commissioner before the effective date of this amendment, however, must continue to be funded.

The committee bill also amends the Adult Education Act to allow the States to fund programs of high school equivalency from not to exceed 25 percent of each State's allotment which is in excess of its allotment for fiscal year 1973. Programs are also authorized to be funded by the States for institutionalized adults, and the States are permitted to establish State advisory councils on adult education.

EDUCATION OF THE HANDICAPPED

The committee bill extends for 2 additional years the programs authorized by the Education of the Handicapped Act. The committee bill also contains provisions strengthening the Bureau of the Handicapped within the Office of Education.

The State plan required under the act has been amended to require each State to identify and evaluate all children residing in the State who are handicapped and to indicate for each child the extent to which a free appropriate public education is being provided.

I am especially pleased that the committee adopted this amendment because I believe that we have been neglecting the needs of our handicapped children for far too long. We have made some progress, especially through Federal aid programs, but we must continue these programs and move toward the goal of educating every handicapped child.

BILINGUAL EDUCATION

The committee bill extends the Bilingual Education Act for 3 additional years and amends it to broaden the class of schools eligible for funding. The Commissioner is also permitted to fund research and demonstration programs.

Earlier today, the General Subcommittee on Education began hearings on bilingual education. We heard testimony from the Departments of Justice and Health, Education, and Welfare on the Supreme Court's decision in Lau against Nichols requiring that bilingual education must be provided to all children needing it in certain circumstances. The committee is beginning an extensive review of bilingual education in order to determine the Federal Government's best response to the challenge of this recent decision, but in the meantime we have proposed to continue the Bilingual Education Act basically as it exists now.

GENERAL EDUCATION PROVISIONS ACT

The committee bill also contains several amendments to the General Education Provisions Act, which is the Federal law containing provisions affecting all programs administered by the U.S. Commissioner of Education.

Among these amendments are the following:

A prohibition against the regionalization of the U.S. Office of Education unless such regionalization has been approved by the Congress;

An extension of the Tydings amendment allowing school districts and States to carry over appropriations from one fiscal year to the succeeding year;

Authorizing local school districts to appeal State actions in administering Federal education programs; and

The establishment of a procedure for the Congress to disapprove rules and regulations issued by the U.S. Office of Education.

MISCELLANEOUS AMENDMENTS

The committee bill also contains various miscellaneous amendments to Federal education laws.

The Commonwealth of Puerto Rico is included as a State under most Federal education laws for the purpose of allocating funds. A 5-year statute of limitations is set on HEW's right to demand repayment of expenditures made by States and local school districts from ESEA funds.

STUDIES

The committee bill directs three studies to be made. First of all, the Commissioner of Education must make a full and complete study of the extent to which late funding of Federal education programs impairs the operation of those programs. Second, the Secretary of Health, Education, and Welfare must undertake a study of the incidence of injuries occurring in scholastic athletic programs. Third, the Secretary must conduct a study on safety in the schools.

WHITE HOUSE CONFERENCE

The committee bill authorizes the President to call a White House Conference on Education in 1975. The purpose of the conference is to take a broad look at our Nation's educational system and to recommend improvements.

Mr. Chairman, I want to make one other assertion here about the formula. It is going to be argued that these figures we have on the county LEA allotments in the various States are incorrect.

The charts used by the committee show the amounts actually received by the States and local school districts in fiscal 1973 and 1974. They also show

H.R. 69 at an appropriation level of $1.885 billion since that is the amount contained in the President's budget request for 1975.

The impounded funds from fiscal 1973 and 1974 are not included because those funds were not received by States and local school districts in each of those years.

Now, Mr. Chairman, let me make one other statement with respect to the gentleman from New York (Mr. PEYSER). The gentleman states that we are going to jump up to $4,600 as the low-income factor this next year and wipe out most of the AFDC children. That is not the case and that will not happen, and it is not intended in this legislation to happen.

I say that for this reason: The present law requires that AFDC data be obtained for the month of January every year for the following school year. We have now only the consumer price index, the Orshansky updated through 1972, that is, for the 1972 calendar year. The cost-of-living increase for 1973 has not yet been arrived at. It may be arrived at within the next few months, but the 1973 cost-of-living increase will not be the basis for the formula commencing in the next fiscal year. It will be the Orshansky $4,200 and above for this school year and fiscal year commencing July 1, 1974.

Ms. HOLTZMAN. Will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I would like to ask a question of the chairman precisely on that point, because I notice on page 34 of the legislation that the Orshansky formula for determining the additional two-thirds of the AFDC children to be counted is to be updated by increases in the consumer price index. There is nothing in this legislation that says the Secretary could not use the updating in the consumer price index that would be received at the end of this March—for the year 1973—in computing his formula. If he does that, then you would have a $4,600 cut-off, not the $4,200 that you refer to. Am I not correct, Mr. Chairman?

Mr. PERKINS. Since there has been some confusion about which current year's Orshansky definition is to be used in determining AFDC children, I would like to clarify how these children will be counted.

The present law, which is in H.R. 69, requires the Department of HEW to collect AFDC data for title I purposes for the January preceding the fiscal year in which the information is to be used in distributing funds. In other words, the AFDC children who are to be counted during fiscal year 1974 have to be determined by HEW in January 1974, since fiscal year 1975 begins on July 1, 1974. Now, since the final Orshansky definition of poverty for calendar year 1973 will not be available until the end of March or the beginning of April of 1974, the definition which HEW must use in collecting the AFDC data in January 1974 will have to be the 1972 Orshansky definition of poverty.

In 1972 a nonfarm family of four was determined to be poor, using the updated Orshansky definition, if its income was less than $4,250. Therefore, two-thirds of all AFDC children whose families are receiving in excess of $4,250 in January 1974, will be counted in determining that school district's entitlement.

Further answering to the question posed by the gentlewoman from New York (Ms. HOLTZMAN), the answer is "No." The Secretary will not make any such addition to the formula, and will not use the 1973 updater until fiscal year 1976.

Ms. HOLTZMAN. Mr. Chairman, if the gentleman will yield further, I am troubled by the answer given by the gentleman from Kentucky. In my reading of the bill itself there is no such language that would support the statement made by the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, in response to the inquiry of the gentlewoman from New York (Ms. HOLTZMAN) let me say that that is the reason we are attempting to clarify the language by this legislative history. It is clear to me that the Secretary has to have the other data simultaneously as he has the AFDC under the present law in order to notify the various local educational agencies in the country in time. This is the attitude of the Department, and that is the legislative history that we are establishing here.

Ms. HOLTZMAN. Mr. Chairman, if the gentleman would yield still further, I take it, then, from the gentleman's answer that the language I referred to on line 8 of page 34 does not specifically preclude the Secretary from using the updated figures that would come out in March on the 1973 cost-of-living increase. The gentleman is only relying at this point on the legislative history, and I am not sure that that will be sufficient so far as construction of the statute itself is concerned.

Mr. PERKINS. In reply to the gentlewoman from New York, let me say that we have to have updated data here, or we will find ourselves in the same dilemma that we are presently confronting with the Orshansky definition. But the updating will not take effect, that is, the 1973 cost-of-living increase, on top of the present Orshansky 1972, until the school year of fiscal year 1976. That is a year from this coming July first.

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

Mr. PERKINS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, just to add to what the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) has stated, in commenting on the concern of the gentlewoman from New York (Ms. HOLTZMAN) I believe that the gentleman in the well (Mr. PERKINS) pointed out that the present law, which is not amended by H.R. 69, requires the Department of Health, Education, and Welfare to collect AFDC data for title I purposes on the January preceding the fiscal year in which the information is to be used for distributing the moneys. That being the case, and in relying on the interpretation which the gentleman from Kentucky (Mr. PERKINS) has made, the language to which the gentlewoman from New York (Ms. HOLTZMAN) has drawn the attention of the Committee should not pose a problem.

Ms. HOLTZMAN. Mr. Chairman, if the gentleman from Kentucky would yield still further, I would just like to clarify my question again in a different way. I do appreciate the gentleman's yielding further to me. The significance of my question is that if the Secretary can use the most recent, or the March cost-of-living increase, that would mean that fewer AFDC children would be counted in the formula. That was the reason that the chairman has stated, in answer to my question, that the Secretary could not take the March increase into account. And that troubles me because that means that we were not relying on the language of the statute, and I would appreciate clarification.

Mr. BRADEMAS. Mr. Chairman, if the gentleman will yield further to me, perhaps I can further clarify this question. The point raised by the gentlewoman from New York (Ms. HOLTZMAN) is moot in view of the fact that the present law requires, it does not permit, it requires the data to be collected in January, and therefore the Orshansky index, which may be updated in March, may not be used in relation to data collected in January.

Mr. PERKINS. The gentleman from Indiana has answered the question. I know none of us want to double count. The reason we have the language that the gentlewoman from New York has referred to in this bill is to keep children from being double counted. But the 1973 cost of living index will not take effect until the fiscal year 1976.

Ms. HOLTZMAN. I thank the gentleman.

Mr. PERKINS. Mr. Chairman, I want to compliment all of the members of the General Subcommittee on Education and the members of the Committee on Education and Labor, particularly Mr. QUIE, who has done an outstanding job, the gentleman from Indiana (Mr. BRADEMAS), the gentleman from Washington (Mr. MEEDS), and the gentleman from California (Mr. BELL). I do not know of any member on the General Subcommittee on Education and Labor who has not contributed immensely.

This formula was worked out after trying day in and day out to find some way to bring an equitable bill to this Chamber. As I stated at the outset, it would seem easier to pay each child over the country $300, or something to that effect, or use a uniform definition, a $4,000 low-income factor, a $5,000, or $3,000 low-income factor. I would have been perfectly willing to take a $2,000 low-income factor with all AFDC off of it, a $3,000 low-income factor with AFDC eliminated, a $4,000 low-income factor with AFDC eliminated, but we could not come up with anything of that nature.

I believe in the children in this country being treated alike, as much so as possible. It is not fair to count a family of 6 or 7 children in 1 State with an in-

come from AFDC of $7,000, and that same family in other sections of the country with $2,001 not being counted. There is no equity to that.

This formula and this bill have a semblance of equity, and there are still advantages for the wealthier States of this Union, which is diametrically opposite to the true purposes of the bill.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from New York.

Ms. ABZUG. I thank the gentleman for yielding.

Would the gentleman explain to me how AFDC children under the Orshansky formula will ever be taken care of under the proposal that the gentleman has made here today?

Mr. PERKINS. I will be delighted to explain that.

Ms. ABZUG. I want to clarify my question. I do not know if the gentleman has any AFDC children in Kentucky. Does he?

Mr. PERKINS. Yes.

Ms. ABZUG. How many?

Mr. PERKINS. We do not have any payments above $4,200.

Ms. ABZUG. Yes. Mr. Chairman, I really think that it is time that we stop calling States wealthy and poor. The fact is it would be much more equitable, Mr. Chairman, to talk about the kind of money it costs us for rent, which is not even counted in the Orshansky formula. I know Ms. Orshansky is a nice lady, and all of that, but her formula, even though she comes from New York City, happens not to contemplate the realities of poverty.

The gentleman has determined his own realities of poverty which have no impact in certain areas, which he incorrectly and erroneously calls wealthy States. I did not realize the gentleman had such an antipathy toward wealth, Mr. Chairman, and I did not realize until today how much of a wealthy State I come from. I am merely trying to find out when poor children, who find themselves living in New York instead of Kentucky, are ever going to be able to be included in this education formula that the gentleman is trying to pass off as an equitable formula. Contrary to what the chairman is saying the chart makes it quite clear that New York is being penalized by 10 percent over all other States in this country.

Tell me when, Mr. Chairman, when?

Mr. PERKINS. I will answer the gentlewoman briefly, and then I will take a seat. I have taken too much time.

First, let me state that as the current definition of poverty goes up, I am sure that the AFDC payments in New York State will go up. And two-thirds of those children will be counted. In my State there will not be any AFDC on top of the $4,250 to a family of four and none of those children will be counted. That is where I say we are fair in treating New York equitably as we should treat all States equitably. Those children will be counted this year, next year, two-thirds of them, and right on into the future as long as we provide for counting two-thirds of the AFDC above Orshansky.

Ms. ABZUG. Might we be clarified as to our figures. What would that amount to—$4,600, Mr. Chairman?

Mr. PERKINS. What the amount will be for the fiscal year beginning July 1, 1975, when the new Orshansky definition will be updated I do not know. It may be $4,400 or $4,500, but I can tell the gentlewoman this——

Ms. ABZUG. The gentleman does not even know what the basis of the formula is.

Mr. PERKINS. Maybe I do not.

Ms. ABZUG. The gentleman just said it.

Mr. PERKINS. Let me say this to the gentlewoman. The basis for the formula is the cost of living, primarily food. But in 1972 it has only risen in the 3 years, which is too much, from $3,700 up to $4,250. I do not know whether the inflation will make it jump more in the next year or 2 years than it has in the past year, but I want to state that the allegation has been made that, by increasing the income floor every year above which AFDC children will be counted, there will be a gradual elimination of AFDC children from the formula. That will be true in the South but probably not in other sections of the country.

Ms. ABZUG. But how many AFDC children does the gentleman have in the South? In some States they do not pay a dime of AFDC, and we all know that.

Mr. PERKINS. Let me make two observations. First if the floor is not increased every year the AFDC children will be double counted. They will have been counted once in the census and then again on AFDC. Secondly, some States have a cost of living escalator built into the schedule of AFDC payments with the effect that AFDC children in those States will continue to be counted. In States without this escalator there will be great pressure to increase AFDC payments in light of inflation. This will be true especially because many States now have large surpluses in their treasury. The HEW has established the fact that payments have increased.

The CHAIRMAN. The gentleman from Kentucky consumed 45 minutes.

Ms. ABZUG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-two Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 78]

Alexander	Downing	Howard
Barrett	Drinan	Jarman
Blatnik	Dulski	Kuykendall
Bolling	Eckhardt	Long, Md.
Brasco	Findley	McDade
Breckinridge	Fisher	McEwen
Broomfield	Flowers	McFall
Broyhill, N.C.	Gray	McSpadden
Butler	Hanna	Macdonald
Carey, N.Y.	Hansen, Wash.	Maraziti
Clark	Harsha	Minshall, Ohio
Clay	Hébert	Mitchell, Md.
Conyers	Hicks	Montgomery
Diggs	Holifield	Murphy, N.Y.
Dingell	Horton	Nix
Patman	Staggers	Vander Jagt
Podell	Stanton,	Wiggins
Reid	James V.	Wilson,
Robison, N.Y.	Steed	Charles H.,
Roncalio, Wyo.	Steiger, Wis.	Calif.
Rooney, N.Y.	Stuckey	Wilson,
Satterfield	Thompson, N.J.	Charles, Tex.
Skubitz	Thornton	Young, Alaska

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, 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. 69, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 366 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. QUIE. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I am in full support of H.R. 69. There may be amendments that are offered that will have merit and that will be adopted, but I would be happy if the bill were passed just as it is. I have no intention of offering any amendments myself. I think the committee has done a good job on this legislation.

It is very difficult, as we know from experiences last year and on the continuing resolution, to write a formula on title I which is acceptable to everyone. We note from the proceedings thus far it has not been acceptable to a few. The bill was put together in the true spirit of compromise and negotiation which is the hallmark of the legislative process. I want to commend the chairman, Mr. PERKINS, not only for the good presentation he made to the House in the last hour but also for the masterful job of working out all of the different parts of this legislation so as to fashion the bill reported out of our committee with only four negative votes. For as controversial a piece of legislation as this appears to be on the floor of the House, it shows that good work was done in the committee.

Others on both sides of the aisle were also instrumental in writing this truly historic bill. On my own side of the aisle Congressman AL BELL, the ranking Republican on the General Education Subcommittee, played a very key role. Without his hard work and dedication this bill would have never emerged in a fashion acceptable to so many parties. His role of fashioning a consolidation of programs aiding elementary and secondary schools was particularly important. That consolidation was so artfully drawn that it has earned the support of both my colleagues on the other side of the aisle and of the administration.

Other colleagues of mine on the Republican side of the committee also deserve special mention, particularly BILL STEIGER and ED FORSYTHE who worked long and hard on the bill.

On the other side of the aisle JOHN BRADEMAS was also very instrumental in fashioning the final product from our committee. Without his assistance in negotiating a formula for title I we might

still be sitting in the committee room arguing over charts.

Let me say that undoubtedly Members will look at charts on how these formulas that are proposed with any amendments will affect their districts. Our committee started out looking at tables on how any changes in the present law would affect their districts or States. In the period of time we spent working on this legislation the members were educated sufficiently so that they could back off from that parochial interest and look at the needs for compensatory education for the Nation as a whole and from that vantage point adopted the amendments which turned out to be the formula that we bring before you in H.R. 69.

We made some other changes as well, probably the most significant of which from the point of view of the administration and for many of us who worked on consolidation for a number of years were those which were presented first in the subcommittee and then in the full committee by AL BELL in fashioning a consolidation which I think will enable us to meet the approval of the administration.

I note that there is indication that the President would sign this bill. It has that kind of support.

There have been other provisions offered by other members of the committee. I am personally sorry that we were not able to correct impact aid and some of the inequities that exist there.

The gentleman from Washington (Mr. MEEDS), I felt presented excellent amendments in the subcommittee which were not adopted in the full committee. So the full committee instead accepted an amendment which I had offered to extend impact aid for only 1 year as a signal to the people who were receiving impact aid that something needs to be done to make it more equitable. Therefore we will consider it in another year instead of in this legislation.

So those who are concerned about impact aid will not have to worry about whether it was extended or not.

Now, as I have said there are some things which this bill could have done in the way of reforms that were not done. While I may support some amendments to the bill they will be in the nature of amendments designed to perfect the legislation. I do not intend to support any amendments which make major changes in the legislation before us. The place to make major changes in impact aid and in other sections of the bill will be when that legislation again comes before the committee. In view of the time and effort which has gone into this legislation in the 93d Congress, and in view of the fact that the Appropriations Committee must have a law before it can appropriate money for the next fiscal year, I urge the Members to expedite consideration of the bill.

I would also like to take this opportunity to extend thanks to the administration for having adopted in the past few months a conciliatory mood which enabled us to work together and to gain approval of a number of objections which they have sought and which the committee believed were in the best interests of education. After 2½ years of no action on a 1971 bill to create special revenue sharing for education the administration did abandon that effort and last fall began to work with us in a very cooperative way to gain enactment of what was realistic, not merely idealistic. That spirit of cooperation owes much to the political acumen of people like HEW Under Secretary Frank Carlucci, Domestic Counsel Associate Director Jim Cavenaugh, OMB Assistant Director Paul O'Neill, and HEW legislative officers Charles Cooke and Judy Pitney. Our former colleague, Mel Laird, was, of course, a key factor in achieving this spirit of compromise.

Before relinquishing time to my colleagues let me take a few minutes to describe several key features of the bill. For the sake of clarity I will speak to the items as they appear in the bill.

Title I of H.R. 69 includes amendments to title I of the 1965 Elementary and Secondary Education Act, known as the major program which provides compensatory education. Since 1966 more than $12 billion have been appropriated for this program. The amendments accepted by the committee this year will hopefully ensure even more support for this program in the future and will also insure that the funds are spent in a way which will provide better services to children.

Let us look at the title I formula. I have agreed with people who are saying that the title I formula is unfair, and it is unfair. Anything else, however, that was proposed, was more unfair than this bill. Any time you use economic information it is going to bring about unfairness because there is no way to completely correlate the distribution of money based on the income of the parents of the children with the educational deprivations as exist in the schools.

As the Members know, we use low-income figures in the formula, and we use in the school when the money finally arrives at the school, assessments in determining the educational disadvantagement rather than the income. So at one end of the spectrum the local school income is not taken into consideration, and at the other end of the spectrum, the distribution of the money from the Federal level, we use only income information. I wish that it were possible that we could go to some other factors that would make the formula more equitable and more fair, but we do not have them at our disposal now, at this time, so obviously we will have to wait. We will have to wait for the 3 years, and at the end of that time, hopefully, we will have additional information that will enable us to write a formula that would be written in such a way that the money will go to the schools and for the advantage of the educationally disadvantaged children.

There is a specific directive in the bill to the Secretaries of Commerce and HEW to devise methods to update title I counts of children in a timely fashion to prevent the 10-year shock that occurred last fall when the results of the 1970 census became known and applicable to the distribution of funds. The new bill incorporates provisions for the Bureau of Census to expand its current population survey to enable it to determine the number of children below the poverty line in each State and directs the Secretaries of HEW and Commerce to report back to the committee within a year on devising a way to update allocation methods within States. This should allow the executive branch a chance to update allocation in a regular fashion and not wait to find out the results of a new census in 1980. No updating technique would become effective unless sanctioned by the Congress.

Let us look at those two areas or factors that are used in title I, and explain the reason why that, even though the formula is not fair, it is just more fair than anything else that has been proposed.

Let us first look at the census information.

As the Members know, we used the 1960 census information in determining the distribution of money in 1973, which is the school year 1972–73, and we still used the 1960 census information for that, but as the Members also know, no one is in school now who was counted way back in 1960. Moving to the present year, which is the school year 1973–74, we moved to the new census information; however, because of the hold-harmless provision in the appropriation bill this has kept the 1960 census information pretty much intact. We want to prevent this kind of 10-year shock that occurs when the new census information comes out. So in H.R. 69 there is specific direction to the Secretary of Commerce, and he is to devise methods to update title I counts of children in a timely fashion so as to prevent this sort of a shock, and that will be presented to the Congress to view before it is put into effect. There will also be a study for updating the information within the States, intrastate. Hopefully we will be able to secure some additional information.

The new bill will incorporate the so-called Orshansky definition of poverty. That definition was utilized by the Bureau of the Census at the time of the 1970 census and is now regularly used by almost all Federal agencies concerned with programs in the human resources area. It is this definition which is used when one hears reports that last year so many million people were below the poverty line or that a certain program is directed to assist those in poverty.

At the time the 1970 census was taken, the index ranged from $1,632 for a farm family of one to $5,820 for an urban family of eight. The committee intends that $4,250, the current Orshansky index for a nonfarm family of four, shall be used as the cutoff point above which two-thirds of AFDC shall be counted for fiscal year 1975. This figure is adjusted annually to reflect changes in the Consumer Price Index; $4,250 is the base figure which will be used for distribution for fiscal year 1975. Any changes brought about by CPI changes will be reflected in the fiscal year 1976 distribution when new AFDC data is available. All updating

will use January figures for the following fiscal year.

Besides improving the low-income information the new bill reduces the reliance of the formula on the AFDC caseloads in a particular area or State. In the past as much as 70 percent of the money a given State has received has been because of the size of the AFDC caseload and the payments which are made under that program. Counting two-thirds of AFDC above the poverty line helped do away with the former double counting of AFDC recipients. Some people were counted in the census and then again in the annual AFDC survey. The two-thirds count will be more accurate than the current full count.

The new law proposes to pay each State 40 percent of its actual per pupil costs with a proviso that no State would receive less than 80 percent of 40 percent of the national average nor more than 120 percent of 40 percent of the national average. What this means is that under the new formula Alabama will be entitled to $310, Illinois $430, and New York $465. Since the current law is only funded at 36 percent of entitlement, the actual difference to any State is not as great as might be indicated by these figures.

The use of a payment rate of 40 percent instead of the former 50-percent rate also decreases the authorizations for the program to a more realistic level. Under the old authorizations in fiscal 1974 there were more than $5 billion for title I. Under the new law the title I authorization is reduced to $3.2 billion, a figure 40 percent greater than the President's 1975 budget request.

The new formula adopted by the committee will determine a local school district's grant in 1975 fiscal year by multiplying the number of children from families with incomes below the Orshansky poverty level plus two-thirds of the number of children from families with incomes over $4,250 from AFDC payments by 40 percent of the State per pupil expenditure, but the State per pupil expenditure cannot exceed 120 percent or be less than 80 percent of the national per pupil expenditure. No local educational agency, however, can receive less than 85 percent of its grant for the preceding year.

This formula with the updating mechanisms promises to better reflect the distribution of needy students in the country and focus money on those most deprived than did the old formula in the latter years. I support it for these reasons. The bill provides that we extend it for 3 years so that we can review it and make any adjustments necessary before too much time passes.

The amount of change we can expect is made clear by the Census Bureau when they estimate that between 1970 and 1973 central cities lost over 4 million people and suburban areas gained over 3 million in the same period. These population shifts go on constantly. The population of the United States is not a very stable factor. People move regularly and oftentimes in unpredictable ways. I don't believe any of us are wise enough to look ahead for 10 years and guess where the population will be distributed. I hope that the census updates we are asking for help us improve our aim if this method is retained for distributing title I money.

Not only does the use of census data tend to freeze us into the past but there is an initial 2-percent error factor in counting 5- to 17-year-olds. That error factor may get larger when you look at substate and subcounty level data. Poor neighborhoods tend to be miscounted more than the well-to-do. The miscount rate for black children is estimated to be 10.1 percent by the Bureau of the Census. Certainly neighborhoods which are non-English speaking are not counted as thoroughly as neighborhoods with English-speaking residents.

The conclusion that one draws is that census data gets worse as time passes and it gets worse as you use smaller units of analysis such as counties and school districts. It does not have the reliability we need to focus title I, nor does it have the validity necessary to even insure that poor children are receiving the services that we intend them to receive.

A factor which makes AFDC awkward is its rapid expansion. From 1966 to 1972 the number of public assistance recipients jumped from about 7 million to over 14 million. AFDC represents about 77 percent of this total. New York has shown a 319-percent increase in AFDC children from 1960 to 1970. California has shown 384 percent for the same period. The State showing the least change was West Virginia at 9 percent. The average was 206 percent for all the States. This growth gives urban title I schools a decided advantage. AFDC counts are taken annually and always seem to increase. Poor States with low AFDC payments but growing populations must wait several years before they receive title I payments which reflect that growth.

The amount of error in AFDC reports is stunning. In New York this figure was 60.5 percent. My point is not to be critical of AFDC programs or their administration, but to indicate their inappropriateness for our purposes. There is, however, a strong movement to change AFDC radically. Most suspect it will not be recognizable as the same program in another 10 years.

AFDC is a hard program to administer. The rules are complicated and unclear. To make things worse, the rules change frequently. An overworked welfare staff turns over quickly. It is reported that 50 percent of the caseworker level staff has less than 2 years' experience. The obvious chance for errors increases under these conditions.

Those factors taken as a total, make it impossible to use AFDC as a good index of educational need. When AFDC is linked with outdated census data, an awkward formula is created to become the mechanism for distribuiton of title I funds.

The gentleman from Kentucky (Mr. PERKINS) when he explained title I, described the Orshansky definition of poverty. It is true that it is not as refined as some people would like. I noted the colloquy held with the gentleman from Kentucky (Mr. PERKINS) that the difference in a certain income in New York as compared to, we will say, in Mississippi, does vary. But there is no way of finding that information out right now.

Those who do not like the Orshansky formula wish to go to some fixed sum, $3,000, $4,000, $3,500, or what-have-you, and that is less equitable than the Orshansky formula because the Orshansky formula at least takes into consideration the differences in *poverty* between the size of the families and also brings in the factor of farm-nonfarm.

I personally do not agree that there is that vast difference between farm and nonfarm as the Orshansky formula puts into practice, but anyone from the city who claims that there is unfair treatment in that the farm families are considered at too high an income is just not accurate, farm and nonfarm families with respect to the Orshansky formula, and you have a lower figure for a farm family.

The updating, then, is an attempt to try and make that census information as equitable as possible. However, we should bear in mind that when this goes into effect in the school year of 1974–75, already children who were counted in the 1970 census will no longer be in school because we will have been 5 years past that date when the income information was secured.

The gentleman from New York (Mr. PEYSER) and some others have indicated that we should wait because in March there will be new information on the Orshansky updating, which Mr. PEYSER has indicated, I believe, would be $4,629. But there is no sense in waiting for that, because in updating the Orshansky formula, in determining who is receiving AFDC payments above that, it will not be until later in the year when we learn the AFDC payments, and it will not be until January 1975, that that information will be made available to us.

For the next school year, the $4,250 is the figure of updated Orshansky average for a nonfamily of four that is going to be used. So we would wait forever if we were going to wait for all of the information that is going to be necessary to determine what is going to be made available in fiscal year 1976. We just do not know. There is no way of weighing it. We have all the information now that will be utilized in determining the distribution of money in fiscal year 1975. That is what is ahead of us.

The old law also is different, as the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) indicated, where we used one-half of the State costs, or one-half of the national costs, whichever was the highest. This led to situations where some very low-spending States, particularly in the South, were utilizing the national average and getting a much greater payment rate than anyone else. Alabama, with a 1971–72 per-pupil cost of $563, was using the national cost of $970, and therefore was eligible for a payment of $485 per child.

Illinois, on the other hand, with a per-pupil cost of $1,075, was using one-half of its cost or $537.50, which was only $52

more than Alabama, even though the actual differences in cost were more than $500 per child.

On the other extreme, New York was using one-half of its total cost of $1,513 and, therefore, becoming eligible for a per-pupil entitlement of almost $756.

With regard to the last point, it is interesting to note that although New York's average per-pupil cost is more than 150 percent of the national average, its average salary for classroom teachers is only about 120 percent of the national average. The extra costs in New York are apparently due to a large degree to the very rich pension system and smaller class size which that State maintains, and that is the reason why we use 120 percent of the national average as the limit beyond which a State cannot go. Instead of bringing a State up to the national average, of the poorer States, we are bringing them up to 80 percent of the national average, if they happen to be at a figure below that.

If we think that problems exist with the census information, and that data is shaky, the AFDC is a seismic catastrophe in comparison. The AFDC figures vary, depending on the wealth of the State. The wealthier States pay much higher AFDC payments. In fact, 7 of the richest States are also in the top 10 States relying on AFDC in title I.

AFDC also varies within the States. The urban areas are more likely to provide higher AFDC payments and more AFDC than the nonurban areas.

Also, some minority groups do not go on AFDC the way other minority groups do and the majority race does. I mention here particularly Chicanos and Orientals. The indication in California is that a very low percentage of them are on AFDC in comparison to both the educational disadvantagement and the income of the individual.

There seems to be a feeling that if a person has higher income on AFDC he is more poor than a person who is not on AFDC with a lower income. I do not think that is right. The income a person receives is important as to whether a person is low income or not.

AFDC is very difficult to administer. It is interesting that nationally about 40 percent of the AFDC recipients are not receiving the proper amount, that is, some above receive more than they should and some receive less than they should and some are ineligible entirely. It is interesting that in the State of New York this amounts to 60 percent. As far as those ineligible, 10 percent of those on AFDC in the Nation are ineligible under an HEW study but 17.5 percent in New York and 16.7 percent in Pennsylvania are estimated to be ineligible, while on the other side 2.2 percent in Arkansas and 1.9 percent in North Dakota are all that are ineligible in those States, indicating that they evidently are more careful in how they hand out AFDC payments in those States.

All those inequities and changes affect the title I formula. So to the extent that the census information is inaccurate this makes for an inequitable title I formula. To the extent AFDC is inaccurate, this causes a title I formula that is inappropriate or inequitable.

As I indicated, however, this is all we have available to us now. There was a presumption that there was a high correlation between low income and educational disadvantagement in 1965. We continue on that presumption, not having adequate studies available to us to show how far off the mark that really is. I think it is possible, however, to use other information. An assessment is one that I think is available to us which presently has been going on in the Nation and it has been for a few years, the national assessment for educational processes, which is conducted by the educational commissions of the States. Dr. Stan Ahmann of the National Assessment of Educational Progress, says that—

> Technical problems associated with the development of achievement exercises and the gathering and analysis of data they yield have either been solved or can be solved with proper effort.

So, hopefully, with the NIE study that is proposed in this legislation, we can have that information at our disposal when this law is to be continued again, which will enable us to determine who is educationally disadvantaged and get the money there.

In my estimation not more than 25 percent of the children with severe learning problems are actually receiving help under title I. I think that is actually a little high and I think the program would be much better accepted if anyone who is educationally disadvantaged would be able to receive the benefit of assistance from title I.

Criterion reference tests are now available to a large extent which were not available in some years past. They have been used primarily as a teaching tool. Dr. James Popham of UCLA, one of the early developers of criterion-referenced testing makes the following analogy to explain the method:

> The dog owner who wants to keep his dog in the back yard may give the dog a fence jumping test. The owner wants to find out how high the dog can jump so that the owner can build a fence high enough to keep the dog in the yard. How the dog compares with other dogs is irrelevant.

Largely in an effort to remedy some of the weaknesses of norm-referenced measures, criterion-referenced tests are designed in such a way as to be more accurately interpretable, detect the effects of good instruction, and allow us to make more accurate diagnoses of individual learners' capabilities. What I am talking about here is finding out what it is a child has achieved and what can be accomplished in a particular period of time. It is my feeling that tests, especially in reading and math, give us the best information on who is educationally disadvantaged or not. The State of Michigan already is utilizing that system of criterion and reference testing to distribute the money for educationally disadvantaged in Michigan.

Other States have developed this mechanism and are moving toward that. So in this 3 years we will not only have the NIE study available to us, but also experience by some other States besides Michigan.

It is interesting to note from the two studies, all that I have been able to find, which is the Dr. Eugene Glass of the University of Colorado study and the Fortune study by Dr. Simmin Fortune, indicate there are more disadvantaged children from families above the poverty level than there are from families who are below the poverty level. That is not to say that the same percentage of educationally disadvantaged exist in families above the poverty level. That is not true. They have a smaller percentage than the families in the poverty level; however, there are many more families above the poverty level that they give us a total number of children who have severe learning problems to be greater in the above-poverty-level families.

So, Mr. Chairman, I think that we have made some substantial progress in this legislation. They are also going to give more flexibility to the school districts, the school districts with the approval of the parent advisory councils who are presently set up and established under present law.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, there will have to be approval for any change in the present operation, here now in determining where the part of the school's responsibility exists, only low-income information is utilized. The local school district will be able to use additional information, including assessments, including where the educationally disadvantaged are attending and provide title I assistance wherever there is a concentration of educationally disadvantaged in an area.

This kind of flexibility will enable them to reach children who are most educationally disadvantaged.

There are standards, methods of determining who is educationally disadvantaged within a school district. We will be able to learn from that also, selecting the children. States who do not have contributions of their own money to the extent that Michigan has, use educational assessments now in distributing their State-appropriated money. California is an example of that.

So there is a host of information that is available to us now. I believe that the experience we will have under title I in the next 3 years will enable this Congress to write even a far better piece of legislation in years from now than we have before us now.

USE OF ASSESSMENT AS A MECHANISM FOR DISTRIBUTING TITLE I MONEY

There are two amendments to title I which I believe will allow us to investigate more fully the effectiveness of distributing compensatory education money by the use of assessment techniques. I do not believe we should arbitrarily lock local school districts into one procedure by which they are allowed to distribute title I money.

The first amendment simply gives the local school district a chance to use alternative methods to distribute title I money

to schools and students. California, for example, uses measures of poverty, bilingualism, transitoriness and educational assessment to target State-appropriated compensatory money. Under this amendment any method used by a local district shall be designed to meet the needs of educationally disadvantaged children. Funds must be used in schools with concentrations of educationally disadvantaged children. Any method elected must be acceptable to the parent advisory councils. These councils were authorized in 1970 and are designed to act as a group to involve parents in the school and disseminate information about the schools to the community.

This amendment would help a community like Oakland, Calif., where they found that the schools containing children with the greatest educational deficits were not the school with the financially poorest students. Under current law they are required to continue to use title I money in the areas of less intense educational need. Another advantage of this amendment is that it gives a specific task to the parent advisory groups.

The second amendment which is being introduced charges NIE to undertake a thorough evaluation and study of compensatory education programs. The study shall include: First, an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes; second, an analysis of means to accurately identify the children who have the greatest need for such programs; third, an analysis of the effectiveness of methods and procedures for meeting the educational needs of children, including the use of individualized written educational plans for children, and programs for training the teachers of children; fourth, an exploration of alternative methods, including the use of procedures to assess educational disadvantage, for distributing funds under such programs to States, to State educational agencies, and to local educational agencies in an equitable and efficient manner, which will insure that such funds reach the areas of greatest current need, and fifth, NIE will carry out experimental programs where it is determined that such experimental programs are necessary to carry out these investigations.

The Institute will make an interim report to Congress and the President by December 1976, and a final report 9 months later. This report will include findings and recommendations for changes in title I and for new legislation. NIE will be advised by the National Advisory Council on the Education of Disadvantaged Children with the respect to the design and execution of any such study.

I believe this research is necessary in order to insure that we are doing the best possible job for children with educational need. The knowledge we might gain from such a study will have influence far beyond the question posed. Without this basic knowledge we will continue to struggle blindly with the issues, never satisfied that we are doing the best that we can do. Research has helped us go to the Moon, find a cure for polio, and provide new sources of food for the world. Without an organized research base we have little hope of solving the staggering problems in education. This is one small step in solving one of the major problems of our time.

The amendment providing for local options as to how title I money can be distributed and the amendment providing for a broad investigation of compensatory education by NIE should provide some basic information which will allow us to address the basic issue of title I. That question is whether title I is a program to help redistribute income or a program to help educationally disadvantaged children. I believe we are best served by a program which addresses itself to educational need.

ASSESSMENT

I believe that we will eventually be better able to distribute compensatory education money by using assessment procedures as a basis instead of economic factors. I hope I have made you aware of the problems inherent in any economic formula used to distribute educational money to students. The alternative to that is assessment. All I mean by this is that each school district should be required to individually diagnose and assess both the educational deficiencies and the educational potential of each student requiring remedial assistance.

I do not want people to believe that I am suggesting the use of traditional normed tests. I believe that criterion-referenced tests provide relief from the tyranny of testing we have all experienced. Criterion-referenced measures are used to ascertain an individual's status with respect to some criterion, that is, an explicitly described type of learner competence. These assessments should be limited to the areas of mathematics and reading.

I would hope that following this assessment, goals could be determined for each student. This could be done in a cooperative manner involving the teacher, the parents, and the student. The objective would be to raise the skill level of each student as rapidly as possible, in a manner which reinforces learning in the home and makes the school an integral part of the community.

This technique is widely accepted. It makes such good sense. It is not foolproof or perfect, as many have pointed out, but it is not evident that putting more money into the current system is going to improve the chances for learning.

Dr. Dale Parnell, superintendent of public instruction for the State of Oregon, stated the problem very aptly when he said that the plan I am proposing today—

> Would do for educational problems what penicillin does for medical problems: it would strike directly at the source of the infection of nonachievement in the specific and absolutely crucial area of reading and mathematics. The original Title I of ESEA was more similar to aspirin in its approach to student nonachievement. It diffused medicine in terms of doses of dollars about the same unspecific way in which aspirin works—sometimes it gets to the source of the pain and sometimes it doesn't, and nobody really knows why or how.

We do have the technology for assessment. Since 1968 the actual level of educational skill of American young people has been assessed in a wide variety of subject areas. The results of each of those annual assessments have been reported and are available through the Government Printing Office. The current operation known as the National Assessment of Educational Progress has chosen to compare students by region rather than by State.

States are well into the use of assessment. Each of the 54 States and territories has reported assessment action. Thirty of the programs are operational and 24 are emerging. The information gathered is used for decisionmaking at the State and local level. In eight of the States, assessment data is used to allocate educational funds. These States are: Arizona, California, Colorado, Maine, Michigan, New York, South Carolina, and Texas. In 10 other States, the intentions are to use assessment information to distribute funds. These States are: Connecticut, Illinois, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Jersey, and Ohio. Educational Testing Service reports that there is a definite trend toward the use of criterion-referenced testing. The amazing thing about these State programs is the rapidity with which they have been developed. Five years ago there was only a handful of States that had ongoing State assessment programs, in a few years all will have an assessment program of some type.

We have been told that to improve the delivery of census data so that we could get update information every 3 years would cost $32 million just to start. People I have contacted among assessment firms estimate that a program using criterion-referenced instruments to allocate funds among the States utilizing results from children tested at three age levels could be conducted for about $5.3 million annual cost. Total cost would be less if we took a sample every other year.

I believe that by moving toward an education definition of academic deprivation instead of an economic definition we can broaden the constituency for title I. There are many hard-working people in our country who are not poor and whose children are having real difficulty in school. There are more children having problems in basic skills from families above the poverty level than below. This statistic makes my point that we are missing a sizable number of children who need help and are not poor. It should be remembered that if an assessment program were introduced we would still focus educational services on communities which have low income.

Dr. John Porter, superintendent of schools in Michigan, contends that Michigan's compensatory education program was increased when they enlarged the number of students who were potentially eligible for the extra help. Communities receive help which never did under strict economic guidelines. The districts in communities heavily populated by poor and minorities are very pleased with the new program since they not only continue to receive the largest share of the

money, but will also benefit from increases in appropriations as public support pushes the funding of the program higher.

There is such need for education across this country. I am sure that if all the parents whose children were having difficulty in school know that the Government was attempting to do something for them that we would have the constituency needed to increase funding to the levels that really could make a difference. As it stands now 6.6 million schoolchildren out of 50 million are counted for title I money. This is in face of the fact that 15 million children are having severe learning problems in school.

People become dissatisfied if children are having trouble in school and the school does not seem to be able to cope with the difficulties. The NAACP has launched an investigation of reading programs in our Nation's schools and will report their findings to the 1974 national convention. The Lau court case in San Francisco indicates the need of our schools to respond to unique problems of bilingual children in our communities. The Mexican-American community sued schools because so many of their children had been put in classes for the retarded. The indications that we need to improve our education system are strong. People are not as willing as they used to be to let the schools make decisions about their child which might keep that child out of the mainstream of American life. People want their children to have the skills and abilities to deal in a world where 95 percent of the jobs require a high school education. That just does not mean a degree but an ability to deal with symbols and abstractions. Inasmuch as our schools fail to do this parents and taxpayers are angry, most especially the poor are angry because their children are the ones who are most dependent on the schools for their future.

Much of this anger is focused on tests because tests seem to be the magic wand by which some children are tracked into less demanding and more limiting programs. I want to make clear that criterion-referenced tests are not nationally normed tests by which 50 percent of the takers have to be below average. They only help local districts identify children who cannot perform tasks deemed important at certain levels of development. An analogy might be training someone to be a lifeguard. If the person passes all the subtests he is qualified to be a lifeguard. The concern is not with how well a person does in relation to all others taking lifeguard training, but in relation to what is necessary to save lives.

Surely we need to do everything we can to help us assess the needs of children in our schools. Doctors order tests before they prescribe therapy and examinations are continued to monitor how well the patient is responding to treatment. Doctors do not give the same tests to everyone but there are a couple so basic to any analysis that anyone who has been to a doctor has had them. I think the analogy holds in education. Mathematics and reading are so fundamental to life in our culture that we cannot afford to miss them. After we ascertain the needs of children we need to prescribe the proper program to assure their success. We certainly need to assess their progress from time to time to make sure the program is having any effect. To have education without assessment is akin to prescribing drugs to a patient without first trying to ascertain what is wrong.

If people are angry at schools for not helping children, I hope that they do not become angry at the instruments which many schools have used badly. Our schools need some resurrecting and I believe that assessment is necessary to that end.

I would like to summarize this section by quoting Dr. John Porter, of Michigan. He says:

> The ultimate performance objective, of course, is to provide students with the minimum skills necessary to take full advantage of the adult choices that will be available to them after their schooling has been completed.

OTHER AMENDMENTS

There are several shorter amendments that have been added to H.R. 69 which will help improve the law.

The first group of these are related to title I. First, and, in many people's eyes, most importantly, local school districts are required to make schools eligible for these funds for 3-year periods. All of us have received complaints about title I programs because they do not have the permanency necessary to make them effective.

Another amendment helps make clear the fact that title I grants are limited to providing the "excess costs" of education. Local and State compensatory education programs, bilingual education programs, and programs for handicaped children are encouraged by excluding the funds spent on such programs from local determinations of comparability. This will insure that States and LEA's are not penalized for using their own dollars for special programs for the handicapped, the disadvantaged and those with need.

The amendment repeals part B of title I which was an incentive grant given to States which exceeded the national effort index. Part C is also to be repealed. This is labeled "Special Grants for Urban and Rural Schools Serving Areas With the Highest Concentrations of Children From Low-Income Families." Both have been repealed in line with evaluation reports which call them inefficient and cumbersome and suggest the dollars could be better spent in part A grants to LEA's.

CONSOLIDATION

This amendment, authored by the gentleman from California (Mr. BELL), consolidates various existing categorical programs into two larger programs. The new programs are: libraries and instructional resources and support and innovation.

The libraries and instructional resources program will contain ESEA II which is money for school library resources. This includes textbooks and other printed and published instructional materials. The part of ESEA III will be included which provides money for guidance and counseling. The last grant category to be included is title III of NDEA which provides money for laboratory and other special equipment. Local districts are given discretion in how they spend this money as long as it falls into the broad categories.

The second large program, support services and educational innovation, will include title III of ESEA which is money earmarked for innovation. There is a special stipulation in this section which directs that not less than 15 percent of this category funds be used for special programs and projects for the education of children with specific learning disabilities and handicapped children. This stipulation also provides program authority for gifted and talented children. The next title to be included is title V of ESEA which provides money for the strengthening of State departments of education. Only 15 percent of the overall category can be used for this purpose. The last sections to be included are the dropout prevention and school health and nutrition programs of title I.

Another provision of the amendment is that 95 percent of the funds in both of the categories must go to local educational agencies. The remaining 5 percent may be spent for administration of the programs at the State level. This, of course, is exclusive of the money which is provided specifically for strengthening State departments of education.

The libraries and instructional resources program is authorized to spend $395 million and the support and innovation program is authorized at $350 million.

In order for the consolidation to take effect, the appropriations for each of the consolidation programs must at least equal the aggregate amount appropriated in the last fiscal year that the constituent programs operated as separate categorical authorities. The separate authorities will be extended on a contingency basis if the appropriation requirement is not met.

We stipulated that local educational agencies applying for funds under any or all programs authorized by this title shall be required to submit only one application for such funds for any fiscal year for all of the funds so applied for. This will be a big help in simplifying office work at the State and local level. I am sure that the States and local education agencies will be grateful for this freedom from paperwork.

It is a move which will help give local schools a chance to assess their own needs and get Federal help in meeting those needs. In many cases, under the old law, schools would apply for funds under a narrow grant not because they needed or wanted the program, but because the money was there. I believe the time is here to allow those people who are responsible for education at the local and State level make the decisions in light of their needs.

I want to emphasize the fact that this program will not take effect unless funds are appropriated which are equal to fiscal year 1974. This protects recipients of these programs from a loss of funds during the change.

IMPACT AID

The subcommittee version of H.R. 69 contained several significant amendments to the impact aid program including: First, a phaseout of payments for "B-out" children; second, a 3-percent absorption requirement; third, payment of "A" children at full cost of instruction, and fourth, elimination of the "C" category. By a 21-to-15 vote, the committee struck these amendments from the bill. This virtually returns the program to its original form with the exception of the following provisions:

A program of special assistance for handicapped children providing that each impact-eligible handicapped child can earn 1.5 times the normal payment rate as long as the district has a special education program of sufficient "size, scope, and quality to give reasonable promise of substantial progress." All children in such a program would receive benefits from the funds earned by the impact-eligible participants.

The section—5(d)(2)—governing the treatment of impact funds as local resources is amended to permit such funds to be considered as local resources in computations under a State equalization formula for State aid to LEA's if the Secretary determines the formula provides "appropriate recognition" to the relative resources of the LEA's.

All children who live on Federal property are counted as "A" children. This affects mainly families who live on Indian reservations but make their income working off of the reservation or unemployed. Previously these children have been counted as "B's."

We extended impact aid for only 1 year, the program is authorized only until June 30, 1974. I believe this short authorization period indicates Congress concern with the problems inherent in the program. It indicates our desire to sit down with people who are intimately involved in HEW and in local impact aid districts to work out a new formula which is just and equitable. All of us are well aware of the problems in impact aid. The main problem is due to the money given to schools for children whose parents work on Federal land but live in a school district that does not contain the Federal property. This results in a few commuter districts reaping a windfall of Federal money.

ADULT EDUCATION

Adult education is a program that has proven itself. So many people need a second chance as adults to become literate, functioning members of society.

This amendment helps clarify the relationship of adult education programs with manpower development and occupational programs. The bill also provides for coordination with right to read programs. The amendment makes clear that institutionalized adults can benefit from this program. That includes people in mental hospitals, homes for the aged, and prisons. It specifies that community school programs can qualify for adult education programs. The amendment allows State advisory councils to be appointed if the State decides they are desired. This amendment will put more responsibility on State departments of education to work with local education agencies on programs for adults.

These changes will help make the adult education program more effective by improving the coordination between the several programs aimed at adults. At a time when it is reported that nearly 19 million adults in America are not literate enough to read the simplest signs and directions, we cannot do less.

The consolidation amendment had influence on portions of the adult education program. It allows 100 percent of adult education money to go to the States to be distributed under current law. A portion of adult education money is distributed by the Commissioner on a grant basis.

COMMUNITY SCHOOLS

Community schools have a long history in the United States, thanks mainly to the Mott Foundation in Michigan. They developed staff and paid for demonstration projects in Flint, Mich. The idea is a simple one and has grown across the country. You merely open the doors of the schools after hours and on weekends. The community uses the facilities for any purposes they might have. Most communities have recreation programs for adults and children. These are classes ranging from crafts to basic literacy; there are seminars on income tax problems and community meetings. In short, the school becomes a true center of the community and that community defines the purposes of that program.

We have seen some districts really start to make important changes in how they think about schools and the schools relationship to the community as a result of starting a community school program. The legislation we pass shouldn't restrict local level options, in fact it should act as a stimulus to thinking through the new resolution of old problems.

HANDICAPPED

This amendment authorizes the continuation of the Bureau of Education for the Handicapped and the National Advisory Committee on Handicapped Children.

This program has provided grant money to States and territories to help initiate, expand, and improve programs for educating the handicapped. Support is included for experimental preschool and early education programs and regional resource centers for the handicapped. It also provides grants to institutions of higher learning to assist in improving and training special education personnel.

One of the amendments included requires each State that receives funds under this title to submit to the Commissioner for approval 1 year after the enactment of this bill a State plan which will identify handicapped children and evaluate their needs. States currently submit a plan providing descriptions and policies of current programs; this amendment directs them to make estimates about the future. On the basis of this information a timetable will be established for providing educational opportunities for handicapped children. This report will include details on the kind and number of facilities and personnel required to provide the necessary services. The State shall make this information available to the parents of handicapped children and other members of the general public at least 30 days prior to the submission of the Commissioner. These reports will protect the confidentiality of the information provided by individual students.

This amendment does not mandate a State program for the handicapped. Hopefully it will help awaken them to the scope of the problem and sense of the things that can be done at the State level. It is estimated that there are 7 million handicapped children. We are only reaching 40 percent of those children with organized educational programs. This amendment will help us ascertain what needs to be done, how long it might take, and who is needed to do the job. This is an important task and one which has not been undertaken.

BILINGUAL EDUCATION ACT

This amendment provides broader flexibility for bilingual programs without involving additional funds. The changes include: First, authority given to the Commissioner of Education to establish criteria for bilingual education programs in schools having a major need for them. This can be done after the needs in the poverty concentration areas have been adequately met; second, permissiveness in allowing more than one local educational agency to join with other local school districts or with an institution of higher education in an application for a grant; third, specifically underscore the fact that junior and community colleges are included in the definition of "institutions of higher education," and forth, permit public or nonprofit private agencies to be eligible for research and development grants and projects to disseminate bilingual educational materials.

These changes introduced in the committee by Mr. BELL and Ms. CHISHOLM should allow greater economy and efficiency in the bilingual education program. Bilingual education is an idea which has made a difference in our schools. This amendment can help improve the legislation.

TYDINGS AMENDMENT

This amendment, which allows States and local school districts to carry over appropriaated funds from one year to the next year is extended through 1977. This will allow schools an extra year to organize so that they can use the money effectively in next year's programs rather than uneffectively in this year's program. One of the frequent complaints school people have about Federal money is that the timing is bad. Money comes after hiring cycles end, or has to be spent before a school year starts. These faults in timing make for inefficient use of money at the local level. This amendment gives LEA's the time they need to make proper plans for spending.

ATHLETIC INJURY

I would like to draw your attention to an amendment introduced in the committee by Mr. FORSYTHE which mandates the study of accidents due to interscholastic sports. The sum of $75,000 is appro-

priated for this purpose. The results of this study will be helpful in deciding what, if any, legislation is needed to cope with sports-related accidents in our Nation's high schools and colleges.

SAFE SCHOOLS

Crime and violence seems to be on the increase in our Nation's schools. The safe schools study amendment directs the Secretary of Health, Education, and Welfare to make a full and complete study to determine if the incidence of crime and violence in elementary and secondary schools is changing. This study will also include trends and projections based on the 5-year period ended on June 31, 1974.

This study should give us not only much-needed information about this problem, but information regarding associated economic and educational issues which are correlated with school crime.

Hopefully we will be able to identify school programs, especially federally funded ones, which are successful in deterring crime. In hope that the study is helpful because it is obvious that crime and the fear of crime diminishes the effectiveness of our schools at the same time it increases the social problems. By passing this amendment I believe that we can begin to address this problem in a most judicious manner.

WHITE HOUSE CONFERENCE ON EDUCATION

This amendment authorizes a White House Conference on Education in 1975. It will involve participants in conference activities at local and State levels as well as the national. I believe that a broad spectrum of citizens along with educators in an intense debate about some central issues in education can help infuse our policies with new ideas and excitement. This participation of the public in the most public activity of the Government is appropriate and necessary. I hope that each community and State can pursue the issues that are of concern to them and move the debate to new levels of meaningfulness.

I am sure that the knowledge gained from this conference will be of great help in our committees' deliberations as well as in State houses across the country. We have not had such a conference for 10 years and the problems and challenges we face today have changed. We need to address these new problems in the fullest and most meaningful way possible. I believe a White House Conference on Education is the best way to do this.

CONCLUDING STATEMENT

I would like to summarize this long and rather involved presentation by hoping and urging. I hope that we can come to quick agreement with the other body on this important legislation and I urge the Appropriations Committee to act quickly on the President's fiscal year 1975 budget for elementary and secondary education. All of us are aware of the difficulties local districts have operating on late funding and continuing resolutions. In order to get the most out of our education dollar, it should be delivered in a timely and predictable fashion.

We owe thanks to the administration for working in a coopeartive manner with us on this legislation. We have moved toward agreement on consolidation of programs and changes in impact aid in this bill. The administration was helpful in their desire to develop the best legislation possible.

Second, I would like to address the need for a closer congruence between the authorizing of funds for education and the appropriations. The authorization for all the education programs in 1973 was $8.7 billion. The final appropriation figure was $6.3 billion. I grant that it was a very confusing year with the continuing resolution and the impoundment question, but the final appropriation was 72 percent of the authorization. This works a hardship on local school districts trying to estimate their budgets for the next year in their federally funded programs. We have authorized a lower figure this year for title I and many other titles, not because we expect a lower appropriation but because it should help the process at the local level of estimating budgets and planning ahead.

My plea is that we should increase Federal aid to education. Currently the Federal Government is paying less than 8 percent of the Nation's education costs. We can increase that share to 25 percent. This will help take the load off local districts which pay 51 percent of the cost and States which pay about 41 percent.

The importance of education is a national importance. As a national priority we need to help every child reach his potential as a citizen and as a person. In order to do this with limited Federal dollars we should focus money on compensatory education, education of the handicapped and vocational education. H.R. 69 is a bill which helps do this. By supporting this legislation we can move one small step forward in the unfinished work of the Nation. Education is central to this country's ideas and promises. It is the one avenue that all of our children can use to realize their dreams and goals.

In closing, let me say that I believe, I am confident that this bill we have before us is the best we can devise for the country now. I believe if we study it well, we will have it pretty much intact when we report this bill to the other body.

I believe that comes from the long study that was conducted by the Members of the Committee on Education and Labor, who set aside their own personal preferences in many cases to reach an agreement, because they put the interests of the children of this country No. 1, rather than just retaining the amount of money for their States or retaining the amount of money for their school districts in the congressional districts; rather, the children of the country are the most important.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in support of H.R. 69, a bill to amend and extend the Elementary and Secondary Education Act of 1965.

Our committee spent over a year on hearings and markup of this comprehensive and complex bill, and I sincerely believe, Mr. Chairman, that this piece of legislation will serve well to improve the quality of education and expand the opportunities of millions of our Nation's educationally disadvantaged children.

The bill we debate today is the product of bipartisan effort and cooperation.

I wish to commend the chairman of the Committee on Education and Labor (Mr. PERKINS) for his long and diligent hours spent in efforts to work out the provisions of this bill in accordance with the experiences from which we have learned so much since ESEA was first enacted in 1965.

I also wish to commend my colleague and ranking minority member of the full committee (Mr. QUIE) for the thoughtfulness of his significant contributions to this bill.

Mr. PERKINS and Mr. QUIE deserve high praise for the leadership they provided in establishing the bipartisan atmosphere in which the bill was developed.

I believe that H.R. 69, "the elementary and secondary education amendments of 1974" will go far to continue and extend the good work begun in 1965 by that landmark legislation. The Elementary and Secondary Education Act.

At that time, Congress acted on its highest instinct—to invest in the greatest resource of our country—in the future generation—in the children, whom the system had too long overlooked, the economically and educationally disadvantaged children of this great country.

Future years will show us what our legislation has accomplished—the future will show us how many useful, fulfilled, taxpaying citizens are sharing the benefits this country has to offer—citizens who through education broke the syndrome of poverty—citizens of tomorrow whose opportunities were created by citizens here today.

Mr. Chairman, I fully support H.R. 69 and its improvements over provisions of existing legislation.

I would like to call your attention to one of the important improvements of this bill.

The consolidation provision combines seven categorical programs into two broad purpose programs: one for library and instructional resources, and the other for innovation and support services

The program for library and instructional resources consolidates the existing school library program, title 2, ESEA, the equipment program, title 3, NDEA—and the guidance and counseling program, part of title 3 of ESEA.

The program for innovation and support services consolidates the remainder of title 3, ESEA for innovation—the dropout prevention and the health and nutrition programs, title 8, of ESEA—and the program of aid to State departments of education, title 5 of ESEA.

Without withdrawing any Federal commitment to any of the existing categorical programs, this consolidation provision will mean increased flexibility for local school districts.

These districts will be able to use moneys in accordance with local needs and priorities.

Another important addition to H.R. 69 is the provision for a safe schools study.

The study it authorizes will, for the first time, provide Congress with comprehensive and nationwide information—information on the nature and extent of crime and violence in our schools—information we may use to seek solutions which are based on actual and unmet needs of our children and their teachers.

H.R. 69 represents the best efforts and highest motivations of our committee members on both sides of the aisle.

I urge my colleagues here today to join me in support of this bill and in the investment it makes in the future of our Nation's children.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from Washington (Mr. MEEDS) such time as he may consume.

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

Mr. MEEDS. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, if someone wanted to put a highway, a high-rise, or even a jack-in-the-box in your neighborhood, your State or local government would surely grant you and your neighbors a say in the matter.

And, if a majority of your neighbors objected to such a project, that project would be abandoned.

Such is the democratic tradition.

Mr. Chairman, because of a law passed by Congress, building developers must now draw up an environmental impact statement before being allowed to lay the first brick of a construction project.

This environmental impact statement must show that no significant harm to the physical landscape or ecology of the neighborhood involved would result from construction of the proposed buildings. Sometimes, hundreds of thousands of dollars are spent on these environmental impact statements. And all this before the first brick may be laid.

Why then is the question of the location of our children's education handled differently?

Why then do we not take the same rational, careful and sensitive approach when it comes to "people projects"?

Why do those who want to implement plans that involve people not have to first prepare a social impact statement? Why do they not have to offer social impact statements that show that their "people project" will not harm the human landscape and ecology of the neighborhood involved?

Why, Mr. Chairman, do we seem to place a greater value on those things created by man than we do on those things created by God?

Mr. Chairman, next week the House of Representatives has another opportunity to legislate an end to forced busing in America. We must not fail. And, for a reason I believe deserves the support of every Congressman in this Chamber.

Attempting to achieve desegregation through forced busing will lead only to even greater and more permanent resegregation, not the meaningful, integrated, and equal educational opportunity we seek for our children.

In my own city of Boston, implementation of forced busing could lead counterproductively to an 80-percent nonwhite public school system by 1984.

In the past 8 years alone, Boston's nonwhite public school population rose from 23 percent to 38.7 percent. In the United States against Indianapolis, an August 1971 desegregation case, the court pointed out that when the percentage of black pupils in a given school approaches 40, the white exodus becomes accelerated and irreversible.

When the Federal judge made this finding, Indianapolis' public schools were only eight-tenths of a percentage point more filled with black pupils than are Boston's right now. And that is without court-ordered busing.

In San Francisco, after court-ordered busing, there was a 13-percent drop in white student population in 1 year. Interestingly, probusing advocates had argued that there would be only a 3-percent drop.

In Norfolk, Va., court-imposed busing brought a drop of 20 percent.

In Pasadena, Calif., there was a 2-year drop of 22 percent.

Ironically enough, if, as it seems probable, it is the somewhat better off and more mobile who leave the public school system when busing is imposed, the already virtually negligible effect on the achievement of black children will be even further reduced.

The danger of resegregation is real. Last year, both the Federal district and appeals courts hearing the judges admitted freely that the Detroit plan—such as is now proposed for Boston—would lead to a single, segregated nonwhite Detroit school system in a State which is 87 percent white and 13 percent black.

Mr. Chairman, recently the voters of Durham, N.H., voted to keep out the proposed Onassis oil refinery. Because of the energy crisis, the Durham decision affected every New Englander. But the proposed refinery would have affected the people of Durham most of all.

So the people of Durham made their decision, and the rest of us, whether we agree or disagree with the result, must accept that decision and adapt accordingly. That is the democratic way.

Mr. Chairman, I think the people of Boston should have the same rights as the people of Durham.

The people of Boston do not want forced busing. That is their feeling. And, if they are given the chance to register that feeling through the political process, that will be their decision.

And the rest of the country, whether they agree or disagree with the people of Boston, should respect their right to decide upon a matter that affects them most directly.

To those who favor forced busing, I ask you to reconsider where your action would lead. I ask that you recognize that desegregation through forced busing will lead to greater and more permanent resegregation. Obviously, this would be counterproductive.

To those who intend to join me next week in attempting again to legislate an end to forced busing, I urge you to stand firm in your belief that every man and woman in America has at least the same right to be heard over the location of his child's education as they do to be heard over the location of a proposed hamburger stand.

Mr. MEEDS. Mr. Chairman, I rise in support of H.R. 69—not because I believe it is perfect—we will never achieve that—but because I think it represents substantial change for the good in numerous areas of concern.

Obviously the most important change is that effecting the distribution of title I funds under the Elementary and Secondary Education Act. If I could paraphrase Winston Churchill, I would say this is the worst possible formula—except all others. For far too long we have been sending money where the problems were in 1959—the year statistics were gathered for the 1960 census. In some instances, the problem areas are the same in 1974, but in many others both the problems and the areas have changed. The new formula in H.R. 69 attempts to reallocate Federal dollars so that the greatest problem areas will receive the most funds and the most attention. Rather than the old formula's flat amount, poverty levels will now be determined under the Orshansky formula's varying basis. Most importantly, the new formula takes into account the number of children in a family. Under the old formula it made no difference how many school-age children there were as long as the breadwinner earned less than $2,000. Thus, if a family with one child earned $1,999, that child was counted. But in another family with six school-age children and a family income of $2,001 not one child was counted. Under the new formula a sliding scale based on the number of children will allow a much more equitable distribution.

The Orshansky formula also resembles the cost of living scale in differentiating between farm and nonfarm families. There is no perfect measure of poverty in all areas of this Nation. But the new system of distribution under the Orshansky formula in H.R. 69 is far superior to the old.

We have known for some time that under the old formula funds were sent to problem areas designated by 1959 statistics. In some instances these allocations were made with little relationship to present conditions. To prevent this happening under the new formula, this bill provides for a study of ways to update the formula without experiencing the distortion of 10-year-old census statistics.

Mr. Chairman, title IV of H.R. 69 is an amendment and extension of the Adult Education Act. This title is actually H.R. 7818, as introduced by 40 colleagues and myself in May of 1973. A similar bill was introduced by Senator JAVITS and colleagues in the other body.

Census figures tell us that nearly one-third of the adults in the United States—64 million—have less than a high school

education. Of these, 22 million have less than a full elementary school education. From a purely practical point of view we cannot afford to ignore the education needs of the adult population. The latest income statistics available indicate that a high school graduate earns nearly double the amount earned by someone with less than an 8th grade education. What this means to our national economy is significant. What it means to the individuals in terms of enriched lives is even more important.

Title IV extends the Adult Education Act of 1966 for 3 years. It takes the 15 percent discretionary funds of the Commissioner and requires that all funds be distributed to the States. The States then reserve up to 15 percent for special projects and teacher training. Cooperation between programs under this title and manpower programs within the States is required. For the first time, States are given the discretion of using up to 25 percent of their funds in excess of the 1973 allotment for high school equivalency programs. Institutionalized adults are included in the program for the first time.

There are also additional important provisions that, when combined to those set out, will have the effect of continuing and expanding our commitment to provide that second chance for the illiterate, the poorly educated, the adult with yesterday's training for today's jobs.

Mr. Chairman, there are in this bill important changes and advances for the most disadvantaged Americans, the American Indian, the migrant, and the handicapped. Additional funds and emphasis are placed on bilingual education. Anyone who has experienced the frightening experience of trying to learn in other than one's mother tongue can really appreciate the value of these programs. We also take an important new step in community education in this bill.

Mr. Chairman, we have debated on the floor of this House for a number of years the impact aid program. Let me say at the outset that I feel the impact aid program has been and should continue to be a vital and helpful part of Federal aid to education. There is overwhelming evidence of the special problems of school districts impacted by Federal activities—especially the military. But there are inequities in the impact aid program which may be the death knell of the entire program if they are not corrected.

One of the inequities in the impact aid law not dealt with in this bill is inadequate Federal funding in some instances—"3–A" children whose parents live and work on Federal property—and Federal funds are paid to some school districts for which there is absolutely no justification—where children attend schools in one school district and their parent is employed as a civilian on Federal property in another taxing district.

Both the Johnson and the Nixon administrations have sought to cut funds for all so-called "B" children and have justified these recommendations on the basis that there is no justification for payment to a school district in which the child attends school when the Federal facility is not located there. While the illustration is correct, it does not apply to all "B" children. Clearly one of the original reasons for the impact aid program was that children of our uniformed services should be guaranteed adequate funding for whatever schools they attend. Also, just as clearly, there is an impact on the school district where a Federal facility is located. To abolish funding in the latter two illustrations because of the inequity in the first would be wrong. But until this program is corrected by those of us who respect it, the program is in great danger from the budget cutters who have never liked it.

That is why, Mr. Chairman, I shall support only a 1-year extension of the impact aid legislation. I feel the supporters of this program should be required to keep their shoulders to the wheel in an around-the-clock effort to provide answers to the legitimate complaints against impact aid. I pledge to work with anyone who is seriously interested in remedying these problems so that we can continue, on a permanent basis, legislation which responds to the actual impact of Federal activities on local school districts.

Another issue which the committee bill deals with is whether States may count impact aid payments in determining equalization payments to local school districts. In 1966, the gentleman from Michigan (Mr. WILLIAM D. FORD) and I were successful in amending the impact aid law so as to prohibit the States from counting impact funds in their equalization formulas. We did this because States were taking advantage of impact aid districts, taking more Federal impact aid money than they returned in State equalized payments. I was opposed to that then and I am opposed to it today.

But we do not want this prohibition to be used to deter States who honestly and earnestly are attempting to devise good equalization formulas. Therefore, we propose to once more allow the States to count these funds in a reasonable manner, but only when they have first established: first, that they do have a meaningful equalization formula and, second, they do not take into account more of impact aid funds than they actually provide from State sources. The committee expects that the Secretary, in adopting his criteria, attempt to achieve a formula which would allow the States to count impact aid funds in their equalization formulas in the same ratio as those States provide funds for local education.

The equalization situation is a further reason why I favor only a 1-year extension. If the States abuse these provisions, it may again be necessary to prohibit the use of impact aid in State equalization formulas.

On balance, H.R. 69 is an important and progressive piece of legislation which merits our support. And this bill shall have my support, even though I am critical of parts of it.

Mr. BELL. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I, of course, rise to speak against this legislation, and will try to cover at least part of my amendments in the 10 minutes that have been allotted to me.

Mr. Chairman, a popular speaker told me some years ago that if you want to get across a point, you must first tell the people what you are going to tell them, and then tell them what you are telling them, and then tell them what you have told them. That is sort of the way I feel about this education bill.

It seems that I have been hammering away at it for so long, and with some success and a great deal of disappointment. But I do really believe that it is a mistake for us to continue this H.R. 69, the funding of elementary and secondary education, under present circumstances. In fact, there is much evidence that the supposedly educationally disadvantaged really are disadvantaged after treatment by or exposure to our Government's education plans.

In the first place, we have spent a great deal of money, some $14 or $15 billions on this experiment in Federal support over the past few years since 1965, when this idea first became part of law. All of the studies and evaluations that I have seen indicate a lowering of the standard of the quality of education in our country during that time. That is why I am particularly concerned that we have spent so much time in a committee effort, in the Committee on Rules, and here again today on the rule and then the debate on how we are going to rearrange the dollars.

I know that there were some votes gotten for the rule by an explanation to the Members of Congress that their districts would not be losing money but actually would be gaining a few dollars. I tried to reason with some of these people myself about the quality of education and not only that but, of course, the involvement in the personal lives of their children that is even more of concern to me than the money that is being expended.

President Nixon said, and rightfully so, that just throwing money at a problem does not necessarily make it go away. No doubt, we need some improvements in education in our country today. Very frankly, I think the best way to get improvements in education is to get the Federal Government out of it.

I have some good friends in Indiana and in the school systems down there, even the townships, who seem to be quite sensitive to good education and are doing an extremely good job. I think they could get along without the dictates that come along with the controls that they are getting in their education with this Federal money.

Of course, I would remind the Members of Congress that our national debt now exceeds $470 billion, and it seems rather irresponsible to continue to throw money at something where we are getting less quality, paying 10 percent for that money, and seeing our interest become one of the big items on our budget. But

I will try to move along, because I wanted to cover as much as I could of this in 10 minutes.

Title III, of course, permits the sensitivity testing, behavior modification, humanism, psychological testing, group therapy, and sex education. These things have become of great concern to the mothers and dads of our country. To take little children 5 years old and show them pictures of animals in the act of sex, and then by the time they are 13, teach them the different methods of contraception, and then, of course, by age 15 teach them the merits of abortion when all else fails, are of concern to moms and dads across the country. I have received letters from many of them and petitions and personal phone calls. I think that any reasonable person who qualifies for election to the Congress should be terribly concerned, seriously concerned, about these matters.

I could use a good bit of my time on humanism alone, which I am inclined to compare with witchcraft or certainly something other than the Christian beliefs of our forefathers and of our responsible people today.

Anyway, there have been in the papers across our land a great number of editorials and articles. The Cincinnati Enquirer had a top editorial some months ago. The New York Times quoted EDITH GREEN, our colleague, who served on Education and Labor Committee for some 18 years. I understand even Patrick Moynihan, who was an architect of this ESEA now realizes that we perhaps made a mistake. One of the lead articles in the April Reader's Digest will be a critical analysis of our education systems today.

Even Time magazine in December carried a very extensive article with a graph showing the marked decline in the quality of education of our boys and girls. In fact, apparently in response to this declining quality, over 800 new private schools were started last year.

There are several other things though that have not been discussed at length. One is the new section in this bill providing for a $15 million evaluation by the new National Institute of Education. As I understand it their instructions will be to study the purposes and effectiveness of compensatory educational programs. These programs have been in effect since 1965. Are we serious in asking the NIE to study the purposes of Federal aid to education at this late date?

It is really rather interesting. Again I ask do we have the $15 million to spend and was NIE set up to do this sort of thing—to study the effectiveness of Government programs? And are they qualified to take on this chore to spend another $15 million on another study, because I can show NIE in at least six studies that already prove the program is not getting satisfactory results.

One additional matter, Mr. Chairman, I would like to touch on is on page 49 of the bill, section 132. Perhaps this has been covered by one of the other speakers, but I think it is very important for the people of America, the mothers and fathers and the patriotic Americans to become aware of this provision. This section says under the heading "Participation of Children Enrolled in Private Schools" the following:

(b) (1) If a local educational agency is prohibited by law from providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a).

I know I have some good Catholic friends in my district who are going to be unhappy about my revealing this section and I am sure there are some people who helped to put this in who are not going to be happy about my mentioning it either, but I will say to my good constituents: If the receipt of Federal funds through this questionable means is going to bring to your schools the same kind of involvement as we now see in our public schools, such as psychological testing, humanism, group therapy, sex training, and behavioral modification, then the few dollars that you receive from the Federal Treasury through this questionable method will prove to be very, very expensive and destructive dollars in the long run.

In conclusion Mr. Chairman, the deliberate omission of this prohibition against mandatory busing of students to achieve racial balance is probably the most undesirable aspect of this very undesirable bill. For this Congress to permit the unrestricted busing of students in those yellow prisons on wheels is in my opinion the greatest intrusion on the rights and freedoms of our young people. I am opposed to H.R. 69 in its present form.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 69. At the outset I would like to take this opportunity to congratulate my colleagues on the Committee on Education and Labor for their energy and dedication in respect to this bill.

The General Education Subcommittee first began hearings on this bill over a year ago in January 1973. The full committee began markups on September 11 and the bill was finally reported on February 5, 1974 by a strong bipartisan vote of 31 to 4.

This bill is one of the most difficult and complex measures ever to have been considered by our committee. It has been one which has required the full attention and concentration of all the members of the committee.

I want also, Mr. Chairman, to pay particular tribute to the distinguished chairman of our committee, the gentleman from Kentucky (Mr. PERKINS) without whose tenacious leadership it would not have been possible to bring to the floor of the House the bill today with such widespread support from both sides of the aisle.

I want as well to say that, having served on that committee for now over 15 years, I can speak from experience when I say there is no other Member of the House more committed to the support of education and in particular to the support of elementary and secondary education than the gentleman from Kentucky (Mr. PERKINS).

I want as well to commend the distinguished ranking minority member of the committee, the gentleman from Minnesota (Mr. QUIE) who has worked with equal devotion on this legislation, as well as the ranking minority member of the General Subcommittee on Education, the gentleman from California (Mr. BELL), as well as all of the other members of that subcommittee who worked so hard on this measure.

Mr. Chairman, H.R. 69 is likely to be the most important piece of education legislation that will be considered by this Congress. It authorizes programs of Federal support for our Nation's elementary and secondary schools. It includes the largest Federal aid to education program, the so-called title I program of ESEA.

It is important that we act expeditiously and responsibly on this bill for the Nation's schools and the children who attend them need the assistance H.R. 69 makes possible.

I want at the outset to list the principal provisions of H.R. 69 as reported. They are:

First, an extension of the title I program for 3 more years, with an updating of the formula for distributing its moneys.

Second, consolidation of several categorical aid programs into two programs.

Third, extension of the impact aid program for 1 year.

Fourth, extension of the Adult Education Act.

Fifth, due in large part to the leadership of the gentleman from Florida (Mr. LEHMAN) the creation of a new community education program.

Sixth, extension of the Education of the Handicapped Act. In this respect, I want to pay tribute to the Members of the Select Education Subcommittee, which I have the privilege of chairing, which produced this title, title 6.

Seventh, extension of the Bilingual Education Act.

Eighth, a study of the need for early funding educational programs.

Ninth, authorization for a White House Conference on Education in 1976.

Mr. Chairman, I would like now to focus my remarks on two areas that I believe are of special importance—the updated formula for title I, and the programs for the handicapped.

Clearly one of the most significant features of the bill in the minds of the public and of educators and, obviously, Members of this body, is the new, updated formula for title I.

Title I was first enacted in 1965 as a response to what was then widely perceived to be a very serious national problem of educational deprivation among low-income persons. Studies and reports had demonstrated a high correlation between poverty and educational achievement. The problem was felt to be particularly acute in school districts with concentrations of poor—districts which

had difficulty in financing adequate education programs.

I think it appropriate, Mr. Chairman, that we take a moment to recall the language that underscores and expresses the original intent of Congress with respect to title I, which language is to be found in the first section of the 1965 act, which reads as follows:

In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means which contribute particularly to meeting the special educational needs of the educationally deprived children.

Mr. Chairman, studies of the impact of title I indicate that it has indeed provided a substantial amount of assistance to school districts with the greatest financial need.

Title I had not only provided additional resources to financially distressed school districts, but also to pupils in the districts most in need of additional educational assistance, those who suffer from the most severe educational disadvantages.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I appreciate the gentleman yielding to me.

Last year I conducted hearings in my city of Baltimore on the effectiveness of title I. At those hearings the State superintendent of schools with his personnel, the city superintendent of schools with his personnel, and the parents and teachers involved in title I activities all had an opportunity to testify over that 2-day period.

There was, of course, some criticism of title I, but there was an overwhelming response that title I had been the most effective educational project yet designed to help their disadvantaged children.

Mr. Chairman, I merely wanted to put that into the RECORD as of this point. I thank the gentleman from Indiana for yielding to me.

Mr. BRADEMAS. Mr. Chairman, I thank my colleague from Maryland for having made that point, because I think the point the gentleman has made is a terribly important one and gives some emphasis to the point that the gentleman from Minnesota (Mr. QUIE) made earlier when he was discussing title I and pointed out that title I is linked to a correlation between educational deprivation and economic deprivation.

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

Mr. BRADEMAS. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. FORD. Mr. Chairman, the gentleman from Indiana knows that he and I have had some disagreement about that question. He says correlation works one way, but not the other. But, educational data indicates that in the State of Maryland, while the expenditure of additional funds will increase the funds for title I to the city of Baltimore, which has a considerable population at the poverty level, there will be a 9-percent increase.

The increase in expenditures produces a 44-percent increase in Montgomery County, the highest per capita income county in the United States. I see the gentleman from Minnesota (Mr. QUIE) who usually gets excited when we talk about money going into Montgomery County on impact funds.

Mr. Chairman, I wonder, at a time with this bill placed in the hands of those who would cut Montgomery County impact aid because it already has too much money, how they will explain how the increase in the richest county is responded to by a 44-percent increase in this bill.

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

Mr. BRADEMAS. Mr. Chairman, I yield to the distinguished chairman of the committee (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, let me say to my distinguished friend from Michigan that, under the 1974 appropriation bill, Fairfax County doubled, and maybe tripled, but that all came from the rural southern counties, the southwestern counties of Virginia, because they did not have AFDC.

That is the answer to the gentleman from Michigan.

In the States and in the counties, the wealthier counties, where we had the $2,000 low-income factor and the high AFDC count, we will not find that same situation existing in H.R. 69. But as the gentleman from Michigan stated, that state of facts exists under the present law and under the present appropriation bill, only moderated by certain limitations.

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

Mr. BRADEMAS. Mr. Chairman, if my friend, the gentleman from Michigan, does not mind, I would like to finish my statement. Then I will be very glad to yield to the gentleman. I would like to work through the logic of my statement, and I am sure there will be some time for the gentleman after that.

Mr. Chairman, following what I was saying with respect to the point that I think was made—and it is a very important point—by the gentleman from Maryland (Mr. MITCHELL), although it is still early to fully evaluate the impact nationally of title I programs on the educational achievement of individual children who participated in the programs, witness after witness who appeared before the General Subcommittee on Education spoke of the significant positive results of title I within their respective school districts.

Although progress can be cited, we have not yet achieved the purposes and goals that Congress established when title I was first enacted into law. We must, therefore, in my view continue to provide compensatory education for educationally deprived children who live in school districts with concentrations of low-income families.

In my judgment, the updated formula adopted by the committee will enable us much more effectively and equitably to provide this assistance.

The task of our committee, Mr. Chairman, and indeed the task of the House as it considers this legislation to extend title I, was and is very difficult. It was difficult because the present formula which has been used to allocate title I moneys since the program was first enacted in 1965 has become out of date and has created serious distortions and imbalances in the allocations of title I moneys. The updated formula adopted by the committee was aimed at correcting these problems.

Because, Mr. Chairman, I think it is important to gain a full understanding of the updated formula, I would like to talk briefly about some of the factors which have contributed to what a majority of the members of the committee judged to be an inequitable pattern of distribution under the present formula.

If some of what I say has been said earlier, Mr. Chairman, I hope that the Members will be forgiving. But this is a complicated matter, and I hope it will bear some repetition.

Mr. Chairman, to reiterate, present law provides that local school districts receive title I grants based on two factors, first, the number of children in the districts from families with incomes under $2,000 a year, according to the decennial census, and second, on the number of children from families with incomes over $2,000 from payments under the Federal program of Aid to Families with Dependent Children—AFDC.

Each school district's entitlement is computed by multiplying the total number of children from these two categories by one-half the State or National average per pupil expenditure for elementary and secondary education, whichever is higher.

Mr. Chairman, when the title I formula was written 9 years ago, it was thought that the best method for distributing funds would be to use the census data to determine numbers of children from poverty families since those data were thought to be the most nationally uniform and generally reliable.

But since the census data are collected only once a decade, there was a need for any updating factor to be annually applied to the data, and that updater was written into the original law as the portion of the formula which counts AFDC children.

Originally, AFDC children accounted for approximately 10 percent of the total title I children or about 600,000 out of a total 5.5 million.

But over the years, the AFDC children counted under the formula have grown to such an extent that they have overwhelmed the children counted from the census to the point where AFDC has become the predominant element in the formula. This problem was compounded last year with the shift to 1970 census data which resulted in nearly a 50-percent reduction of the number of children counted under the $2,000 low-income level. As a result, AFDC children now account for over 60 percent of the total number of children eligible for title I—

about 3.6 million children out of a total of 6.2 million title I children.

Thus, title I is now being principally distributed not on a basis of nationally uniform census data but on the basis of AFDC caseload counts. The AFDC program in its present state does not provide an accurate and reliable basis for comparing poverty throughout the country, as previous speakers have made clear.

Mr. Chairman, as Members well know, there are great varieties in the levels of AFDC benefits across the country, as well as varieties in the methods used administer these programs. For example, studies have shown that the wealthier a State, the more likely it is that its level of AFDC benefits will be high and that it will therefore be able to add AFDC children under title I. Since the title I formula has come to rely more heavily on AFDC as a basis for allocation, title I funds have therefore tended to go to wealthier States which have been able to afford larger AFDC programs.

Further, the AFDC program leaves great discretion to the States in its actual administration. These differences clearly make AFDC statistics unsuitable for use as a major determinant in the distribution of Federal aid.

Mr. Chairman, a look at allocations under title I for last year, I think, amply demonstrates how allocations under the present formula have tended heavily to favor wealthier States with high AFDC benefits.

Let us look, for example, at the State that has been the subject of most of the conversation here today, New York. My friends from New York have on more than one occasion drawn to my attention their concern about the impact of the formula change on their State, but I would like to make the point that New York, which ranks first in per capita income among the States and ranks near the top of the States in AFDC benefits paid, received nearly 18 percent of the title I funds in 1974, while it has only 7.4 percent of the schoolchildren in the country. Compare this with Texas which received 4.5 percent of the title I funds for 1974, although it had 5.9 percent of the total schoolchildren in the country. The reason for this disparity is that Texas was able to add only 81,854 AFDC children to its total count of title I eligible children while New York was able to add 564,248 AFDC children.

Mr. Chairman, I am perfectly aware that we are not here discussing a general aid formula, but I think it nonetheless true these figures give you some ideas of the distortions created by the present formula.

Mr. Chairman, the problems with the present formula are by no means limited to its heavy reliance on AFDC as a basis of allocation. In addition, the present formula utilizes a static low-income factor in counting census children. A figure of this kind is too inflexible because it does not reflect certain elemental variables necessary in measuring poverty. For example, under the present formula, children from a family of three earning $1,995 would be counted, yet children from a family of six earning $2,005 would not.

There is another difficulty. The present title I formula also has a problem with the payment rate as applied to the title I eligible children, and this problem has produced substantial inequities as well. Let me explain:

Under the present law, school districts are eligible to receive for each title I child, either one-half the State or one-half the national average expenditure for education, whichever is higher.

Since there is no ceiling on the payment rate which a State can receive, this aspect of the formula has also contributed to a distortion of the distribution of title I funds among the States.

Here again I note the example which is obviously of most concern.

New York State is eligible to receive $772 per title I child while California is eligible to receive only $465 per child.

Yet I think there would be few who would contend that it costs that much more to live in New York than to live in California.

So the result of this part of the formula, if you look at it in dollars and cents terms, is that New York is this year receiving nearly twice as much money as California—$218 million as compared to $121 million—although the two States have approximately the same number of title I children.

Mr. Chairman, in view of these considerations, our committee amended the title I formula to provide what we think to be a more equitable distribution of funds, one which will rely on census data, data which are uniform nationwide, as a basis of allocating compensatory education funds.

Mr. Chairman, under the committee formula, each school district will be able to count the number of children within the school district who are from families considered poor according to the decennial census using the official Federal definition of poverty known as the "Orshansky" index.

School districts will also be able to add each year two-thirds of those children from families receiving an income from payments under the AFDC program in excess of the current Federal definition of poverty for a nonfarm family of four—that figure being presently $4,250, and this figure is to be updated annually by the Consumer Price Index.

To continue, each school district's total number of children is to be multiplied by 40 percent of the State average per pupil expenditure for education except that if any State's average expenditure is less than 80 percent of the national average expenditure, school districts in that State will be entitled to 80 percent of the national average per pupil expenditure. If the State's average per pupil expenditure is in excess of 120 percent of the national average expenditure, school districts within the State will be entitled to a payment equal to 40 percent of 120 percent of the national per pupil expenditure.

Mr. Chairman, the purpose of shifting to an updated definition of poverty for counting children and in diminishing the importance of the AFDC figures is to restore the balance that was present in the original title I program and to provide for the most equitable possible nationwide distribution of Federal compensatory education funds.

Using the Orshansky index of poverty and by reducing reliance on AFDC, more accurate and uniform national census data will again be the principal basis for the distribution of title I money. And the rather erratic AFDC data will be used as a less important modifier of those data.

The reason the committee adopted the Orshansky index of poverty for counting the number of title I children is that it is the most accurate measure of poverty providing data at the county, State, and national levels. The Orshansky index varies according to three factors: First, the number of children in the family; second, the sex of the head of the household; and third, the farm or nonfarm status of the family.

Moreover, the Orshansky index is a measure of poverty adopted by the Federal Government in 1969 as the official definition of poverty and is now widely used in various Government programs. In addition, last year the Office of Management and Budget after a 6-month review of this index concluded that Orshansky is still the best index of poverty currently available.

Mr. Chairman, the formula adopted by the committee has been criticized by many as moving toward a general aid approach and away from a poverty-related program. These critics argue that the use of Orshansky dilutes the concentration of money from urban areas and spreads it into suburban and rural sections of the country.

Mr. Chairman, speaking as one who has been a strong supporter of the original title I program and one of its original cosponsors, and as one who continues to subscribe fully to its concept as a poverty-related program, I want to say that this charge is just not true. Title I money will be still distributed on the basis of poverty, and will still serve poor children in areas of concentrations of poor families, wherever they may be.

Under the updated formula, approximately 8.8 million children would qualify as title I children—8.3 million children as "Orshansky" children, and approximately 565,000 as "AFDC" children.

This compares with 8.1 million title I children counted in 1973 under the present formula—4.9 million "census children" and 3.2 million "AFDC children." Although the number of eligible title I children dropped to 6.2 million in 1974 due to the shift to 1970 census data, the number of eligible title I children under the updated committee formula is not significantly more than the number of children served in previous years.

Mr. Chairman, critics further charge that the updated formula would shift money away from certain States and urban areas which received special attention in 1965 when title I was first enacted. However, a look at the allocations under the updated formula for these areas shows that most urban States and counties have a greater share of title I children under the updated formula than they did in 1965, the first year of title I. For example, in fiscal 1966, California had 5.6 percent of the eligible title I

children; under the committee formula, it will have 8.4 of the eligible children. Los Angeles in 1966 had 1.9 percent of the eligible title I children; under the committee formula, it will have 3.4 percent. San Francisco in 1965 had 0.25 percent of the children; under the committee formula, it would have 0.28 percent.

New York State in fiscal 1966 had 5.4 percent of the eligible children; under the committee formula, it would have 8.6 percent. New York City in 1966 had 3.20 percent of the total title I children and under the committee formula it will have 5.62 percent.

Mr. Chairman, clearly, title I remains the program which serves the poor, who are underachievers, and who reside in areas of concentrations of poor families.

Critics have also charged that the formula adopted by the committee hurts every major city and urban area in the United States. In this regard, Mr. Chairman, I would have to make two points. One of them echoes what the gentleman from Minnesota said earlier, for, of course, Mr. Chairman, the title I program was not designed to help or hurt any city, or area, or State; rather, the program was intended to help educationally deprived children.

I can well understand how every Member of the House wants to see the effect of any change in any formula on his district or his State. But I think that the gentleman from Minnesota was right on target when he pointed out that our fundamental concern as we look at title I must be children and the kinds of children who are to be served by the purposes of title I. Even putting that argument to one side for the moment, an analysis of the projected allocations under the updated formula indicates that although a few cities may lose some money, a comparison of allocations under the committee formula with allocations in fiscal 1973 and fiscal 1974 shows that most cities can expect to receive significant increases in title I funds.

I must point out, however, Mr. Chairman, that even the few cities that do lose money under the new formula do so only when compared to fiscal 1974 allocations. The reason for this result is that most of these cities experienced significant increases in title I funds between fiscal 1973 and fiscal 1974 as a consequence of the shift from 1960 to 1970 census data. This shift in census data resulted in great distortions in the allocations under the formula because there was a significant decline in the number of census children counted under the $2,000 low-income level while at the same time the number of AFDC children count remained constant. As a result, some school districts whose allocations were based predominantly on AFDC children experienced very significant increases in title I funds in fiscal 1974. A comparison of the projected allocations for these cities with 1973 allocations shows that title I funds for most of these districts will not drop below the fiscal 1973 levels.

Finally, Mr. Chairman, the committee has been criticized for using misleading charts and statistics by not comparing allocations under the updated formula with allocations in previous fiscal years at comparable appropriations levels.

Mr. Chairman, as I have attempted to point out during my remarks, the allocation under the old formula in previous fiscal years has been so distorted and so inequitable that it cannot even be used as a reliable basis for comparing title I allocations. As I have shown, in the last year, allocations have been skewed heavily in favor of urban areas which are able to pay high AFDC benefits. It seems to me, therefore, that the only legitimate basis for comparing allocations under the updated formula with allocations received in previous years is to measure the extent of dislocation a State or local jurisdiction may actually experience as a result of the shift to the updated committee formula. For this reason, allocations were projected under the committee formula at a level of appropriations requested by the President in his 1975 budget request. These estimates were then compared with allocations that States and counties actually received in fiscal 1973 and with allocations which these jurisdictions may expect to receive in 1974 under the fiscal 1974 appropriations bill. Thus, the committee charts will compare what jurisdictions may reasonably expect to receive next year with the amount of money they have been receiving or were estimated to receive in the past.

Mr. Chairman, finally I would like to say a word about another important section of H.R. 69, which I believe can prove most helpful to Congress and the educational community in our understanding of title I programs and other similar compensatory education programs.

That section would authorize the National Institute of Education to conduct a comprehensive review of compensatory education programs and to study alternative methods for distributing such funds.

In addition, the provision authorizes NIE to conduct experiments for the purpose of evaluating these alternative methods.

One of the real problems our committee encountered in considering H.R. 69 was the difficulty in obtaining reliable and useful information about compensatory education programs, especially about their effectiveness and about alternative methods for distributing such money.

The study provided in the committee bill would call for an examination of all such programs, not only those provided under title I, but State programs as well.

The NIE is directed to study the fundamental purposes of compensatory education programs, evaluate their effectiveness in attaining these purposes and review as well the effect of concentrating such funds in the areas of reading and mathematics.

This section also authorizes NIE to look at alternative methods for distributing the moneys, including methods based on poverty and methods based on procedures to assess educational disadvantage.

The bill provides a separate authorization of $15 million for the NIE to meet the research costs of the study and to submit an interim report to Congress no later than December 31, 1976, 6 months before the expiration of title I, with a final report due no later than 9 months thereafter.

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

Mr. BRADEMAS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, first I wish to compliment the distinguished gentleman from Indiana (Mr. BRADEMAS) for a most detailed and clear analysis of the entire legislation reported from the committee. No Member in the Congress in past years has contributed more to bringing before this Chamber outstanding legislation for the benefit of the schoolchildren of America than the gentleman from Indiana. Here he is running true to form. I think he deserves the compliments of the entire Chamber especially for helping us work out a most difficult part of the bill, the formula which provides a balanced formula and which in my opinion is the best possible way to allocate funds on a most equitable basis as devised in the committee.

I take my hat off to the gentleman from Indiana (Mr. BRADEMAS). He has made a great contribution to the schoolchildren of America.

Mr. BRADEMAS. I thank the chairman very much for his gracious remarks.

Just to offer one final generalization, Mr. Chairman, I would like to say what at least I have tried to have in mind in thinking about the title I formula and in particular in trying to discuss it with my colleagues, because when some of my colleagues argue that the impact of the formula will be to take away money from disadvantaged children, I feel constrained to respond.

First of all, we must define what we mean by disadvantaged children, because it is the definition of poverty, if you will, that determines the flow of the money. And if the definition of poverty that is contained in the present law is one that produces a significant flow of money to one's State or district, then is it understandably, humanly, easier to contend that that particular definition of poverty is the best definition of poverty.

What we in effect are saying in trying to modify the title I formula is that in fact, the present formula does not result in a fair definition of poverty, and for this reason, we are not fully complying with the purpose of this particular program. I have sat with the distinguished and very able Commissioner of Education in New York, Mr. Nyquist and have said to him that were I in his situation and charged with the responsibility of seeing to it that my State got as much money as possible, I could understand his point of view. That does not happen to be my responsibility, however. It seems to me that my responsibility on this bill, and, I like to think, the responsibility of all of us as U.S. Representatives, in addition to being concerned about our own particular districts, is to do the fairest job we can for all of the children of the country.

This is not, to reiterate, a State-aid bill or a city-aid bill. I think it is very important that we have that in mind at the outset. Otherwise, we are going to do nothing but base our judgments on looking at a piece of paper to see how much money our district or State receives.

I think that the gentleman from Minnesota (Mr. QUIE) made a very important point that I hope will be helpful to Members in understanding what we on the committee tried to do. Mr. QUIE noted that we had been wrestling with various formulas and looking at the impact of various formulas in terms of dollar allocations to our districts and States.

We finally realized that maybe was not the best way to go about our task, that that was not the way to come to grips with the problem. We stood back and took another look at the problem and tried to approach it from the other end; namely, by asking what would be the fairest way to meet the purposes of the program; that is, to provide compensatory education funds to districts where there are concentrations of low-income families for the purpose of improving the education of children in those districts.

I think that none of us claims that the title I formula in H.R. 69 is perfect, but it goes a long way toward redressing what I believe a fair-minded reading of the report will agree was not a fair pattern of distribution of the money.

I spoke on this subject the other day to a group of big city school leaders, and I explained why we wrote an updated title I formula. One of them, from New York City, came up to me afterward and said, "I would like to disagree with you. I would like to quarrel with you," but he said, "In terms of fairness and equity, I cannot in good conscience do so."

Now, Mr. Chairman, I want to say a word about one other aspect of the bill; but before I do, because I know there are several other speakers on my side, I want only to say just a word about the importance of two sections in the bill that refer to handicapped children in the United States and simply to point out that title VI of H.R. 69 extends the Education of the Handicapped Act for 3 years beginning July 1, 1973, and Public Law 89–313, which amended title I of the Elementary and Secondary Education Act to provide grants for State agencies serving handicapped children in State institutions and State-operated institutions.

THE ELEMENTARY AND SECONDARY EDUCATION ACT AND WHAT IT MEANS FOR THE EDUCATION OF HANDICAPPED CHILDREN

Mr. Chairman, there is another part of the secondary education bill to which I would like to address myself, a provision of enormous importance for millions of handicapped children.

I refer, Mr. Chairman, to two sections of the bill in particular.

First, Mr. Chairman, I should point out that title VI of H.R. 69 extends the Education of the Handicapped Act (Public Law 91–230) for 3 years beginning July 1, 1973.

But I want to stress that H.R. 69 also extends Public Law 89–313, which amended title I of the Elementary and Secondary Education Act to provide grants for State agencies serving handicapped children in State-supported or State-operated institutions.

EDUCATION OF THE HANDICAPPED ACT

Mr. Chairman, let me say just a word about the importance of each of these programs for the handicapped children of America.

Mr. Chairman, in 1966 Congress recognized the speical needs of America's then 5.5 million handicapped children and added a new title VI to the Elementary and Secondary Eduction Act which provided a program of grants to States for the education of handicapped children, establishing a National Advisory Committee on Handicapped Children, and created within the Office of Education a Bureau of Education for the Handicapped.

The 91st Congress, Mr. Chairman, realizing that handicapped children deserved greater visibility in the Federal legislative process, repealed title VI effective July 1, 1971, and created a separate Education of the Handicapped Act.

PROVISIONS OF THE NEW EDUCATION OF THE HANDICAPPED ACT

The 1970 act, Mr. Chairman, continued to provide for a Bureau of Education for the Handicapped as well as the National Advisory Committee on Handicapped Children.

And it continued as well the authorization of grants to States and outlying areas to assist them in initiating, expanding, and improving programs for the education of handicapped children.

But I want to speak briefly of other programs to better the services available for the education of disabled children funded under the Education of the Handicapped Act.

Part C authorizes grants for regional resource centers, for deaf-blind children, experimental preschool and early education programs, as well as research, innovation, and training and dissemination with respect to these activities.

In fiscal 1974, $7,243,000 were spent for regional resource centers under part C and approximately 40,000 handicapped children received comprehensive services from the centers which also provided training to 200 State education agency personnel and 6,000 local education agency personnel.

In addition, Mr. Chairman, under part C, $14,795,000 will be spent in fiscal 1974 on deaf-blind children, and $12 million will be spent on early childhood education.

Indeed, I shoud tell my colleagues that approximately 3,500 deaf-blind children and 3,000 of their parents are receiving assistance under these provisions, and that an estimated 7,500,000 other children have received comprehensive services early in their childhood years since 1970 under part C.

Mr. Chairman, the Education of the Handicapped Act also authorizes under part D grants to institutions of higher education for the recruitment and training of special education personnel, including physical education personnel.

The $42,400,000 will be spent for the manpower training provisions of part D in 1974 to support 6,300 students full time, 19,500 part time and possibly another 56,700 students indirectly.

Recruitment and information services under part D, which received $500,000 in fiscal 1973 unfortunately received no funds in fiscal 1974.

The 1970 amendments also expanded research into education of the handicapped and in this fiscal year $9,916,000 will be spent on this purpose.

I should tell my colleagues as well that in 1974 we are spending $13 million for media services and captioned films to make available video, tapes, records, and captioned films to the handicapped under part F of the Education of the Handicapped Act.

Finally, under part G of the act we are this year spending $3,250,000 to provide for children with special learning disabilities. Part G now assists 8,500 children directly, and possibly another 58,000 children with special learning disabilities receive educational benefits through the impact of teacher training, curriculum development, and other products.

AUTHORIZATIONS FOR THE EDUCATION OF THE HANDICAPPED ACT

We are speaking then, Mr. Chairman, of an act which provides over $152 million in fiscal 1974 for a wide variety of programs and services to better the lives of handicapped children.

And one of the reasons, Mr. Chairman, that this measure received broad bipartisan support in the Select Subcommittee on Education, which I have the honor to chair, as well as the Committee on Education and Labor, is that the bill provides a very modest extension of the Education of the Handicapped Act and the important activities I have just described.

Evidence for that assertion, Mr. Chairman, lies in the authorizing figures for fiscal year 1975. For while we have been spending over $152 million on these programs in fiscal 1974, the fiscal 1975 authorization contained in H.R. 69 represents only a modest increase to $204,500,000.

And the fiscal 1976 authorization continues this prudent increase in funding by authorizing appropriations of $268,500,000.

BUREAU OF EDUCATION FOR THE HANDICAPPED

Mr. Chairman, let me take just a word to note one of the more distressing facts with respect to the implementation of the Education of the Handicapped Act which came to light during our hearings.

I refer, Mr. Chairman, to the fact that the Bureau of Education for the Handicapped, first created in 1966, and headed by an Associate Commissioner who was to report directly to the Commissioner of Education, has been downgraded within the Office of Education.

Yet although the Bureau of Education for the Handicapped has been cited repeatedly to the Committee on Education and Labor as showing leadership and effective administration with respect to improving the lives of handicapped children, I regret to tell my colleagues that the administration, defying the intent of Congress, has gradually weakened the strength of the Bureau.

I recall in this respect, Mr. Chairman, that our distinguished former colleague who is now a Member of the other body, the gentleman from South Dakota, the Honorable JAMES ABOUREZK, recently commented upon what he termed "Operation Mangle" which is now being conducted by the administration.

And he meant to imply by this colorful term that the current administration appears to be intent on mangling good programs by suffocating them in redtape, regionalization, and, if all else fails, bureaucratic reorganization.

And the Bureau of Education for the Handicapped appears to be a case in point.

For, notwithstanding the excellent record of this Bureau, the administration has interposed a layer of bureaucracy between the Commissioner of Education and the Associate Commissioner for Education of the Handicapped and, consequently, removed the Bureau of Education for the Handicapped from the top policymaking level of the Office of Education.

The Committee on Education and Labor, Mr. Chairman, has insisted that the original design for the Bureau of Education for the Handicapped remain intact; namely, that the principal officer of the Bureau report directly to the Commissioner of Education without interference.

That is why, Mr. Chairman, H.R. 69 creates a new Deputy Commissioner to direct the Bureau of Education for the Handicapped—a Deputy Commissioner directly responsible to the Commissioner of Education.

TITLE I "SETASIDE" FOR THE HANDICAPPED

Mr. Chairman, let me now turn my attention to another program continued by H.R. 69 which also means a great deal for the education of handicapped children.

I refer, Mr. Chairman, to what is commonly termed the "Title I Setaside for the Handicapped" in the Elementary and Secondary Education Act.

As you know, Mr. Speaker, Public Law 89–313, enacted in 1965, extended title I authority to include handicapped children attending State-supported schools.

And the 89th Congress took that action, Mr. Chairman, because we realized that, although the Education of the Handicapped Act and title I did an excellent job of providing financial support for disadvantaged and handicapped children attending local schools—which received the title I moneys—that title I funds were not, as the law was originally written, available for handicapped children attending State-supported institutions.

The 90th Congress, Mr. Chairman, went a step further and approved a perfecting amendment under Public Law 90–247 which guaranteed the full funding of the earlier provisions of Public Law 89–313.

And we took that action because we knew that it costs far more to provide educational services to those children so severely handicapped that local educational agencies are often unable to meet their needs, than it does to educate a handicapped or nonhandicapped child attending a local school.

Mr. Chairman, H.R. 69 continues the full setaside for handicapped children in State-operated or State-supported schools, which the 89th, and then the 90th, Congress endorsed.

The bill adds a new provision which would also allow each State, for the purposes of determining its allotment, to count children who leave the educational institutions supported by the State, provided that the special educational services continue to be provided. It is the committee's hope, Mr. Chairman, that this new provision will afford the greatest encouragement to the States to initiate and accelerate programs designed to deinstitutionalize as many of these children as possible.

Mr. Chairman, let me remind my colleagues that we are discussing the funding of programs for those children with the most severe and tragic physical, mental, and emotional problems.

And the educational services required by these children do not always focus on reading, writing, and arithmetic.

In some instances, the services require, first, that the child be taught to speak.

In others, he must be taught to walk, or to bathe himself.

Mr. Chairman, these kinds of programs require enormous expense, frequently involving costly equipment and 1-to-1 teacher-student ratios.

Indeed, the Bureau of Education for the Handicapped, Mr. Chairman, estimates that it costs at least $2,000 annually to provide the services these children need.

And some States are reporting expenditures as high as $6,000.

Mr. Chairman, reasonable men may differ in how best to provide funding for those children with the most severe handicaps in State-supported institutions.

The committee has stressed its conviction that Public Laws 89–313 and 90–247 have well and effectively served children and parents, as well as State and Federal governments.

Let us not now abandon this program to assist the mentally retarded and other severely handicaped children in State institutions.

It is a well-conceived program, endorsed by our predecessors in both the 89th and the 90th Congresses.

It is a program that we in the 93d should support.

LANDMARK LEGISLATION

Mr. Chairman, it is my view that passage of the bill before us today will be seen in the years ahead as landmark legislation.

For H.R. 69 reaffirms the Federal commitment to equalizing educational opportunity for what we might term the "vulnerable" among our young children—the poor, the disabled, and the handicapped preschooler.

And the bill provides, as well, for a significant consolidation program which will, we hope, make easier the obtaining of Federal funds on the part of local school districts.

It provides, also, for a study of the best means of allocating title I funds for disadvantaged youngsters, as well as for a White House Conference on Education—provisions which will be seen as seminal with respect to the Federal role in education in the years ahead.

But in stressing today, Mr. Chairman, the provisions to assist handicapped youngsters contained in H.R. 69, I do so because today only 40 percent of the 7 million handicapped children in America are receiving the special educational services they need.

Mr. Chairman, until the State and Federal Governments begin to act to assist the 60 percent of the handicapped not now being served, we must continue the Federal commitments already enacted into law.

For we cannot afford to do less.

Mr. Chairman, let me conclude. I believe that H.R. 69 is a bill which deserves the support of all of the Members of the House. I hope that it will in the House receive the same strong support from Members of both the majority and minority which it received in the Committee on Education and Labor.

I yield back the balance of my time.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I rise today to indicate my intention to offer an amendment next week to strictly limit the use of schoolbusing and to clearly reaffirm congressional intent. My amendment will be the same as that which passed this House last year. It will be printed in the RECORD tomorrow.

As I noted in my additional views to the committee report on H.R. 69, it has long been my view that busing is disastrous educational policy, and constitutes little more than a massive and risky experiment using children as the cutting edge.

It is risky, in my view, and totally unjustified because there simply is no evidence that busing has improved educational opportunity and there is some evidence to the contrary. Instead of promoting better race relations, it is resulting in more bitterness and polarization.

Those who favor busing do so on the basis of a false theoretical assumption that our schools can make up for the failures of the home. As Pat Moynihan often pointed out, and as many who teach in our inner-city schools will testify, family is the critical factor in educational achievement, and no amount of busing or medical education can resolve the problems of family, be they inner city or in the suburbs. Only better job opportunities and better housing can.

For years the people of Michigan have been nearly unanimous in their opposition to forced busing on the basis of race, and have been living under the threat of a Federal judge's order which would force busing across the boundary lines of 53 different school districts in the metropolitan Detroit area. They are tired of the threat, and they, like many Americans, both black and white, are tired of having their children used in poorly-thought-out social experimentation. I do not blame them, and I urge the Congress to adopt this amendment. This will be a bipartisan effort, and I am joined in this amendment by my colleagues on the committee, Congressmen O'HARA, WILLIAM FORD, and HUBER, as well as other Members from Michigan such as Congressmen DINGELL, NEDZI, and WILLIAM BROOMFIELD who have shown such leadership in this area in the past.

I would like also to speak today in

favor of the amendments being introduced to improve the Adult Education Act.

This program has been an important stimulus to adult education in our country. It was first introduced in 1964 as part of the larger war on poverty. It was included as title III of the Elementary and Secondary Education Act in 1966. There were some minor amendments in 1970. The time has come to make further changes.

I think this has been the type of legislation of which we should be proud. It is the kind of social investment which has shown positive economic returns. Leonard Hill, Chairman of the National Advisory Council on Adult Education, estimates that for every dollar spent in adult basic education, a cost-benefit return amounts to $11.20. In 1972 we spent a little over $51 million on this program. We reach 812,000 enrollees. That works out to a cost of less than $60 per student.

Most of the students enrolled in the program report that when they originally left school they wanted to continue. Most of the students enroll in order to improve their reading and numerical skills. This stress is important in a country where it is estimated that 2.4 million adults have never learned to read well enough to function on a daily basis. That means that they cannot get a drivers license, register to vote, read a Bible, or take advantage of supermarket sales. Thirty-two percent of the adults in America have less than a high school diploma. This takes on significant meaning when it is reported that 95 percent of the jobs in our country now demand a high school degree as a condition for employment. These facts indicate the continued need for a program of adult education.

We have made progress on these problems. In 1959 1 person is 45 was illiterate. In 1969 that ratio had improved to 1 in 100. In 1959 there were 3.5 million people enrolled in public school adult education classes. In 1972 there were 6 million enrolled. I believe that much of the improvement has come about due to the Federal effort.

There is now a State director of adult education in all the States and territories. There are more than 100 colleges which grant a professional degree in adult education. There are successful programs in rural and urban areas. There are programs for the young and the old. We now have the trained personnel and the materials which are specifically aimed at adults.

Adult education programs have come to have some unique features which make them effective. First, instruction and instructional materials are provided at no cost to the adult student; second classes are small and utilize individualized instructional techniques and materials; third, students may enter the program at any time and progress at a rate commensurate with the student's time and effort; fourth, the program is taken to the people—classes may be held in churches, civic centers, housing projects, prisons, industrial plants, and migrant camps, as well as in the facilities of all types of educational institutions. In sum we currently have the basis for a strong adult basic education program.

This amendment will introduce six changes in the current law. These changes should help improve the availability and efficiency of adult education.

The first change specifies that community school programs will be eligible to receive adult education money. The community school program is a rapidly growing movement which makes public school buildings available for all types of community programs. The inclusion of this language will help these schools present basic education classes in the community.

The second change will help improve the efficiency of the program by avoiding duplication with "right to read programs" and manpower training programs. The language indicates that there will be coordination between these programs and adult education programs.

The third change would allow up to 5 percent of the money to be used for institutionalized adults. For purposes of this amendment institutionalized adults are defined as persons who are patients, inmates, residents of penal institutions, reformatories, residential training schools, or general institutions, special institutions or hospitals.

The fourth change in the law would allow not more than 25 percent of any States allocation in excess of its allocation for fiscal year 1973 to be used for secondary level programs. This will help expand the focus of the program to primary grade level work. As the law stands now there is no direction as to what level of adult basic education should receive priority.

The fifth change suggested permits the establishment of State advisory councils. The council may be the State education board or a special board appointed by the Governor of the State.

The last change will allow States approxmiately $12.75 million set aside for adult education under the proposed consolidation plan. This money will be used for special experimental demonstration projects and teacher training which are necessary for the continued growth of effective adult education programs.

I have enjoyed working with Mr. MEEDS on this amendment because I believe that the legislation will improve the delivery of lifelong educational opportunities for every American citizen.

Our Nation must be as vitally concerned with the education of its adults as it is with the education of its children. Adult education can pay rich personal and social dividends—not 20 years from now—but immediately. Our Nation must provide the second opportunity for the partially educated, the uninvolved, the illiterate, the adult with yesterday's tools who are in need of marketable skills for today. This amendment will help us take a step toward more comprehensive lifelong learning programs.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of H.R. 69 as reported by the Committee on Education and Labor. This has not been an easy matter for the committee to handle. It has been tough and complex. I want to applaud the gentleman from Indiana for his extraordinary statement, which I concur; the distinguished leadership of the gentleman from Kentucky, the gentleman from Indiana, the gentleman from Minnesota, and the gentleman from California (Mr. BELL).

Mr. Chairman, others have talked at length about title I and the formula and the effect of the formula, the reason why the committee adopted the formula that it did. I think all of those have been well covered.

I might make one brief comment, Mr. Chairman, about a matter that I have contemplated offering which would provide for a major change in impact aid. I would at this time like to present the outline of that idea to the members of the committee.

It seems reasonable to me that the Department of Defense should pay the cost of educating children whose parents are members of the armed services. The reason for this is quite simple; about 97 or 98 percent of the A impact aid children are Department of Defense children for whom HEW has had to pay the educational costs. My proposal would merely put the burden where it belongs, with the Department of Defense. I am not at all clear why HEW is required to underwrite what is clearly a Defense-related cost. The Defense Department pays for the educational costs of children when they are with their parents stationed overseas.

This suggestion is very much like the Carey amendment to the legal services bill we adopted several years ago to provide for legal services for military personnel in and around military bases. This resulted in each of the military services adopting a legal services program of their own to serve people in uniform.

If we were to do this some day, we could decrease the HEW budget by about $200 million. It might be a wise and efficient thing to do. I urge the members of the committee to consider this for possible future action.

Mr. BELL. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. HUBER).

Mr. HUBER. Mr. Chairman, as a freshman member of the Committee on Education and Labor, I have had a very difficult time living with this bill, because of the complications of it. But some things are rather simple, which this bill deals with. One of them was touched on by the distinguished member of the committee from Michigan as regards the busing question.

I watched the antics here on the floor when we were discussing energy, and we did amend the energy bill to contain an antibusing amendment. There was a rather bitter debate. After the antibusing amendment was passed, it was taken off in conference.

It is incredible to me that when a country shows in public opinion surveys that 95 percent of the people are opposed

to busing, we still talk about it and do nothing. It was somewhat obvious today from the comments of the distinguished gentlewoman from Oregon that we were going to have a difficult, if not impossible, chance of amending the bill with an antibusing amendment because of the provisions of the parliamentary rules under which we operate. But we will see about that when the time comes.

It seems incredible to me that when 95 percent of the people in the United States are opposed to busing, this Congress has not passed something in the last 15 months dealing with that subject. And we have not.

Now, another part of the act that is of great concern to me is the impact aid portion.

I believe that it is the prerogative of this great body to legislate the necessary changes that would lead to an equitable and viable impact aid program. Allegations that this program is wrought with abuses and inequities will be answered in due time upon completion of a full audit of Public Law 874 by the General Accounting Office. This audit, currently underway, was requested on January 30, 1974, by a number of my colleagues on both sides of the aisle on my initiative.

This became a rather complicated action, though it was started by a rather innocuous letter I sent to the members of the Education and Labor Committee in December stating that we ought to have a general accounting of the impact aid program since the program had been in effect for many years.

The accounting we have previously had seems to have been very superficial. We have had accounting by HEW but never a full audit. At least I have never been able to find where there was one.

That little innocuous letter which I sent triggered a tremendous response out in the country from coast to coast. Many districts were suddenly protesting their innocence of any violation of the intent of the act.

In any event, we are going to have an accounting of it, and we will know whether the impact aid performs as it was intended to.

Mr. Chairman, I have an amendment which I had printed in the CONGRESSIONAL RECORD, which I will introduce at the appropriate time and which will eliminate at least one area of controversy, namely, the overcompensation of school districts educating children of parents employed on Federal property by whose principal income is derived from employment on private taxable property.

The intent and spirit of Public Law 874 was to compensate local educational agencies for providing free education for children who "while in attendance at such schools—resided with a parent employed on Federal property."

When this law was enacted the term "employed on Federal property" definitely implied a continuous concurrence of the parent's employment on Federal property and the pupil's attendance at such schools. In order to ascertain this continuous concurrence the Administrator of Public Law 874 (U.S. Commissioner of Education) required, in the past, two membership surveys per school year, the first one at the beginning of the year and the second during the fourth quarter of the school year. These surveys, whose principal objectives were to determine the parent's place of employment and thus to average out the daily attendance of federally connected pupils, no doubt served their purpose until 1968, when by an administrative rule, the Secretary of HEW and the Commissioner of Education decided that beginning July 1, 1968, the first membership survey would remain mandatory, while the second survey would be entirely optional.

It is my impression that without a second survey local educational agencies—LAE's—have no way of determining if a parent is no longer employed on Federal property in a given school year, and these LEA's continue to count the average daily attendance of each child.

If my amendment is adopted, at least it eliminates from the aid program pupils whose parents in reality do not impact the agencies since their residences and principal places of work are subject to local taxation. I hope that I can receive the assistance of my fellow Congressmen in voting for such an amendment because I believe it is a constructive and reasonable step in constructing impact aid as such.

The amendment itself says that the term "parent means any parent, stepparent, local guardian, or other individual standing in loco parentis whose income from employment on Federal property is more than 50 percent of the total combined income of such individual and spouse."

What I am trying to say is why should taxpayers have to subsidize parents who are working, and the greatest percentage of whose income, does not come from Federal sources. When you try to assume any percentage, whether it is 1 percent or 50 percent or 99 percent, it is an arbitrary assumption. I picked 50 percent as a rather reasonable figure. It seems to me if the family earns more than 50 percent from private sources, there is no obligation on the part of the taxpayers to pay for the education of their children because of the other 49 percent that may be incurred from working on a Federal project.

In my own office my own staff live in homes in public school districts, and yet they have impact aid. It seems to me their salaries are adjusted to qualify to pay taxes the same as any other private citizen. I cannot see the advantage or the need for that sort of an expenditure of taxpayers funds.

When you talk to the members of the Office of Management and Budget they indicate that maybe there is as much as 20 percent or more of this type of aid in the impact aid figure, which amounts to approximately $600 million; 20 percent of that is $120 million of questionable value.

The distinguished minority leader of our committee said that we will postpone this decision for 1 year. Why worry about that? It is only $120 million. We should not postpone this for 1 year. Also there is another group of our committee which is going to try to amend the bill so that it will not be 1 year, but 3 years before we review impact aid. That will probably carry and we will probably not do anything about impact aid.

There has been some indication in the minority reports that we should not touch it at all. I think we have to, and it will be interesting to see what the survey of the General Accounting Office does show, because we are throwing millions and millions of dollars around here without adequate studies as though they were funds not important in terms of how hard people work to earn the money with which they pay these taxes.

We ought to be doing something about this bill. I do not think we did it in our committee, and I do not know whether we will have a chance to do it on the floor in the way of amendments, but there is certainly a great amount of area that needs further exploring. Certainly, if we do not change some of these things like busing and impact aid, we can generate enough opposition to the bill to send it back to the Education and Labor Committee.

Mr. MITCHELL of Maryland. Will the gentleman yield for a question?

Mr. HUBER. I am delighted to yield.

Mr. MITCHELL of Maryland. I am just curious. The gentleman cited a statistic that said 95 percent of the American people opposed busing. What was the source of that statistic?

Mr. HUBER. To cross-district busing for racial balances?

Mr. MITCHELL of Maryland. Yes. What was the source of that statistic?

Mr. HUBER. I will be very glad to get you those statistics. I have a busing file that I have carried around for 5 years. I want to be very accurate on your question, because obviously it will be a part of the record, but I will be glad to get it for you.

Mr. MITCHELL of Maryland. Will the gentleman yield for a further question or observation?

Mr. HUBER. I yield to the gentleman.

Mr. MITCHELL of Maryland. While you are digging into your sources will you see whether or not that particular source indicated any public feeling toward the matter of busing of black children to black schools and whether that is covered anywhere in your file or source material?

Mr. HUBER. The specific answer to the question, of course, is that this is a problem of using busing for racial balances.

Mr. MITCHELL of Maryland. I understand that.

Mr. HUBER. You have to be specific on this.

Mr. MITCHELL of Maryland. I understand that, but my point is there is also enough, and I am curious as to whether or not your file data and resource data cover this item of busing addressed to that problem.

Mr. HUBER. It addresses itself to every aspect of the busing situation, I have been able to uncover.

I think it is very interesting to note that I attended the Supreme Court session that was held this past 10 days or so ago, on the cross-district busing case

and it was brought out that the city of Detroit has 310,000 children who will be bused across districts for the purpose of racial balance. As I say, that came out in the testimony before the Supreme Court, and the gentleman can check that one out if the gentleman would like to do so.

But 310,000 children are to be bused at a time when we do not have a sufficient amount of gas to even get to our own places of business, and when, in addition to that, we do not have funds to take care of all the other aid problems that are necessary. To me this is absolutely ridiculous.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield further.

Mr. HUBER. Yes, I will be delighted to yield further to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I am not certain that I will find the opportunity later on down the line to address myself to this particular subject, so I want the record to be very clear that what I was asking for was, No. 1, the source of the statistics quoted by the gentleman from Michigan, and whether that same source addressed itself to another category of busing.

Mr. HUBER. I am sure that the gentleman from Maryland can also check the Supreme Court records where that 95 percent statistic was brought out either by Mr. Saxton, the attorney for the schools, or by the attorney general for the State of Michigan, and made a part of the permanent RECORD.

Mr. BELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, there was one particular colloquy that I wanted to enter into with the Chairman, the gentleman from Kentucky (Mr. PERKINS) and I neglected to do so when I took the floor earlier.

So, Mr. Chairman, for the purposes of clarification and legislative history, there is one point which I would like to establish on the floor. It has to do with the States-funded programs for the handicapped operated under title I of ESEA. An important change has been made to this section which in my view now will only permit States to count handicapped children in State institutions if in fact the State is actually providing a program for that child. No longer would the State be permitted to count the so-called "backward" children unless those children, too, are provided with an educational program. I would like to confirm with the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) that this is also his understanding.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, the gentleman from Minnesota is exactly right. Only children who are served may be counted. So the answer to the question propounded by the genteman from Minnesota is "yes."

Mr. QUIE. I thank the gentleman.

Mr. BELL. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, I thank the gentleman from California for yielding to me for the purpose of making a statement with respect to H.R. 69, and I wish to announce my intention to propose an amendment to title I at the right time, and it will be printed in the RECORD in accordance with the rule.

It is my intense desire to improve education throughout the United States, not only because of the opportunity which our schools furnish for individual Americans to develop their knowledge and their talents, but also because good education greatly increases the potential and capability of America as a nation.

I have consistently supported major Federal funding of our schools, and I will continue to do so. Just as consistently, I have sought to require effective use and management of those funds to overcome identified educational needs and problems.

Federal education dollars have little beneficial impact just because we spend them; their significance comes if they produce real educational improvements.

Mr. Chairman, it is one of the very sad aspects of the title I program, going back for 7 years, and for perhaps $10 billion dished out by the Federal Government, that we do not know which programs have produced better education and which programs have produced little or no improvement. Overall, we suspect that much of the money has been wasted in terms of real educational improvement.

That is a sharp condemnation of the Congress in its oversight role, as well as a condemnation of the Office of Education and the education departments of many States which have permitted this to go on and on.

I intend to propose an amendment to title I which will make it entirely clear that the Congress wants a dramatic change. We want to know the results obtained under these programs, and we want assurances that the money will be spent in the most cost-effective manner.

My amendment will require the Commissioner to spend a little—actually, less than 1 percent—of the funds to determine what educational effectiveness the programs have. Thus we will not be shooting in the dark in the future.

The Commissioner would be required to state in advance the criteria by which the programs would be judged. He will be required to develop models for the evaluation of each program in each State. He will be required to report back on the results of the evaluation to the Congress and to reflect success and failure in future approvals.

If we adopt this amendment, we can clear an enormous doubt which now hangs over title I, and we can purge ourselves of the very valid accusations that we have continued to pour out taxpayers' dollars without knowing whether the desired objectives are accomplished.

I would ask the Members' careful consideration of this amendment when it is presented to the Committee, Mr. Chairman.

Mr. PERKINS. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. BADILLO).

Mrs. CHISHOLM. Mr. Chairman, I make the point of order that a quorum is not present

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 79]

Abzug	Gray	Pritchard
Alexander	Griffiths	Quillen
Arends	Gubser	Reid
Barrett	Gunter	Robison, N.Y.
Bolling	Hansen, Wash.	Rooney, N.Y.
Brasco	Harsha	Rosenthal
Broomfield	Hébert	Sandman
Buchanan	Henderson	Shoup
Burke, Calif.	Hillis	Sisk
Butler	Holifield	Steele
Carey, N.Y.	Howard	Stuckey
Casey, Tex.	Johnson, Colo.	Symington
Chappell	Kastenmeier	Teague
Clark	King	Thompson, N.J.
Conyers	Kuykendall	Thornton
Dickinson	Landrum	Tiernan
Diggs	McEwen	Udall
Dingell	Macdonald	Vander Jagt
Eckhardt	Maraziti	Wilson, Charles H., Calif.
Edwards, Calif.	Martin, Nebr.	
Evans, Colo.	Minshall, Ohio	
Evins, Tenn.	Montgomery	Wilson, Charles, Tex.
Fish	Morgan	Yates
Fisher	Murphy, N.Y.	Young, Alaska
Flowers	Nix	Zion
Fraser	Patman	Zwach
Fulton	Podell	
Gibbons	Powell, Ohio	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, 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. 69, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 351 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BADILLO).

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

Mr. BADILLO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I wish to associate my remarks with the gentleman in the well.

Mr. Chairman, the Elementary and Secondary Education Act Extension, H.R. 69, is the most important Federal effort to help children below the college level. It is comprehensive and serves the whole range of problems in this area. My colleagues and I on the Education and Labor Committee who considered this measure for over a year, believe it is a necessary and worthy effort and deserves support.

There are several major programs which are continued and expanded under the bill, which are well worth the support of Congress. H.R. 69 extends authorization authority through 1977 to two particularly important programs: The Edu-

cation of the Handicapped Act, and the Bi-Lingual Education Act.

These are two of the most critical concerns in American education. Vast numbers of children possess learning disabilities varying from difficulty in reading to the most severe physical handicaps a human being can face. Only recently has it been recognized by the courts—and by the Congress—that every child has a right to an education, regardless of his physical or mental condition.

This is not simple commitment. We must provide special services for those children whose disabilities prevent them from gaining very much from the ordinary classroom. Special programs and the money to pay for them is what education for the handicapped is all about. H.R. 69 goes a significant distance toward meeting this need. For the first time, we require States to write education plans to insure instruction for every handicapped child. Education research and special teacher training to provide the particular methods and skills necessary for the handicapped child to learn are also underwritten. Special centers will be set up for those children who cannot benefit from special techniques being imported to the regular classroom. The bill's provisions are a significant step.

In bilingual education, H.R. 69 recognizes education to be of little value if the child is not in a position to take advantage of it. Children who come from households where English is not the spoken language have significant problems in English language schools. It is the obligation of society to help these children integrate into the mainstream of American education and obtain the advantages and opportunities which are given to all other children in our schools. H.R. 69 funds the programs which will accomplish this.

A third major commitment made in H.R. 69 is to adult education, particularly by using our existing school resources to a maximum degree. America has thousands of school buildings which go unused a good part of the year—for that matter, a good part of the day. There is, at the same time, an urgent need in our rapidly changing world for continuing education for adults whose knowledge requires updating, or for those who did not have full educational advantage when they were in school. H.R. 69 provides an opportunity for schools to be used for the purposes of adult education in what is named the community education program, and extends existing funding for adult education programs.

H.R. 69 also mandates fairness and equality of opportunity in all education programs. It is required that children from private schools are to be allowed to participate in all of the education services offered under this bill. There is no equality of education if children not in the public school systems are to be deprived of what the Government is offering to local and State public units of education.

In addition, H.R. 69 recognizes the need for more efficient use of Federal moneys and so institutes a measure of consolidation of existing programs. The school library and equipment programs, including audio and visual aids, are to be consolidated into one broad category: Library and instructional resources. The educational innovation program, dropout prevention, health and nutrition programs, and aid to State departments of education are consolidated into a second broad category: Innovation and support services.

However, we will not risk the security of any of the categorical grant programs consolidated here. We require the total consolidated grant appropriation to be equal to the sum of past categorical grant appropriations before the consolidation takes effect.

H.R. 69 carries on and initiates several other worthy programs. Impact aid, so necessary to school systems overburdened by Federal installations, is continued. Special aid to Indian children is continued, critical if we are to give every group in our society an even break. Studies of the problems of athletic safety are begun, to protect our children from poorly cared for athletic injuries. Most significantly, a major study is mandated of the appalling problem of crime in the Nation's schools, a crisis we are barely controlling, and which threatens every student and teacher in the educational process if not corrected. Finally, a White House Conference on Education in 1975 is authorized to continue to examine and improve the Federal effort to assist American education.

The most important element of the bill, and of Federal aid to education, is title I, aid to the educationally disadvantaged. The key provision of title I is the formula for distribution of the moneys, for it is through the formula that the most serious cases of educational disadvantage are attacked. Thus, the amount of money, and more important, the way in which it is allotted, is crucial.

I must state here that I am not happy with the title I formula in H.R. 69. I hope and trust the whole House will take a careful look at the formula and will amend it before passing the bill.

Since I believe the formula to be so important, I must reserve my support for the whole bill until the House has decided on this provision. For if the basic purpose of Elementary and Secondary Education aid is to attack educational disadvantage and such disadvantage is found most prevalent in our poorer areas, the bill must successfully address itself to this problem. If it does not, then all of the other good programs in the bill are put into question. The bill, without a good title I formula, risks being a fraud on the poor and the needy people of America.

Let me state, briefly, my concerns with the formula. It is the declared purpose of the Elementary and Secondary Education Act, as stated in the original bill in 1965, to help poor children with their education on a priority basis. The section on purpose states:

In recognition of the special education needs of children on low-income families and the impact that concentrations of low income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low income families.

The emphasis is clearly on poverty. Unfortunately, while nearly $5 billion is authorized annually for this program, only $1.8 billion is routinely appropriated. This means a limited amount of money to deal with a very serious problem, one which requires resources to be committed way beyond what we are actually committing. This faces Congress with the difficult problem of priorities. The statement of purpose makes it clear what they should be. It has not been amended in this bill.

It has thus been recognized that for the money to do any real good in such a limited quantity, it must be concentrated in the relatively poorer districts of the country. And that is exactly what has been done in the last 7 years under the old law. It has not been done without mistakes and inefficiency on an occasional basis. It has not always been completely fair and up to date. But the emphasis has been right.

The new formula, however, is wrong in its emphasis. It developes a standard of poverty which is misleading and inaccurate, and which does the very opposite of what needs to be done: It disperses the money. The new formula increases the number of children eligible by nearly 50 percent, from 4,800,000 to approximately 7,700,000. With no increase in funding, this will produce dispersion of an enormous nature, and end the priority we have given to poverty.

It is all very well to argue Federal aid should be as broad as possible, and that educational disadvantage needs to be attacked wherever found. But the argument makes no sense when being made by those who do not offer to spend the additional money necessary. It is, simply, a method of diluting our attack on the worst areas of educational disadvantage in the name of a handout for everyone who can possibly, somehow, claim a share. It overlooks the problem of priorities.

Let us look at the new formula's definition of poverty in some detail. It is argued the formula raises the dollar level of poverty. This is sensible, of course because the price level has gone up drastically since 1965. Instead of the old $2,000 level of the bill, we have the so-called Orshansky index, which sets a variable level that can run as high as $5,820 for a family of eight in an urban area. Along wtih this higher level, which all of us want, it is argued we need an increased flexibility in our definition of poverty, because poverty is not the same in every section of the country. The Orshansky index is said to do this. But the fact is that it does not do so in any sensible manner.

The index is based on two main false premises: One, that the cost of food can be the total measure of the cost of living, and two, that the difference between farm and nonfarm families is the only significant difference in poverty costs between different geographic regions.

It is transparent that in urban areas the cost of living includes rent and transportation, as well as higher taxes, even for the relatively poor. The index does not reflect this at all. It is confined to food costs alone. Moreover, the Orshansky index distinguishes between rural and urban regions only through the category of "farm" family, which calls for a 30-percent reduction in cost-of-living measure for farm families as against all others because they grow some of their own food. Urban families are grouped with nonfood growing rural families with no distinction between them. This does not seriously reflect the real difference between rural and urban centers; namely, the well known and undeniable fact that all costs are lower in rural than in an urban area. In sum, this formula will cheat cities twice: first by not taking account of the true range of costs of living in a city because only food is counted, and second, by not taking account of the higher cost for everything in a city, even food.

Finally, the Orshansky index is wrong even in its own terms. The food consumption survey it is based on comes from a 1955 Agriculture Department survey. 1963 prices and income were used, and the only modification since then has been to add the consumer price index to update prices. The definition of consumption levels remains nearly 20 years out of date. Mrs. Mollie Orshansky of the Department of Health, Education, and Welfare, the originator of the poverty index, told the Education and Labor Committee herself:

> It (the index) concentrates on the income-food relationship although for urban families, particularly those handicapped not only by lack of money but by minority status and large families, the cost of housing may be critical . . . further analysis of the formula (should be) conducted before it (is) used as a poverty index . . .

That ought to be enough for the Congress. But it is argued that this is the index used by most Government agencies and thus we should be consistent and use it for education. I say if this is the generally used index, we should find a new one. I am not impressed that most of the Federal Government has made a mistake and that therefore we should make one, too. I say we should disestablish this index here and now, starting with education.

There is a better index to use: The count of AFDC children in a district in conjunction with a poverty level, as was used in the old formula. The Orshansky formula, for practical purposes, drops AFDC children from consideration. The formula allows a count of only two-thirds of AFDC children above the Orshansky index level. This does not accurately reflect the number of children whose families are poor, whose neighborhoods are poor and therefore whose schools are poor. The Social Services Administration, in response to a question concerning AFDC's capacity to accurately reflect regional variation in cost of living and so serve as a good index to distribute education money, said:

> . . . we are unaware of any other more adequate data which is provided county by county which could be used for an equitable distribution of funds . . .

Let us see what this formula does to New York City, a representative case of concentrated poverty. As a whole, the city will lose 15 percent of its funds next year, $23,156,030. This means, according to Dr. Seymour Lachman, the president of the Board of Education of New York City, a loss of 1,000 teachers and 3,000 paraprofessionals. It means 90,000 children out of 290,000 being serviced in reading and math will not be serviced next year. And the total number of children eligible for the program to begin with is 414,681. We are proposing to move backward.

In my own district alone, this means a loss of $6,935,131 in the Bronx and a loss of $1,918,006 in Queens, making a total loss of $8,853,137 for the two boroughs as a whole. What am I to tell my people, who desperately need and rely on these Federal moneys?

I will not tell them that this is a good formula, but that unfortunately New York happens to lose a little while most other States gain. That is what the figures appear to show. But the question really is, where are the moneys going which New York loses? They are not going to other big cities and concentrations of poverty and educational disadvantage. The increases for most of the top 100 cities in the country are small. The increases for pockets of poverty in rural areas are small. The big increases are going to the suburbs which do not have the serious poverty problems the cities do. The big increases are going to those who say "if there is a pot of money somewhere I want my share, never mind what the money is for, and never mind that there is not enough money to solve the problem. The cities of America have been cheated long enough with this kind of refrain. If you want to convert poverty programs to general aid, then where is the money to give the cities their fair share of general aid?

It is clear that even here the cities are cheated. While aid under the formula is adjusted in relation to a State's average per pupil expenditure as in the past, the new procedure harms the cities. A State will get no less than 80 percent of the national average per pupil expenditure, or more than 120 percent added on in relation to its own costs. But New York spends 150 percent of the national average. This means we will now get $465 per pupil. Under the old law, which allowed the State to use the higher of either the national average or its own State average, New York got $756. Once again, the cities are the losers.

And there should be a note of warning here, lest there be any doubt concerning what the authors of the new formula intend for the attack on educational disadvantage through priority spending on the poverty districts which are known to produce the worst disadvantage. There is a small amendment in title I which allows the local educational agencies to use "criteria other than poverty" for distribution of moneys. This is a clear violation of the statement of purpose in the bill. The criterion they have in mind, the only one possible, is educational testing, an uncertain and discriminatory art at best.

We were able in committee to narrowly prevent this small amendment from being applied as the sole basis for the distribution of title I moneys, and instead confined it within local educational agencies. But it is clear what they want. Be warned, the poverty nature of this program is being attacked, and this amendment, along with the inequitable formula to which it is attached, can be the beginning of the end for aid to the really needy in our poor educational areas and especially in our cities.

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

Mr. BADILLO. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I wish to associate my remarks with the gentleman in the well.

Mr. Chairman, I rise to voice my strong opposition to the formula for distributing title I funds under the Elementary and Secondary Education Act amendments, H.R. 69, now before this body. The proposed title I formula would not only discriminate against New York City schools and other metropolitan areas but would add to the already serious financial problems facing our inner cities.

The unfair title I formula was the reason I voted against the rule on H.R. 69 and it remains the reason I may vote against this legislation unless we are able to pass amendments to correct the inequities in H.R. 69.

Mr. Chairman, the Borough of Queens, New York, stands to lose approximately $6 million in title I funding if the legislation is passed in its present form, a reduction over last year's title I budget which is unjustifiable. The average funding reduction in all New York State school districts under the bill as proposed is 15 percent, a result which is totally inconsistent with the educational needs of New York State and New York City. Our metropolitan area is one which provides educational services to children of all backgrounds and must be flexible and progressive enough to meet those differing educational needs without the disruption caused by a sudden reduction in Federal funding.

Mr. Chairman, I have always supported and voted for education bills in this Chamber. I have cosponsored aid to elementary and secondary education bills and I have supported increased appropriations for education programs authorized by the Congress. Title I funding, in particular, has been a program to which I would assign the highest priority.

The bill before this Chamber, H.R. 69, would extend the elementary and secondary education programs for 3 years at an authorization of $15 billion, a general goal I can enthusiastically endorse; however, the proposed changes in title I fund

distribution are so drastic and inequitable that I find myself in a position where I may have to cast my first vote against an aid to education bill.

In order to avoid that necessity, I will join those of my colleagues who plan to offer and support amendments to the title I distribution formula. I urge my colleagues to vote for these amendments and save the education programs needed to meet the challenges which face our school districts, particularly those with large numbers of disadvantaged children.

The title I distribution formula under H.R. 69 as now drafted would destroy the national effort to upgrade our elementary and secondary school programs in inner cities and create a gap in those programs which would be impossible to repair given the existing financial situation in our large cities. We must reject that kind of shift in title I fund distribution. We must say no to those who would rape the school systems of Queens, New York, and other major metropolitan school systems and substitute for their distorted priorities a reaffirmation of congressional intent to serve the disadvantaged schoolchildren of the United States by rejecting any reduction in the Federal commitment to date. There should be no reduction in any school system's funding under title I but rather there should be increasing assistance where needed and where increased funding can improve the educational effort.

For these reasons I urge my colleagues to support amendments to change the title I distribution formula in order to correct inequities and assure full funding for New York and other large cities.

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

Mr. BADILLO. I yield to the gentleman from Florida.

Mr. LEHMAN. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, the Committee on Education and Labor worked for many, many months on this legislation, and I think we have brought a good bill to the floor.

Although much of the discussion in the next few days will center on the allocation formula in title I, I would like to address my remarks to another portion of the bill, the new title IX, Community Education Development, which I offered during the Committee's consideration of H.R. 69.

During these past few months of oil shortages, meat shortages and now fertilizer shortages, we have all come to realize that we must make the most use of all our resources.

Title IX goes in that direction, by helping communities to get the most use out of their school buildings, which are in many cases the biggest public capital expenditure in the community. It just does not make sense for a community to heavily tax itself to build schools, and then have that building used for 7 or 8 hours only 5 days a week. Why not open up the school after regular hours to the rest of the people in the community, and use the facilities for community activities? This is the essence of title IX.

When the bells ring at 3:00, instead of everyone leaving all the schools, some people will leave, and some will come in.

The community education program in my district offers many activities, from upholstery to guitar to basketball to chess. What is offered depends on what the community would like to participate in.

Mr. Chairman, this beginning program can lead to the full use of our public school buildings to stabilize and upgrade neighborhoods and communities during these times of transition and deterioration.

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

Mr. BADILLO. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, I rise in support of extension of the Elementary and Secondary Education Act. I certainly appreciate the long hours and hard work put in by our colleagues on the Education and Labor Committee on this legislation, and the extent to which this bill represents bipartisan cooperation. In general, I am indeed supportive of the provisions—certainly, the principles behind—H.R. 69 and the Federal commitment to elementary and secondary education.

I have personally witnessed the fruits of ESEA in my district, and would cite, in particular, the worth of such programs as the project on Early Childhood Services for Visually Impaired Children which is located at Rock Creek Palisades School in Kensington, Md. It is indeed inspirational to witness the good use to which Federal moneys are being put here, under title III, ESEA. Preschoolers with severe visual problems and multiple handicaps are learning improved motor development and coordination, visual perception and basic educational skills. Several are being readied for transferral to the regular classroom—a goal which perhaps may never have been attained without title III assistance of this nature. This particular project in Marland's 8th District is a fine example of the kind of program we wish to see continued under the Elementary and Secondary Education Act.

However, I do wish to address myself at this time to certain concerns of mine, shared with several of my constituents, in this discussion of Federal aid to education. In any Federal effort involving the education of young children—our most precious resource for the future—we must at all time inject elements of responsibility and accountability to the parents and the children themselves.

Perhaps I am addressing an age-old dilemma, but it is one which I know to be of concern to several of my colleagues here in the House. We must take the time to carefully examine the role of schools and to protect the right and proper role of parents and legal guardians in a child's moral, emotional, and physical development. At a time when the Federal Government imposes itself into more and more areas of our daily lives, at a time when we speak out against invasions of privacy and for individual rights, we are certainly compelled to reflect upon this most basic of all rights and relationships involving the parent and the education of the young child.

There are two fundamental areas, in my opinion, which demand our attention. So that we do not infringe upon the responsibilities of parents or guardians in this respect, it becomes imperative that we insure meaningful, prior consent on their part to the participation of their child in a research or experimental program, or any pilot project assisted under this act. By meaningful consent, I do not mean simply a signature on a form letter which informs the parents that Janie or Johnny has been selected for a particular program—as has been documented to me—but rather, consent based upon ample information and discussion as to the project and its goals. Insofar as possible, instructional materials, including films, tapes or other supplementary material which will be used by any child in connection with any such project under ESEA should be available for review upon the requests of parents, prior to the enrollment of the child.

Involvement of the parents of participating children from the inception throughout the development of a particular program which involves new or untried teaching methods or techniques is vital. I know that HEW insures that for each title III project there shall be a parent advisory board composed of the parents of participating children. I am most pleased at this, and encourage the growth of such panels. For this reason, I am gratified at the committee's amendment of the title I program requiring the establishment of a parental advisory council for each public school participating in a title I program, in addition to the districtwide councils presently mandated. These advisory councils would have a majority of their memberships composed of parents of the children to be served, and the entire membership must be persons selected by the parents. I would reiterate the importance of meaningful participation in planning and programing—not just lipservice. As the committee has pointed out in its report:

> To be effective, these councils must be provided by school administrators with appropriate information concerning programs and projects.

In further protection of the rights of parents, I would stress the applicability of the "sunshine" principle to meetings of local educational agencies—that is, meetings of local agencies at which any research or experimentation programs or pilot projects assisted under ESEA will be considered, should be open to the public. Furthermore, local educational bodies should provide, after reasonable notice of time and place of such meeting, an opportunity for all interested members of the public to testify with respect to such program or project. I have supported the concept of open meetings in the Congress and the executive branch. We should expect no less from the local government agency, particularly one which deals with so crucial an issue as the education of young children.

Mr. Chairman, I do not think we can stress too much the importance of parental rights in this area. True participation on the part of the public is fundamental. Let us extend the Elementary and Secondary Education Act, and thereby, the Federal Government's commitment to education, but at all times, let us maintain a proper perspective on responsibility and accountability with respect to the child's development.

Mr. BADILLO. Mr. Chairman, I will say to the Members of the House that I think it is time in this debate that we go back and remember the purposes of the particular bill that we are discussing. We are discussing the Elementary and Secondary Education Act, and we are discussing title I, and when this bill was passed, in 1965, many of the Members will remember that the intent of this bill was to provide for the education of poor children, not for children as a whole in our society, which would be a general aid bill, but for the poor children of this country.

The reason we are in difficulty now is because there are some Members who were then against having special educational provisions for poor children and who are still against it now, and they want to change the formula. And then there are those who want to change the formula from a program to help poor children to a general aid program.

They feel that the particular revision under discussion will move us along the way toward having a general aid formula.

Now, when the bill was originally passed, it was the major urban centers of this country that received the largest proportion of funds under the title I programs. This came about because the major urban centers were the chief areas that had provided aid to families with dependent children.

Many parts of the country did not choose to take advantage of the AFDC program, and for that reason they did not receive any title I aid.

That is the reason why New York City happens to get a larger share of title I funds, because New York City took advantage of the provisions in the law that enable a district to provide for aid to families with dependent children.

Now, the fact is that the programs of title I are proving successful. Even though the programs have not been adequately funded, because less than $175 per child is received, even in New York City, we see that this year for the first time there is a gradual improvement in the reading level of the children in the major cities, beginning with New York City and covering the other cities in the country.

More specifically, the reading scores in New York's public schools are now showing their first improvement in a decade. In 1965, 45.8 percent of the city's pupils were reading at or above their grade level. The scores dropped steadily each year to a low of 32 percent in 1972. But finally, helped along by the infusion of Federal funds, the 1973 tests indicated that nearly 34 percent of New York's students had reached or surpassed the norm for their grade. More importantly, serious reading retardation dropped from 26 percent to 21.7 percent of those being tested. And the proportion of students 1 year behind or less also rose.

We from New York City and from the urban centers are concerned about maintaining the kind of assistance we have now, because we feel that if we are able to continue, in the years to come, to get the same kind of assistance we have received in years past, there will be a significant improvement in the educational achievement of the children from poor families. This is why we object to a revision of the formula which will result in a net loss of funds to urban centers at this time.

What is happening in 1974 is that many parts of the country recognize the value of title I programs and want to take advantage of that program in their communities as well. For that reason a new formula called the Orshansky formula is being provided, so that many of these other parts of the country will be able to develop the same kind of programs that we have developed in the city of New York and in major urban centers. We are not against that. We welcome the recognition, belated though it may be, in many parts of the country that these programs are important and useful.

We want to support Kentucky and other areas in getting these programs underway, but we say that while we would like to enlarge the programs, we would not want the major centers to be deprived of the benefit of the programs that exist now. It is for that reason we are seeking the help of all the Members of Congress to see to it that our programs are not cut off but at the same time see to it that the other areas who want to have the programs may be able to do so.

It can be done. There is no need in the House of Representatives to create a division between the poor children of New York City and those of Kentucky or any other part of the country. We can devise a formula and we will be proposing a formula that will enable the poor children of New York City to continue to get title I aid and at the same time enable the poor children of other parts of the country to get the benefit of the same types of programs.

We hope you will look at these amendments as they are printed in the RECORD and you will consider them from the point of view of the country as a whole and support the amendments that we will offer.

I want to point out why it is that entire formula works to the disadvantage of the major centers. The formula does not just include an index of poverty but also includes a percentage of the total educational cost in a particular part of the country. It so happens that in the city of New York the costs of education are higher because we provide more benefits and because teachers' salaries cost more. We are not saying that we want to have additional funds to squander or to use for any purpose that is not related to education. We are saying that if in the city of New York or in the city of Chicago there is an educational expenditure per pupil approved by the governing bodies of those localities that that particular locality should not be penalized. We are asking that the formula be revised so that instead of having a limitation of 120 percent of the national average the city of New York, for example, may be allowed to claim title I payments on the basis of actual expenditures. We feel that is a fair request to the Members of Congress, because you can be sure that even in New York City there would not be any money appropriated unless it were justified on the basis of educational need.

I think you will know that we have a serious crisis in New York in housing, in manpower, in health, and in other areas as well as in education. What many Members are really talking about is expanding the program. We feel the way the debate has gone it has become a question of taking away from the areas that sought to develop the programs in the first instance to give to those who have never had it. We welcome everyone having it, but at the same time we feel we should be able to continue the program as well.

For that reason we ask your support in the amendments that will be provided in order to insure that we may be able to continue the program in the areas where the benefits are just beginning to be derived as well as to provide those benefits to areas which have never had them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BADILLO. I would like to ask the chairman a clarifying question. On page 20 of the committee report there appears the statement that it is the committee's intent that "priority attention should be given to basic cognitive skills and to related support activities to eliminate physical, emotional, or social problems that impede the ability to acquire such skills." As I understand this language, it would include programs in which paraprofessionals serve as liaison between the student, family, and school to deal with such problems as truancy, absenteeism, lack of home discipline, and inadequate health care. Such services have been recognized by many as indispensable to the success of basic instructional activities.

Am I correct in my reading of the report?

Mr. PERKINS. The gentleman is exactly correct. The answer is "Yes." It all depends. If that is a priority of the appropriate educational agency, the answer is "Yes."

Mr. BADILLO. Thank you.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman and members of the committee, I know that by now the majority of the members may be quite tired. We have gone through a great deal of debate today. I know that perhaps many of us are just as confused, or more confused, than when we came here earlier today. But,

Mr. Chairman, I do want to raise just a few points.

It was only about a decade ago that poverty in America was acknowledged to be a blight on the national image. It was about a decade ago when this country became aware that those people who were not self-sufficient for reasons of poor education, lack of skills and resulting unemployment were not only leading undignified, unskilled lives, but also were not contributing to this society through their productivity and their tax dollars.

The Great Society programs were designed to assist these impoverished people, a high proportion of whom were from minority groups.

But it seems that after less than a decade of effort—effort which has been far short of adequate and thus incapable of contributing to any substantial or permanent change—after only a few years, this Congress is ready to abandon the poor again. We see it in such things as the absence of any move to counteract the administration's illegal dismantling of OEO, and the emasculation on this very floor of the Legal Services program. Why do you have to repeatedly knuckle under to an administration that cares nothing for people, and least of all for the poor? What happened to the professed concern of the sixties for all Americans regardless of race or economic level? Was it a mirage?

The enactment in 1965 of title I of the Elementary and Secondary Education Act signaled a new sense of responsibility for children in need of a special assistance in learning the basic skills of reading, writing, and computing. Congress at that time also recognized that these special needs or educational disadvantages as it has come to be called was highly correlated with poverty among elementary and secondary school students. This congressional responsibility for the economically disadvantaged children of this Nation filtered down to reach every school board in every school district where poor children live. Public educators were, for the first time, required to address themselves to the problems of disadvantaged students and to plan and implement programs that would lift them from those problems.

During the years since the enactment of title I, there has been a gradual refocusing of concern away from those students who are the most economically disadvantaged. Members of Congress are beginning to hear from their working class and lower and middle class constituents who ask why are those poor folk always getting the programs and the assistance. "We need help too," they say. And so they do. I cannot deny that. And I believe that the more vocal working class workers who can be very influential at election time deserve the benefits of programs such as title I also, but not until all the most poverty stricken, most socially, educationally and economically disadvantaged children in this Nation are served first.

A major study was done of all the children born in Britain in a given week in 1958. The report of this study, called "Born to Fail" describes how the combined hardships of low income, poor housing, a one-parent family, and a family of five or more children work together to work against the children studied. Socially disadvantaged children are compared with ordinary children in the study and the results are striking. They show how combined adversities reinforce each other and affect every aspect of a child's life. They show the enormous inequalities of life for the disadvantaged compared with ordinary children. This excerpt from the report called "Born to Fail" illustrates the devastating effect of multiple misfortunes on children:

> By the age of eleven, one in 14 of the disadvantaged children was either receiving or was waiting to receive special education compared with only one in 80 ordinary children. This wide difference is accounted for almost entirely by the high proportion of disadvantaged children said to be educationally subnormal (one in 20); among ordinary children there was only one in 150. Disadvantaged children are thus over-represented in special schools in general, and in schools for the educationally subnormal in particular. Some of this subnormality might have been avoided if parents had been more free of the stress associated with poor health, crowded living conditions, low income, unemployment, and so on.

Did you hear that? Among so-called ordinary children, 1 in 150 was deemed educationally subnormal. But 1 of every 20 disadvantaged children needed special education services.

This report supports and illustrates my conviction that those most severely disadvantaged children must be reached first because for them it is a matter not merely of social mobility or future employability but a matter of survival.

The formula for distribution of title I funds as adopted by the House Education and Labor Committee violates the declaration of policy for title I as described in section 101 of the current law. I quote from this section:

> Congress hereby declares it to be the policy of the United States to provide financial assistance to local education agencies serving areas with concentrations of children from low income families.

Through the use and misuse of the three main components of title I formula, funds previously designated for school districts with concentrations of poor students now are diffused away from those areas with the highest concentrations of the poor, where families with multiple hardships, such as those I referred to earlier, are predominant.

Mr. Chairman, I think most of the Members of the House are by now sick and tired of hearing about poor old Molly Orshansky. I think one of the reasons perhaps that many more Members were not on the floor today during this continuous debate was due to the fact that this subject is so complicated and the formulas are so complex, and when they do not understand, they are not going to stay around and listen.

But, the Orshansky poverty index is the major factor that determines where the dollars will go among States, and within States, in the committee formula. I would like to point out some of the weaknesses of this index of poverty.

The Orshansky poverty index was developed in 1963. It contains at least two elements which weigh against metropolitan areas: The derivation of the income levels and the farm-nonfarm distinction. The basis of the formula was established by studies made 10 years ago on family food expenditures. Although food expenditures then only accounted for 30 percent of a person's income, it was felt that by comparing food expenditures, the relative poverty of *different groups* could be found. However, using food costs alone excludes the important consideration of such expenses as housing, transportation, or a person's assets. Molly Orshansky, the developer of the index, stated at a hearing before the special education subcommittee:

> It (the index) concentrates on the income-food relationship, although for urban families, particularly those handicapped not only by lack of money but by minority status and large families, the cost of housing may be critical.

The second major weakness in the Orshansky poverty index is the absence of any variation that takes into account the differences in cost of living between an urban and a rural area, or between a central city and a suburban area. The farm-nonfarm differentiation in the formula is often misconstrued to represent a rural-urban differentiation, when it only reflects the cost-of-living difference due to the value of food produced and consumed by the farm family. The result of this absence of an urban-rural distinction is that the poverty levels tend to understate poverty conditions in high cost-of-living areas such as rural areas and small towns.

The net effect of the Orshansky formula is a shift of funds out of urban areas into farm areas. This dislocation of moneys goes directly counter to the continuing migration of people, especially the poor, away from the most rural areas into population centers. The people are coming in and the money is going out, leaving the ugly prospect of drastically cut title I programs in metropolitan areas across the country.

In addition to counting all children under the Orshansky poverty index, the committee formula counts two-thirds of the children from AFDC families with incomes above the median Orshansky income cut-off level for a nonfarm family of four, which for 1974 will soon become approximately $4,600.

Commonsense, as well as documented evidence, tells us that there are few if any families on AFDC with incomes above $4,600 per year in any State. The oft-made accusation that New York State and California have rapidly increasing welfare rolls is no longer true. The number of families receiving AFDC payments in both states has leveled off and is beginning to decline.

As the Orshansky poverty levels undergo their annual cost-of-living update, the median poverty level will be raised from its current 1973 level of $4,254. As the median is raised, the number of previously eligible AFDC children is reduced. I predict that within 3 years there will be

in effect no AFDC counted at all under this title I formula.

The third important part of the new formula is a limitation of 120 percent on per pupil expenditure above the national average and a floor of 80 percent of the national per pupil expenditure for States below the national average. The 120 percent ceiling works against Alaska, Connecticut, New Jersey, New York, and the District of Columbia. Their allocations are in effect reduced by the ceiling.

A recent study projects that the following additional States could potentially be limited by the ceiling if their State per pupil expenditures continue to grow at present rates: Illinois, Michigan, Minnesota, Pennsylvania, Rhode Island, Wisconsin, and Maryland. The 120 percent ceiling on per pupil expenditures penalizes those States which have made a greater contribution in their spending for education.

The consequence of the use of the rural-biased Orshansky index, plus the decrease in AFDC and the limit on per pupil expenditure, is a redistribution of funds away from the most densely populated jurisdictions. Although the total number of eligible children increases under this formula as compared with the present formula, the percent of the total for population centers decreases as compared with the present. Since the appropriation level for title I is not expected to increase to the level necessary to serve all the eligibles, the relative amount that will be made available to metropolitan areas will decrease. The result is a dispersion of title I funds around the country. To put it another way, the new formula must be applied to the same sized pie, with smaller slices as the end result.

This is of important consequence to the Federal role in elementary and secondary education in this Nation. It represents a retreat from the intent of title I to assist those areas with large concentrations of need. For heavily populated States, the implications are profoundly negative.

An unfortunate side effect of the committee's title I formula is the reduction of funding for programs for the education of handicapped children by more than $20 million nationally. It is said that H.R. 70, an aid to the handicapped bill now in subcommittee, would replace these lost funds. However, it is not possible to enact H.R. 70 in time to offset the loss of moneys in fiscal year 1975, and even when it is enacted, its allocations would not be great enough to make up for the losses resulting from the committee's title I formula.

The process of considering and adopting the committee's new title I formula was hampered by the absence of information on how the funds would be distributed within the States, among counties or among school districts. The formula was adopted on the basis of estimated State allocation totals, with no data available that would have in any way indicated the actual impact of the formula at the county level. The State allocation tables made available were both inaccurate and misleading. It appeared that some States would gain more and others would gain less than would actually be the case.

Since the committee report was filed on February 21, the proponents of the formula have continued to issue uninformed rhetoric and misleading data while focusing their attacks on the State of New York. They have put forth a series of so-called accurate tables, each different from the other. Almost every State—except New York—can be shown as gaining funds under the new formula depending on which "accurate" table based on which "latest" Orshansky or AFDC count is referred to.

Please do not misunderstand me—I am not assigning any intentional obfuscation nor any malicious purposes to anyone. I am only telling you that the unsophisticated manipulation of data which has gone on would cause amusement if its effects were not so potentially damaging to disadvantaged children.

I would also, in closing, like to tell you that I do believe we need a new title I formula. The current formula no longer is either adequate or equitable. However, I propose that we develop a formula that does not so severely cut into diminishing city school budgets. Let's share this small amount of money in a democratic way.

The most equitable formula proposal I have heard thus far would count all children from families earning $3,500 or less and all the children on AFDC above $3,500. The elimination of Orshansky as the primary factor is imperative. Cities cannot live with any formula that is based on the Orshansky poverty index.

Another direction to be aware and wary of is the general aid thrust. I understand that Congresspersons EDITH GREEN and JAMES O'HARA each plan to offer substitute formulas that would turn the title I program into general aid. It would be shameful to turn this assistance away from severely disadvantaged children.

I hope that the remainder of this debate will be characterized by rationality and concern, not for the number of dollars a Member's district will receive so much as a concern for the children across this Nation who are most desperately in need of compensatory education services.

Mr. QUIE. Mr. Chairman, I yield myself such time as I may consume.

The gentlewoman raised a question of Montgomery County. I just made a quick check, because New York State has a county that is quite wealthy, too, Westchester County. I note that Westchester County was receiving $6,225,000 and was cut back to $5,200,000. Montgomery County was getting $994,000, and they were raised to $1,427,000. So it seems to me we are talking about two wealthy counties in these United States, Westchester County and Montgomery County. Westchester County has got Montgomery County beat all hollow as far as getting money is concerned, and they have the same competence to pay for their own education as does Montgomery County. It depends on the number of poor children under the Orshansky formula and the number of AFDC, and that is why there is a discrepancy.

As I said earlier, New York is not getting as much as they got last year, but they are getting way more than anybody else is in the Nation.

Mr. Chairman, in order that we might hear from another New Yorker, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. I thank the gentleman and our minority leader (Mr. QUIE), for giving me this time. What I am going to cover now very briefly in the time allotted is a statement of what we really are trying to deal within this formula, and in a small part to tell the Members the impact of the formula on title I and H.R. 69.

My claim is, and I can back this up, that the formula that is prepared in the legislation and in the record which uses the so-called Orshansky method of definition of poverty, and two-thirds of AFDC, is, in effect, not correct.

I have just received from the Library of Congress an outline showing the impact of the formula in H.R. 69 on 100 major cities in this country.

What I have asked the Library to do is to take the same level of funding that is in H.R. 69 and to apply the Orshansky poverty level against this formula, forgetting AFDC completely. It has long been the aim of the Education and Labor Committee, or at least of some members, to eliminate AFDC completely, and this has been resisted by the majority of the committee. So when this so-called compromise formula was reached on title I—adding two-thirds AFDC to Orshansky—it looked like there was a compromise. In reality there was no compromise because this formula using Orshansky—and the key word is "updated"—means that the Orshansky level of poverty will be redefined each year, and that word "updated," in effect, eliminates AFDC completely because the updated Orshansky as of March of this year is $4,679.

I can tell the Members there is not any AFDC, or I will stand slightly corrected. Right now in California in a family of seven people AFDC is up to $4,700, but with that exception, there is no AFDC for incomes over $4,600. So what we really have is simply the Orshansky formula.

Since I have just received the libraries' figures less than 1 hour ago, I have not had a chance to review them completely. However, I have looked at one or two areas. I looked at Los Angeles County. Under H.R. 69, Los Angeles would get $52 million under title I. Under straight Orshansky, which is what I claim is the only thing that they will really be under, they will get $46 million, or a drop of $6 million.

In another area I took Oglethorpe County in Georgia and they will get $120,000 under the committee print. Under the Orshansky they will get $105,000 or a drop of $15,000. Providence, R.I., goes from $4.6 million to $4 million. Philadelphia, Pa., goes from $24.8 million down to $23 million.

I will have a run of 100 cities showing the impact of this Orshansky on them. I think it is vital that the Members

recognize what they are really doing here is the AFDC will be eliminated as a basis for title I.

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

Mr. PEYSER. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the gentleman keeps using that figure of $4,629, which he says in the month of March is going to be established as the updated Orshansky for the non-farm family of four. The gentleman knows that figure will not be used until fiscal year 1976. The figure for fiscal year 1975 is $4,250. Why does the gentleman keep persisting in talking about $4,600?

Mr. PEYSER I spoke to legislative counsel because I was under the clear understanding as I heard the gentleman from Minnesota say that this would date back to January and therefore be at the $4,200 level. Legislative counsel indicated he would not give any such opinion. This was subject to further interpretation.

But assuming the gentleman from Minnesota is correct and it is going to be the $4,200 for the first year, is it not then equally correct that in the second year it would be the $4,679 which it now is?

Mr. QUIE. The gentleman is correct that in the second year if $4,629 is the figure they give that would be the figure used. However, between last year and this year if AFDC payments increased, we would expect by the same token that AFDC payments would increase for 1976.

Mr. PEYSER. To discuss that point briefly, I have avoided getting New York into this discussion up to now. Naturally, New York City is not affected one iota in this Orshansky chain, because they are at the maximum down anyway. They do not get affected by this.

I could say it does not make any difference to me if we go on pure Orshansky, because according to these figures we will not lose a penny more than we are now; but New York State indicated they are still under AFDC at the 1969 level of purchasing power. At this time there is proposed legislation in the Assembly of New York State to bring it up to 1972. However, this is just a proposal, and no action has been taken on it to this time.

So I do not think there is anything that guarantees the States will keep up with the Orshansky level of poverty.

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

Mr. PEYSER. I will be glad to yield.

Mr. QUIE. I know that New York has 143,444 children whose AFDC payments are above $5,000; 72,027 whose payments are between $4,500 and $4,999; and 38,043 whose payments are between $4,250 and $4,500. That is the amount that the formula is based on.

Mr. PERKINS. Mr. Chairman, before I yield the remainder of my time on this side to the gentleman from Michigan (Mr. O'HARA) I do want to state that Mr. BRADEMAS, on March 6, 1974, already placed in the RECORD at 5473 the amounts that the 100 largest cities in the Nation will receive and only 23 of the top largest cities could receive less under H.R. 69 than they will receive during the present fiscal year. So if the Members will look at the charts already printed. We delivered 450 copies of charts which show county allocations under title I yesterday through the Postmaster, with the express instruction to deliver between 12 o'clock and 3 o'clock to every Member of the House of Representatives a breakdown so that they would know just what was taking place in their own congressional district under H.R. 69. If any Member failed to get a chart, please let the House Committee on Education and Labor know about it and we will see that another chart is delivered to his office.

Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, will the gentleman from Minnesota yield me some time?

Mr. QUIE. I yield 6 additional minutes to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, we have heard a great deal of discussion already about the formula. The gentleman from New York (Mr. BADILLO) and the gentlewoman from New York (Mrs. CHISHOLM) and the gentleman from New York (Mr. PEYSER) find themselves in sharp disagreement with the chairman of the committee, the gentleman from Kentucky.

The fact of the matter is that they are quibbling over details. Both of them, all of them, want to see the money for title I distributed on the basis of low income, the number of children who have been classified as being from families living in poverty.

The difference between them is that they disagree over the way they count those kids. The gentleman from Kentucky, quite understandably, prefers a method of counting that does full justice to the rural poor; and the gentlewoman from New York (Mrs. CHISHOLM) quite understandably wants to have those children counted on a basis that does full justice to the urban poor. The differences between them have to do with how we determine who is poor for the purposes of this bill.

Mr. Chairman, the trouble with that argument is that it is based on a false premise. Mr. Chairman, this is not the poverty bill. It is the Elementary and Secondary Education Act. This is not a bill intended to do something to lift people out of poverty. This is a bill intended to do something to help youngsters who are not achieving a proper education to get a good education.

Instead of looking at how much money their parents make, we ought to be looking at what kinds of problems they have in school. We ought to be concerned, Mr. Chairman, not with the economic status of the children, but with their educational status.

Now, the gentleman from Minnesota (Mr. QUIE) pointed out, although he supports this poverty based formula, that under studies that have been done by the Office of Education it can be established that two-thirds of all the children having persistent reading problems in school are from families making more than $3,000 a year; and three-quarters of the children having persistent academic problems other than reading are from families making more than $3,000 a year.

Mr. Chairman, there is no way that we can work out an equitable formula as long as we are going to base the distribution of funds on the number of poor families within the jurisdiction of a local educational agency. There is no way we can measure that which does justice both by the rural poor of Mr. PERKINS' district and the urban poor of Mrs. CHISHOLM'S district. If the Members have been worrying about how to find a formula that does justice to both of them in those terms, they can forget it. The committee worried about it for 6 months and could not come up with a formula that could satisfy all of them.

It is obvious from the debate that we have not come up with a formula that satisfies all, so I would propose and will propose, Mr. Chairman, when the time comes, that we start worrying about the educational progress rather than the economic progress of the beneficiaries of this act; that we recognize here in the U.S. Congress that the children of working people might have problems and that those problems are worthy of our consideration.

Until now, we have said, "We do not care if you are working and making the average wage and your kid has a problem in school; tough luck. You will have to take care of that on your own, buddy. We have not got anything in our programs that will do you any good. Sure, your kid may have the worst problem in the school, but it is too bad. You have got a job. We are not going to worry about your child."

Mr. Chairman, I think we have to stop our studied neglect of the problems of the children of people who work for a living. I would propose that we start distributing this money so it will be used strictly for the educational *improvement* of children who are having problems in school without regard to the income of their families.

I would propose that this title I money be used to improve the chances of children who are not achieving up to the level of their age group or up to the level of their class. These are the children we are trying to help, the children who are having particular academic problems, and we are going to help each and every one of them without regard to the income of their families.

That is what the amendment which I shall offer to title I, and which will be printed in the RECORD at the appropriate time, will provide.

My amendment will call upon the Office of Education and the local educational agencies to administer the program in such a way as to help underachieving children, without regard to family income, and it will distribute the funds among the local educational agencies in a manner that will permit carrying out that purpose.

I have already sent to the Members of the House material indicating how

their States would fare and how the counties would fare under my formula.

Mr. Chairman, I hope that we can agree that this ought to be an education program and not a poverty program. If we do, I am confident that my amendment will be adopted.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I am not an expert as to this educational matter, and I was just wondering what the answer to this would be:

What kind of a count is there of children who are underachieving, and how reliable is such a count?

Mr. O'HARA. There is no way of counting the precise number of underachieving children. Based on the results of surveys that have been shown to us which establish that two-thirds to three-quarters of the underachieving children are from families with income over $3,000, I simply make the assumption that underachieving children are more or less evenly distributed throughout the population. My formula, therefore, distributes two-thirds of the title I money, on the basis of school-age population.

So two-thirds of the money would be distributed that way. There would still, however, be a poverty factor in my formula. Recognizing that there is a higher underachievement rate among the lowest income children, the other one-third of the money under my proposal would be distributed according to the same income based factors which are found in the committee bill.

Mr. SMITH of New York. I thank the gentleman.

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

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the only information I have seen relative to the question that the gentleman from New York raised was an extrapolation from the Glass study, which, of course, was not a complete survey of the country. It comes out to a figure of 16,394,000 with severe reading difficulties and a figure of 14,578,000 with severe math difficulty.

I know the gentleman has those figures, and it is just an estimate that somebody made rather than anything based on a complete survey. At least that is one estimate which they have made.

Mr. Chairman, I would like to ask the gentleman one question: What would the total authorization be under the gentleman's amendment?

Mr. O'HARA. Mr. Chairman, as far as the authorization is concerned, I had not really considered what the total authorization should be, because it would not come out to a formula figure in the way that the committee bill provides.

I think that is sort of academic, because we are never going to reach the authorization figure, under any circumstances, I do not believe. I would probably just approximate the current authorization figures and give it as a dollar amount.

Mr. QUIE. Mr. Chairman, the reason I asked the gentleman from Michigan that question is that we have in times past seen occasions where amendments have been offered for increasing the appropriation, and one of the arguments was that we were only appropriating a certain percentage of the authorization.

One of the reasons why we moved from 50 percent of the State average to 40 percent of the State average is that at least we now have the authorization a little closer to what has currently been the appropriation. The authorization in H.R. 69 is about $1,200,000,000 over the budget request for 1975.

Your amendment then adds to it all of the school-age children for two-thirds of it. That is why I wondered.

Mr. O'HARA. My total authorization figure will be in line with the total.

Mrs. CHISHOLM. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentlewoman.

Mrs. CHISHOLM. I am wondering, in the light of the intent of title I as stated by the Congress in this legislation, would you say that we are violating that intent as it was written and that we are moving in the direction of a general aid bill for all youngsters in our country and, if you are doing so, why do you not name it a general aid bill and let us forget about title I?

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. O'HARA. In the first place, I do not try to move in the direction of general aid. My bill very carefully directs the school system to use the funds only for those children within the system who are unable to keep up with their peers.

On the other hand, the way the committee bill operates in many rural school districts where there is much poverty every school in the school system is a target school. Therefore, the funds are used for all purposes in every school in the system. That is a little bit closer to general aid than my proposal, which would say that in any system you can only use the money on those kids who have special difficulties in school.

So I am not proposing general aid. Some day I think we ought to have a general aid bill, but this is not the time and place to propose it.

Mrs. CHISHOLM. One more brief question. Since there is a correlation in terms of all the statistics that have been compiled between poverty and educational advantages, realizing that we do not secure the appropriations necessary to do all of the things that all of us in the U.S. Congress would like to do, would you say we have to talk about priority educational concerns?

Mr. O'HARA. I permit school districts to set the priorities and to assist those having the greatest difficulty to achieve economies of scale. But if we are going to have a priority, it ought to be for those who have the most difficulty.

Mr. QUIE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I ask for this time in order that I may ask the chairman of the committee a question.

I represent three counties; none of them are completely in distress. In fact, I have probably the lowest unemployment rate of any district in the entire United States. I notice that Adams County received an increase of 91 percent and Cumberland County an increase of 74 percent and York County, *my home* county, an increase of 40 percent. Moneywise that amounts to an increase over this year of $935,437.

My question to you, Mr. Chairman, is this: Where do you propose to get this additional money?

Mr. PERKINS. Let me say to my distinguished friend we are operating in reality under this formula with $1.885 billion which is in the President's budget.

Mr. GOODLING. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. I thank the gentleman for yielding.

I would just like to rise in support of this measure with full cognizance that the formula that we struggled finally to draft will not solve all of the problems.

But at the same time it does represent the very best efforts of a hard-working committee. It represents the distilled efforts of some 6 months of intense work. Therefore, Mr. Chairman, I would like to commend the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Minnesota (Mr. QUIE) the ranking minority member on our committee, on a job very well done, given the nature of the subject matter, and given the intricacies of the work.

I would hope that, when the Members have an opportunity next week to discuss the amendments that will be brought up to the bill, they will do so in full realization that there is no way to make a perfect bill, it is impossible and, accordingly, that this bill represents the strong efforts of a lot of experts in the field of education, and is the best that they can come up with, as I say, given the tight time frame in which we are operating.

Mr. QUIE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, next week when H.R. 69 is read for amendments, I plan to offer an amendment providing that Federal buildings taken over by the Postal Service as a result of the Postal Reorganization Act still be considered eligible for impacted aid funding, as they house other Federal agencies.

In 1971, a bill was passed that allowed these buildings to continue to be treated as Federal property for 2 years. These 2 years are now up, and I have learned from the Office of Education that there are 130 buildings across the country that will no longer be considered Federal buildings for impacted aid purposes.

I am sure that many of my colleagues will find that their school districts will be receiving less funds because of this expiration.

The purpose of impacted aid is to provide Federal financial assistance for the maintenance and operation of local school districts in which enrollments are affected by Federal activities. If we allow these buildings to lose their status we will not be following this principle. Just because a change is made on paper—a building is switched from GSA control to Postal Service Control—does not change the local tax situation. The loss of a tax base on these buildings still exists, and the school districts still need these funds.

I hope my colleagues whose districts will be affected and those who believe in the principle of impacted aid, will support me in my efforts next week.

Amendment to H.R. 69, as reported offered by Mr. GONZALEZ:

Page 87, strike out line 22, and insert in lieu thereof the following:

SEC. 305. (a) (1) The last sentence of section 403(1) of such Act of September 30, 1950, is amended by inserting before the period at the end thereof the following: "or any real property which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of title II".

(2) Effective from July 1, 1973, section —.

Page 87, line 21, insert "Certain United States Postal Service Property; before "Counting".

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

Mr. Chairman, I simply want to indicate my opposition to the bill in its present form, especially to the formula under title I.

Mr. Chairman, the future of America lies in its children, and there are few things more important than seeing that every child receives a decent education. This bill, H.R. 69, however, does not accomplish that result. While it expands educational aid to areas of the country which have not benefited from Federal education funds in the past—a result I wholeheartedly support—it does so at the expense of New York State. A bill that seeks to address the problem of education on a national basis cannot do so if it drastically undercuts educational funding in one State, in this instance, the second largest State in the country.

Perhaps the problem lies with the fact that the education budget is small to begin with and that we are carving up, into little pieces, a very small pie. But whatever the reason, it seems clear that if this Congress can afford a $90 billion defense bill, a $5.5 billion foreign aid bill, a $21 billion weapons procurement bill, it surely can afford adequate educational funding throughout this country, and it can afford $50 million that will be lost by New York under H.R. 69.

Mr. Chairman, I do not see how Congress can consider approving a bill which reflects such sectional bias and such shoddy investigation.

Let me give some examples of what I mean by shoddy investigation. The committee argues that its allocation is equitable nationally—although the loss of $50 million to New York makes this claim absurd on its face. But the county allocation formula was approved by the committee without any data showing the impact of the formula on a county-by-county basis.

Furthermore, to support its claim of equitableness on a State-by-State basis, the committee had to resort to comparing apples and oranges in arriving at its figures. In addition, the central criterion for allocation—the Orshansky Poverty Index—is of dubious validity as a national standard, even according to the author of that index.

Finally, States with high per pupil expenditures, such as New York, are penalized under this formula by having their allocations reduced, while States with low per pupil expenditures are rewarded by having their allocations increased. In addition to the loss of title I funds, these areas will also lose funds for the education of the handicapped, most of whom are concentrated in urban centers. Funds for these children will be reduced from $85 million to $65 million.

H.R. 69 abolishes two title I programs: Incentive grants to States with per pupil averages above the national average, and grants to areas of high population concentrations. New York will lose $11 million by the discontinuance of these programs alone.

New York City stands to lose between $40 and $50 million in title I funds. The number of children eligible to receive title I funds in New York City will be reduced by 91,000 from the current number—this in light of the city's increasing number as well as proportion of poor people. Seventy-four percent of the State's welfare children live in New York City; 37.5 percent of the State's handicapped children live in New York City.

How can any reasonable person consider as equitable a formula which determines that only 8 percent of New York's children, 8 percent of Massachusetts' children, and 7 percent of Connecticut's children are eligible for title I aid, while 42 percent of children in Mississippi are eligible.

How long will Congress continue to pretend that the problems of New York City are not the concern of the Nation? The number of impoverished families that migrate to New York from other areas of the Nation and swell our State's welfare rolls is legion. Yet Congress has refused to set general welfare standards which would discourage this migration.

Not only must New York absorb and provide a minimum standard of living for people whom other States refuse to sustain at basic levels, but now we are being told that we must reach further into the State's resources to provide education for the children abandoned by other States.

I am tired of hearing statements to the effect that New York is bulging with wealth and has no need for Federal funds. The fact is that New York makes the highest tax effort of any State in the Nation. If 13 of the Southern States made the same tax effort as New York, they would increase their current revenues by an average of 62.8 percent. And for this we are being penalized.

It is hard to believe that the House would approve a bill which will reduce educational aid to New York City's poor children—and I am sure you are all well aware of the living conditions of our city's poor—by $40 to $50 million, when it approves $58 million for the western wall of the Capitol and $30 million for the bicentennial celebration.

How can any Member of Congress—whether from New York or not—support such a bill in all good conscience?

Finally, I would like to clarify points made in a colloquy which I had earlier today with the chairman of the Education and Labor Committee regarding the use of the Consumer Price Index in determining the number of AFDC children who will be counted for purposes of a State's share in title I funds in fiscal year 1975.

H.R. 69 requires that the Secretary of Health, Education, and Welfare determine the number of these children by using the caseload data for the month of January 1974. The bill also requires use of the updated Orshansky figure—which is available right now. This figure is $4,540. Since the language does not prevent the Secretary from using this figure—as opposed to the $4,200 figure cited by Mr. PERKINS—this means that fewer AFDC children will be counted for the fiscal year starting this July.

I was told that the Secretary cannot use this updated figure because Mr. PERKINS does not intend him to do so. With all due respect to the chairman, the clear language of the bill would overrule even his best intentions. Mr. BRADEMAS' position is that the Secretary cannot use the updated figure because prior law requires him to make his determination in January of 1974 when the presently updated figures were not yet available. Unfortunately, there is no such requirement in the prior law.

Both the prior law and the present bill do not require the Secretary to make any determination in January. In fact, H.R. 69 explicitly contemplates that he would make his determination after April 1, when certain data would become available to him. Since using the $4,540 figure will substantially affect allocations for the coming fiscal year, I earnestly urge all Members to review the actual impact of this bill on their districts.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Chairman, last July

I joined with five Congressmen in a bipartisan statement of principles relating to education and busing.

The statement is as follows:

STATEMENT FOR RELEASE JULY 31, 1973

Our purpose today is to call for a new approach to the nation's educational problems . . . problems that are continually inflamed by court-ordered busing.

We meet as a group of Republicans and Democrats, White and Black, from all sections of the country. After some 25 years' experience with desegregation and its many difficulties, the time has come for a broad-based, national approach to our educational problems. While we may not all agree on every detail and may differ on specific provisions in various bills, we share a common goal.

We accept and support the objectives of integration and of the equalization of educational opportunities.

We are convinced that the vehicle adopted by the Supreme Court to achieve these goals—that of massive cross-busing to achieve racial balance—is often disruptive to society (and can undermine the quality of education.)

We recognize that the courts have neither the practical capability nor the constitutional responsibility to resolve issues of social policy.

We point to the forfeiture of responsibility on the part of the Executive and the Congress as a primary reason for many school systems being administered under judicial decree.

We derive very little encouragement from recent court decisions that the Supreme Court will point the way out of the busing dilemma.

We reject the sweeping solution of a constitutional amendment to prohibit busing designed to achieve racial balance as unnecessary, unduly drastic, and of dubious consistency with the basic moral commitments of our nation.

We question both the constitutionality and effectiveness of legislation designed to limit the remedies which courts may employ to enforce constitutional rights.

We feel that by addressing the underlying problems—rather than the judicial remedies—we can reduce the need for those remedies.

We do not believe that there is a simple or even a single answer to our educational problems.

We recognize that only Congress has the power and, indeed, the duty to establish a legislative framework within which fresh approaches to our difficulties can be attempted.

We believe that alternative solutions will appear only when local communities and school officials are given the means and incentives to develop them.

We are confident that, with the help of Congress, Americans have the ability to overcome racial segregation and unequal educational opportunities without submitting to disruptive judicial interference.

Mr. Chairman, we felt that it was time for a new approach; that we ought to do something different, and that a new coalition could be formed of Republicans and Democrats, whites and blacks from all sections of the country. I think that we were a little wrong on our timing, or on our thinking that there was going to be a great rush to form this coalition.

But we ran the idea up the flagpole, and not many people saluted, to be frank about it. I still believe that the Congress still has the power and the duty to establish a legislative framework for addressing the underlying problems rather than just addressing remedies that the courts supply in the busing area.

So, next week, parliamentary procedure permitting, some of us will offer an amendment to carry out these principles.

I realize that under the 5-minute rule it is a very difficult thing to explain a fairly complex amendment.

I do want to point out that this amendment has not sprung full-bloom from my brow this week. It has been introduced, in the form of bills, in the past two sessions of the Congress by the gentleman from Arizona (Mr. UDALL) and myself, and in various other bills introduced by the gentleman from Illinois, Mr. JOHN B. ANDERSON. It was drafted by Alexander Bickel, a constitutional law expert, at Yale University. It has been long discussed, and it has been approved editorially by such desparate organs of opinion as the magazine of the Ripon Society, the Village Voice, and it has been discussed with many small groups, including civil rights groups. It has the approval of some distinguished black authorities such as Charles Hamilton of Columbia University. And, in fairness, I will say that it has been condemned by the gentleman from Maryland, Mr. CLARENCE MITCHELL, and by the NAACP. It has been discussed by Mr. Bickel in numerous colloquial colloquies of the New Republic magazine, and in numerous forums such as the Duke Law School.

So I invite the attention of the Members next week to this amendment when it is introduced.

The polls all indicate two important things. I think, first, that the great majority of the people in this country are in favor of school desegregation, or integrated schools. We do not often find that part presented, that the polls do so show.

The polls also show, as has been cited quite a bit here, that the public strongly opposes the use of busing to implement this. That is, our people do favor integrated schools. They absolutely oppose busing as the way to achieve that.

So how can we harmonize these two things—this belief in integrated or desegregated schools—with the desire for the best possible education of their children? This is what our amendment will be addressed to, and our bill does not solve the problem by setting out some single, categorical answer, but it does set the stage for local communities to solve the problem.

I invite the Members' attention to the bill. We will be coming in on it before next week as to the details of it.

Mrs. GRASSO. Mr. Chairman, long ago Daniel Webster said:

On the diffusion of education among the people rests the preservation and perpetuation of our free institutions.

Throughout our history, Americans have wisely placed a special emphasis on education. In fact, we have come to regard education as the people's right. Formerly the prerogative of the State and local government, education has required increasing Federal assistance to help finance the growing costs of elementary and secondary, higher, and special instruction.

Today, the House begins consideration of legislation to extend one of the most important education bills ever adopted by any legislature—the Elementary and Secondary Education Act of 1966.

We need not catalog again the achievements of the various programs conducted with ESEA funds. To many children who have had to labor under economic and educational disadvantage, title I of ESEA has meant an opportunity to turn their dreams of a better life into reality. To the States ESEA has meant Federal assistance to help plan and coordinate programs and policies which have improved education for all children. To our major urban communities, ESEA has provided financial assistance needed to maintain and improve education programs in the face of rising costs and a declining tax base.

The bill before us—H.R. 69, the Elementary and Secondary Education Amendments of 1974—is the product of many months of deliberation by the Education and Labor Committee. It contains many important provisions, most of which have been thoroughly debated and considered by the committee.

However, the bill contains a major flaw. The committee formula for distributing title I funds is unacceptable because it would alter the present flow of funds and change the scope of ESEA.

Supporters of the new formula contend that it represents an improvement over the existing formula. The committee report contains a table showing that various States will receive more title I funds in fiscal 1975 than they are presently receiving.

A closer examination of these figures, however, reveals the deceptive nature of the committee formula. Under the existing formula, Connecticut is receiving $14.1 million in local education agency—LEA—grants under title I. Proponents of the new title I formula show that in fiscal 1975, Connecticut would receive $17.4 million in LEA grants, an increase of 24 percent.

The deception in this analysis rests in comparing actual appropriations for one year with a budget request for another year. When the old and new formulas are applied to an identical level of appropriations, Connecticut loses money. According to the Library of Congress, if fiscal 1975 funds were to equal the fiscal 1974 level, H.R. 69 would give Connecticut $13.9 million—a decrease of 2 percent from the current level.

Apart from the misleading statistics used to support the new formula, the adoption of the Orshansky formula and a limitation on the number of AFDC children represents a regression from the original intent of the Elementary and Secondary Education Act. The committee formula will redistribute title I funds away from the tax-burdened urban centers to the rural States. Also, the committee formula places a ceiling on the amount of funds any one State may receive under title I. Consequently, a State which spends less than the national average per pupil cost for education will have a greater percentage of its total

education expenses paid by the Federal Government than those States which spend more than the national average. In effect, States like Connecticut which help support the education of their children are penalized for supplying this assistance.

In a letter to Gov. Thomas J. Meskill, Connecticut's Acting Commissioner of Education Maurice J. Ross wrote that the adoption of the committee formula would "severely affect the support of title I programs for the disadvantaged children in this State." I agree with this analysis. Therefore, I cannot support the present formula for title I and will vote at the appropriate time to improve it.

On the other hand, the bill continues valuable existing education programs and authorizes new programs of far-reaching potential.

For example, the bill amends and extends the Adult Education Act of 1966. At this time, an estimated 70 million Americans over the age of 16 have less than a high school education. Since the inception of the act, an estimated 3.7 million adults have taken advantage of this program to help complete their high school education. The Office of Education has discovered that adult education participants showed steady gains in employment, increased their earnings, and generally became more productive citizens. Extension of the Adult Education Act will continue this vital program to help many more Americans get the education they might not otherwise have received.

If H.R. 69 becomes law, it would also provide needed education assistance for handicapped children. Too often these children are denied the quality education that is their birthright as Americans. Although 7 million handicapped children in our country represent about 10 percent of the school age population, less than 40 percent of them are receiving an adequate education.

Last year, under the leadership of the gentleman from Indiana (Mr. BRADEMAS), the Select Education Subcommittee, on which I am proud to serve, developed legislation to extend the Education for the Handicapped Act. The subcommittee's bill has been incorporated into H.R. 69 and its provisions should lead to a growth and strengthening of educational programs and opportunities for handicapped children on the local and State level.

Finally, the committee, recognizing the importance of the school as a focal point of neighborhood activity, has included a new title authorizing funds for the establishment of community education programs. In brief, these programs would utilize schools and other available public buildings after regular school hours as centers for community learning and recreation activities. Along with expanding educational opportunities to the community as a whole, community education programs will help bring together the people of a neighborhood or community while, at the same time, utilizing all available resources for the improvement of the people in the area.

Mr. Chairman, I am confident that those provisions of H.R. 69 which are sound will receive the support of the House. Those parts of the bill which are deficient, however, must be amended and improved.

Mr. CRANE. Mr. Chairman, in recent years we have observed an increasing militancy on the part of public school teachers and their unions. Nationwide strikes which have caused hundreds of thousands of children to miss weeks and even months of schooling provides us with unfortunate evidence of the fact that the American people—parents and taxpayers—are losing control of their own schools.

In fact, the Michigan Education Association has circulated a "battle plan" to help stimulate militancy prior to the strikes which kept more than 400,000 children out of school. Known as the "Final Recommendations of the Michigan Education Task Force in a Statewide Bargaining Strategy," the union plan describes means for pressuring school districts until they give in to teacher demands.

An editorial in the Flint Journal responded to the strike by stating that—

> Not until the teachers are answerable to a popular election and are obligated to meet a balanced budget based upon a set income are we prepared to consider turning over management of our schools to them.

The fact is that in a number of States teachers are compelled to join the National Education Association, the American Federation of Teachers or some other bargaining agent as a condition of employment. They are deprived of free choice in this matter and it is difficult for me to understand how teachers who are themselves subjected to such coercion will be able to teach young people the virtues of a free and open society.

Unfortunately, the Congress has been assisting the coercive policies of certain labor unions and State and local government jurisdictions by providing Federal funds and not at the same time insisting upon freedom of choice on the part of teachers concerning whether or not they wish to join such an organization.

To correct this situation I am going to propose an amendment of title X of the Elementary and Secondary Education Act of 1965 to come on page 131 immediately after line 15. The new section, 1010, would read as follows:

> No local education agency shall be eligible to receive assistance under this Act, or under title I of the Elementary and Secondary Education Act of 1965, if the employment or continued employment of any teacher or administrator in its schools is conditioned upon membership in, or payment of fees to, any organization, including any labor organization or professional organization.

It is only reasonable and fair to expect that the freedom of choice being presented to young people by their teachers as a fundamental element in the American way of life be applied to the teachers as well. Anything else would be an act of most extreme hypocrisy and to provide Federal funds to aid and abet such hypocrisy is something which we should not countenance.

It must also be made clear that the National Education Association, which often refers to itself as a professional organization, has become little more than a labor union and one which is deeply involved in the most partisan kinds of politics.

The recent transformation of the NEA has reduced that organization to a coercive pressure group bent upon bargaining for higher salaries and spreading of partisan political material. This fact is made clear in an article which appeared in the bulletin of the Council for Basic Education of September 1973, entitled "Education as Trade Unionism." The NEA's new executive director, Terry Herndon, for example, refers to teacher accountability as a "fad" and expresses an intense interest not in education, but in increasing the union clout of the NEA.

The goal of the NEA, it seems clear, is to control all of American education. Discussing "The Labor Crisis In Education" in the November 24, 1973 issue of Human Events, Solveig Eggerz notes that—

> In order to gain the desired grip on the public school system, the NEA must first snap teachers in line with a variety of tactics. This includes insidious pressures to join the local union, often exerted by principals or superintendents. Then there are the usual coercive union tactics such as the union shop and check-off dues. In some states the unions even have political contribution check-offs in addition to dues. In California teachers pay $5 annually for political purposes. Michigan has a similar system.

An indication of the kind of programs we are supporting with Federal funds is the compulsory unionism instituted in Hawaii. In that State, the Hawaii State Teachers Association—HSTA—an NEA affiliate, is the sole bargaining agent for teachers. All Hawaii teachers have been notified by the State comptroller that "a service fee will be deducted from the payroll," which amounts to $77 per teacher and goes straight to the coffers in the HSTA.

In Wisconsin, which has compulsory unionism, Madison Teachers, Inc., is suing school district 8 for permitting an individual teacher to engage in an "unfair labor practice," such as negotiations on his own with the school board.

Such coercive practices violate all of our principles of individual freedom and free choice. To support such practices with Federal funds is to make a mockery of the goals we seek to achieve through the Elementary and Secondary Education Act.

In this respect, the amendment which I will propose will restore such freedom of choice or, if school districts refuse to provide it, deny such districts any further Federal assistance.

AMENDMENT TO H.R. 69, AS REPORTED

Page 131, immediately after line 15, insert the following new section:

AMENDMENT OF TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"FREEDOM OF CHOICE

"SEC. 1010. No local education agency shall be eligible to receive assistance under this Act, or under title I of the Elementary and Secondary Education Act of 1965, if the employment or continued employment of any teacher or administrator in its schools is conditioned upon membership in, or payment of fees to, any organization, including any

labor organization or professional association.".

Mrs. COLLINS of Illinois. Mr. Chairman, the 93d Congress began debate today on H.R. 69—ESEA of 1974, one of the most important education bills to come before us.

At this time, I would like to state my opposition to the distribution of Federal education funds under the proposed formula in title I.

The new title I formula, as reported by the Education and Labor Committee, does not provide for the most equitable distribution of Federal funds for education at the elementary and secondary school level. In fact, this new formula undermines the original intent of the title I program: To provide economic assistance to the educationally disadvantaged youth of this Nation. The proposed formula transforms a program of educational assistance from counties and cities which have a large concentration of poverty and disadvantaged to the rural areas. By doing this, populous counties, such as Cook in Illinois, will lose up to 15 percent of last year's funds and stand to lose even more because of growth-rate expectations in Federal education funds. More specifically, according to the Office of the Illinois Superintendent of Public Instruction, Cook County stands to lose up to $13 million under the new title I. This plan would nullify for large numbers of children who are now being served by this Federal program of compensatory education the chance to ascertain a decent education.

The financing of our urban educational systems are in, at best, a sad but curable state of affairs. Title I, as proposed, only adds to the deterioration of our cities' educational programs by allowing already insufficient funding levels to be further reduced. Urban development and redevelopment have caused cities and counties to spend more State and local funds on other high priority demands such as health, housing, welfare, and sanitation. Thus, smaller proportions of State and local funds will be spent on the education of disadvantaged children.

We all know of the exceedingly high correlation of economically disadvantaged children to educationally disadvantaged children. It is universally known, too, that there is a higher concentration of economically, educationally disadvantaged children in our urban areas than in our rural areas. I contend, therefore, that the proposed title I formula for distribution of Federal funds for education, based on the Orshansky poverty index of 1963, which was published more than a decade ago, contains a bias in favor of the rural areas of this Nation. This bias is created because the Orshansky index contains elements which discriminate against the metropolitan centers. These elements are twofold: First, the index is partially based on the derivation of income levels on food only and does not take into consideration costs of housing, transportation, and other family needs; second, the index is partially based on a farm-nonfarm distinction which omits the urban centers of this country. These two weaknesses negate the purported merits of the formula and discriminate against urban area children who sorely need quality education.

Therefore, I submit that the proposed title I formula discriminates against the heart of the economically educationally disadvantaged in this Nation and that it favors the few rather than the many.

Mr. DULSKI. Mr. Chairman, the title I provisions of H.R. 69 are totally unacceptable, and the rule is unacceptable in its limitation on amendments.

In its efforts to devise a new, more equitable formula for distribution of funds under title I, the committee has unfortunately arrived at an already outdated, inequitable formula that works against the intent of the act.

In its overzealous attempts to balance the weight of AFDA in the old formula, it will virtually eliminate use of AFDA families in urban areas. If the need for AFDA payments is not a measure of poverty, what is?

The committee's answer seems to be the Orshansky index, which even its developer admits is inadequate. The reliance on 19-year-old data, and many other shortcomings have been pointed out here in great detail, and are outlined in the committee report, so there is no need to analyze them again.

We are all aware of migrations of the past years of lower income families from rural to urban areas, and of the increasingly greater cost of living in large cities. Yet the proposed title I formula, instead of taking this into account, actually cuts millions of dollars from the largest cities' budgets for educational assistance to disadvantaged children.

Further, the 120 percent ceiling of national average per pupil expenditure is both capricious and unjust. It makes no sense to penalize States willing to place a higher-than-national-average emphasis on education; it appears to me that those States who do "try harder" will lose that incentive as well as losing funds.

There is a great deal of shrugging off these objections as only affecting New York—in fact, a good many other States are affected by various factors in the formula, and the inadequacies of those factors will become more evident as time goes on.

There will be alternatives offered to title I when H.R. 69 is read for amendment. I urge you to oppose the committee version and to adopt a reasonable, workable, fair formula.

Mr. DELLUMS. Mr. Chairman, I would like to congratulate the Education and Labor Committee for adding title XI of this measure, a step I regard as vital if we are to accord the millions of young Americans who participate in scholastic sports competition the safety and health standards they require.

The study of athletic injuries and of the need for qualified athletic trainers represents a significant advance toward the ultimate objective of providing both Federal standards and assistance in the sports safety field.

Each year, hundreds of thousands of young Americans are injured participating in sports activities at all educational levels. For example, a study published in the Journal of the American Medical Association indicates that every year one of every two high school football players is injured; since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone. And the rate of injuries for other sports—contact and noncontact—is just as alarming. Over the past few years, as a result of rising concern about such injuries, some major steps have been taken by educational and health groups to bring about major reductions in the probability of injuries occurring.

Still, most sports injuries are not properly treated. According to an article in the fall 1973 Family Safety magazine—which I inserted into the RECORD on October 29, 1973—there is a critical nationwide shortage of qualified high school athletic trainers. All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal. At the college level, the problem is equally distressing.

In response to this need, I and 30 of my colleagues have sponsored H.R. 11140, "The Athletic Care Act," which amends both ESEA and the Higher Education Act to require over an 8-year period that all schools which engage in or sponsor interscholastic athletic competition must employ qualified athletic trainers. The bill also contains provisions for Federal assistance for training programs for athletic trainers.

Title XI of this bill will provide much of the detailed statistical material needed by the Congress when we give serious consideration to "The Athletic Care Act." This title of the bill is a critical step if we are going to be able to assure those young Americans who want to participate in school sports that their safety is given high priority.

At this time, I would like to insert into the debate some articles and letters concerning sports safety that I have received and which relate to title XI:

[From the Washington Star-News, Dec. 18, 1973]

WHEN THE PATIENT IS A JOCK—TEAM DOCTOR: ETHICS, ORDERS?

(NOTE.—The relations between physician and patient and physician, patient and team can be very complex. Is the doctor to follow the dictates of the Hippocratic Oath or the teams owner or coach? In this three-part series, the first of which appears today, Star-News Staff Writer Mike Roberts delves into the perplexing problem.)

(By Mike Roberts)

It would be more than a mild understatement to say there are divergent opinions on the practice of medicine upon athletes in this country. Consider, for instance, how one prominent physician evaluates the care of sports elite class:

"The people who get the worst medicine in this country," Dr. John Knowles said in a recent interview, "are the very rich, the very poor and the billion-dollar beef trust of professional sports."

The plight of the poor is clear enough, but the disadvantage shared by the beef trust and the jet set is not quite so obvious.

Knowles, former director of Massachusetts General Hospital and now head of the Rockefeller Foundation, blames what he calls the "crony system", an inclination among the wealthy to choose their friends in the profession to doctor themselves and the athletic teams they own.

Not surprisingly, some of the big names in sports medicine snort at the idea, among them Dr. Robert Kerlan, made a household word by Sandy Koufax' elbow, and Dr. James Nicholas, regular repairman for Joe Namath's knees.

"If anything, I've got to take the opposite view," agrees Dr. Stanford Lavine, healer to the Capital Bullets, the University of Maryland football and basketball teams and an orthopedic surgeon of glowing reputation. "I think the pros, and the colleges, have the best medical assistance".

So, who is to say whether jocks are being short-changed on quality? Given the inexact nature of the science, much can be said on both sides. For the athlete, as for any other layman, every question is a matter of degree, nuance, professional opinion.

Yet, apart from rating individual abilities, there are several not-so-imponderable issues still in the process of resolution, with more questions raised lately than answered.

At a recent meeting, baseball team physicians and player representatives pondered a dilemma: How to direct the primary responsibility of the doctors toward the patient, rather than to management.

The National Football League Players Association, with the same worry in mind, is considering the simple expedient of hiring its own doctor in each franchise city.

More and more athletes have been going to court to test claims that injuries were worsened because of poor advice, negligence or the administration of drugs. Houston Ridge made headlines with his $300,000 settlement against the San Diego Chargers, but other players have also been quietly settling similar cases.

In a related action, Jim (Yazoo) Smith is suing the Redskins for negligence and careless treatment when he was dragged off the field by teammates after suffering a broken neck during a 1968 game. Smith is asking $4.2 million.

The National Basketball Association has hired as a consultant a physician whose specialty is drug abuse, his function clearly being to police the league. His first act was to request each team to submit an inventory of its stock of drugs.

The team physician of the Oakland A's, Dr. Harry Walker, is under investigation by the California Board of Medical Examiners on a matter that does not concern his professional capabilities.

The case stems from an incident during the World Series two months ago and it focuses sharply on the perils of dual responsibility.

At the request of A's owner Charles O. Finley, Walker examined second-baseman Mike Andrews after the second game, in which Andrews committed two decisive errors. Walker's subsequent report, declared Andrews disabled with a shoulder injury, thus opening a spot on the A's roster for a new player.

Events that followed raised a fuss that upstaged the Series itself. Andrews' teammates claimed openly he'd been fired. While they grumbled threats of a strike. Commissioner Bowie Kuhn investigated, overruled the roster switch and reinstated Andrews. Upon his return the infielder held a press conference at which he termed the injury report a "lie".

That term is debatable. The disability report said Andrews had a chronic injury (which was true), not a new one, so Walker could not be accused of inventing something.

But the implication was obvious: That a player who had just taken part in a game and had pitched batting practice the day before had suddenly been rendered unfit to play, Kuhn's retort was that he saw no evidence to support the implication.

As matters stand now, Finley and Kuhn are engaged in a quarrel over fines for Finley's assorted indiscretions, and state officials, at the request of a California assemblyman, are looking for evidence of wrongdoing by Walker.

The questions left to ponder are whether the standard doctor-patient relationship can be distorted in a sports-team setting by a physican's obligation to management and whether a team doctor can be compromised to favor the interests of his employer over those of his patient.

Not likely in this case, ventures Dr. James Nicholas, doctor to the New York Jets and founder of the Institute of Sports Medicine and Athletic Trauma.

"I know Harry Walker," Nicholas says, "and he's a very outstanding, strong-minded, aggressive, hard nosed orthopedic surgeon, and I think he'd say 'Go shove it.'"

(Getting corroboration from Walker proved difficult. When reached by phone he said, "I don't give interviews," and hung up.)

Not that Nicholas believes in a fairy-tale world. "Now, you get characters sometimes like a Charlie Finley," he says. "You may get a dynamic type of owner who says this is my ball-club and I can do what I want with it. I think there the likelihood for a doctor to be in a stable environment and be uncompromised is much more difficult.

"Now you get a young doctor who's just coming into football, you get a Pat Palumbo, who's a nice boy and really very capable, and he's got a George Allen to cope with—that's a far different cry than I was exposed to with Weeb Ewbank. His (Palumbo's) team is made a winner by a dynamic coach and the pressures on the younger man can be very seriously contradictory."

(The young man who has a George Allen to cope with says he has not been subjected to contradictory pressures. "Coach Allen is just as concerned as I am about the welfare of the players," Dr. P. M. Palumbo, Jr., Redskins' team physician, says.)

At any rate, Nicholas concludes, "There are very few physicians right now that I know of that are being compromised."

Jack Scott, who runs the Institute for the Study of Sport in Society from his post as Oberlin College's athletic director, approaches the subject less delicately.

"You'll get a lot of sanctimonious bull from team physicians about medical ethics," he says. "You know, 'Regardless of who hires us we would treat someone the same way.' My God, I think that anyone who isn't totally naive knows that that is not true. Those sanctimonious utterances about 'We treat everyone the same and it doesn't matter who pays us'—it matters and they know it."

His view is shared by Dr. Harry Edwards, the University of California sociologist associated with the black protests of the sixties, and Phil Shinnick, former Olympic long-jumper and now athletic director at Rutgers' Livingston College. In lengthy interviews they delved into the sociological forces at work on anyone involved in big-time athletics in this country.

"It's not a thing of bad guys or corrupt guys," Edwards says. "It is a bunch of guys who are caught up in a system of doing things that bring about all kinds of cross-pressures from the various demands being made on them in their roles.

"Almost every decision is between a rock and a hard spot. The doctor who does not dispense the painkiller in order to get the athlete ready to play is not doing his utmost for the team, but if he does, to a certain extent he's betraying his Hippocratic Oath."

Shinnick spoke of "value-laden things that are being reinforced in the athletic arena, some of which are predictability of performance and obedience to authority. Doctors are just as suspectible to those values as anyone."

Nevertheless, it perplexes Dr. Robert Kerlan, who treats several pro teams in Los Angeles, that an owner or coach could find a flexible doctor tolerable. "I think they'd lose faith in them in a relatively short period of time," he says. "Who wants to have people like that around?"

One who could answer him is Dr. Donald Spencer, who was in the employ of the Kansas City Chiefs when they were preparing for the 1970 Super Bowl. Spencer felt that quarterback Len Dawson's knee needed an immediate operation. Coach Hank Stram, however, diagnosed it differently. Stram went shopping for a doctor who would see things his way and severed the relationship with Spencer who now quips, "I was put on waivers."

[From the Washington Star-News]

WHEN THE PATIENT IS A JOCK—ANXIETY SYNDROME

(NOTE.—The team doctor's decision—whether a player's injury is serious enough for him to miss a game—is not an easy one. There is pressure from all sides and the anxiety builds. Star-News Staff Writer Mike Roberts takes a long look at this today in the second of a three-part series.)

(By Mike Roberts)

Football isn't very big at Oberlin College, which treats athletics in general with a rare sense of perspective. The schedule is small-time, the team usually nothing for alumni to brag about. Admission to games is free.

Still, last season started out as something a little special. There was a freshman quarterback who looked capable of reversing the team's streak of 14 losing seasons. Even the townspeople knew Willie Martinez was the kid who had broken Jim Plunkett's high school passing records.

The freshman whiz was for real. He threw six touchdown passes as Oberlin clobbered an old rival 53–20. Trouble was, Willie also broke his hand in that game.

"I remember taking him over to the hospital after the game to have a man come in and take an X-ray," Jack Scott, the Oberlin athletic director, recalled.

"This was just a regular doctor, but he knew who the kid was. As soon as he saw the fracture on the X ray, I could see him getting increasingly nervous. He didn't know what to tell me and he didn't know what to tell Willie.

"Finally he said to Willie, 'Where is it sore?' Willie pointed right at the crack on the X ray, and the doctor said, 'Oh, Jesus! It has to go in a cast.'"

In telling the story, Scott, a widely consulted student of the sociology of sport, was merely trying to illustrate the ambivalence created when the patient is a jock. It can be troubling enough to be the bearer of bad tidings, harder to be responsible for the sidelining of a hero, even when the financial considerations are minimal.

"It was just a very human thing that his doctor went through a lot of anxiety," Scott said. "But this is just little old Oberlin College. If that exists on our level, imagine what it's like when you're talking about a man with a $75,000 salary."

The spontaneous anxiety, moreover, rarely exists in a vacuum. More often it is coupled with external pressures when to play, or not play is the question.

The source can be an owner, a coach, or a player himself, confronted with the twin challenges of protecting his job and living up to the play-with-pain manhood ethic. It can be attrition—as Tom Kenting of the Pittsburgh Steelers pointed out, more play-

ers are in questionable health toward the end of a football season than at the beginning. Or it can be a sudden concurrence of catastrophes.

"Once when we were playing Philadelphia, three of our defensive backs were knocked unconscious," recalled Bernie Parrish, author of "They Call It A Game," a chronicle of his disillusionments with the Cleveland Browns. "To decide which one goes back in, the doctor held up some of his fingers and asked us to tell him how many. I came the closest and I was back in.

"Your own thoughts are not exactly rational, but you would expect a physician to remain rational. It turned out there were no permanent injuries, but there might have been. If this had happened out on the street somewhere all those people would probably have been hospitalized for observation."

Dr. George Resta, former Redskins team physician, elaborated on another obstacle. "One of the biggest difficulties you have with some of these coaches is that they like to play doctor," he said.

"Vince Lombardi and I had some heated discussions. Once in a game at Jacksonville a man hurt his ankle. I was telling the man 'You may have a fractured ankle,' and he (Lombardi) happened to be coming by there.

"And he said, 'What was that word you said?' I said, 'I think this boy's got a fractured ankle.' He said, 'You know, you should never use that word.'

"Then I said, 'What if it is a fracture?' He said, 'You should never use it.' I went ahead and took him to a hospital, and it was a fracture."

There are subtler ways for a coach to exercise influence. Jack Scott described one method: Within a day or two of an injury, the coach gets himself quoted saying the athlete will be ready to play next Sunday. "How the hell does he know?" Scott asked rhetorically. "He's not a medical man. But it puts tremendous pressure on the physician and the trainer to make sure the guy is ready regardless of what the consequences might be."

Conceivably that might have been what Redskins Coach George Allen was unconsciously trying to achieve with his comments against a similar backdrop two weeks ago, with quarterback Bill Kilmer hospitalized with an intestinal blockage before the Dallas game.

Never one to chat with the media just to pass the time of day, Allen issued daily assessments of the necessities as he saw them: "I hope he can be back tomorrow . . . I was hoping he'd be here today . . . This is a championship game. Whatever anyone's physical condition is, they've got to be ready to play."

In ever so subtle a way, such oratory can become a challenge to the courage and manhood of physicians as well as of players.

"It was the doctors' way of vicariously participating," said Gary Shaw, whose book, "Meat on the Hoof," exposed the brutal sidelights of football at the University of Texas. "They had the same mentality as the coaches as far as people's injuries were concerned.

"One of them told my roommate when he went to see him, 'Look, you and I know you're hurt but, you know, Coach (Darrell) Royal likes you to play when you're hurt.' And so his advice was to go on out there and play. If they could show that they were kind of tough-minded with us, well, it was somehow showing that they were tough-minded themselves."

What happens to the player caught in the middle? Dr. Harry Edwards, a sociology professor at the University of California, has done some research on the subject. One interviewee who had a damaged knee drained three times in three days was accused of malingering when he judged himself unready to play. He was given pills for his "psychological" problems and sent out to play.

Nor are football players the only ones to complain. Phil Shinnick, now athletic director at Rutgers' Livingston College, was once a world-class long jumper.

"There was a hell of a lot of mistrust between the doctors and the athletes," he said, "because there was so damn much subjective judgment. I mean I used to pray when I was in college that the blood would surface on my hamstring pulls, so I could say, 'See, I'm injured.' It could be hurting like hell and the doctor says, 'I don't see anything'."

Naturally there are athletes who see base motives in such actions. The egonourishment of associating with the famous and the emoluments of publicity are widely considered the rewards of seeing nothing or adopting the philosophy of Darrell Royal.

"Some of them are in it mainly for the prestige," said defensive back Kermit Alexander of the Philadelphia Eagles, echoing what a number of others asked not to be quoted on. "They use whatever pull they have to get the job, and it enhances their practice."

The upshot, he concluded, can be a willingness to compromise that destroys the confidence of the players.

Dr. Donald Spencer, who was fired by the Kansas City Chiefs three years ago for refusing to budge on a diagnosis, supports Alexander.

"It depends on why you're team physician," Spencer said, "to help or because it's a neat job—whether they want you or you want them. It's a pretty neat thing to be a team doctor, and the idol-worshippers tend to bend themselves a little bit."

He added, "There's a great economic gain to people who do this. Everybody turns to them. People say if the Chiefs use him, he's got to be the best there is."

This is not a unanimous position—Dr. Stanford Lavine, physician to the Capital Bullets, said, "When you figure in the time you spend, it actually costs you money to do it"—but a fairly common one.

"It's free advertising," said Dr. John Knowles, who used to coordinate medical care for the Boston Bruins. "If I fixed Carl Yastrzemski's boil on his right buttock, I'd have them lined up from here to Canada."

Knowles has never had a chance to test that proposition, but he does have some figures that indicate the potency of a jock's endorsement. When he was running Massachusetts General Hospital in Boston, one of his chief duties was raising public donations. In a stroke of genius he put the town's hockey heroes, Bobby Orr, Phil Esposito and John McKenzie, on television commercials to talk about their injuries.

"You got a million people watching these birds," Knowles said, and they say, "'Aw, I'm telling you, man, that Mass General is the best place, the doctors and the nurses took such wonderful care of me.'

"It was the truth about the place, but these guys were getting the word around. It gave the public great confidence in us and, by god, they'd send money hand over fist if Bobby Orr said the place was beautiful.

"We started out raising a quarter-million dollars a year from about 10,000 people, and by the time I left we were raising about $4 million and we were getting it from 100,000 people. And let me promise you this: A certain percentage of those folks were hockey fans."

[From the Washington Star-News]

WHEN THE PATIENT IS A JOCK—TEAM DOCTORS PRESSED FOR A DOUBLE STANDARD

(NOTE.—The question of a team doctor's loyalty—is it owed to the team or to the patient?—is a perplexing one, with no simple answer. Star-News Staff Writer Mike Roberts takes a look at this dual-loyalty dilemma and explores possible alternatives.)

(By Mike Roberts)

In his book, "Meat on the Hoof," Gary Shaw described practice drills labeled with an Anglo-Saxon expletive by his University of Texas football teammates.

Exercises of this sort were designed to persuade less-talented players to quit and relinquish their scholarship—the precious mother's-milk of a college coach's survival—so that new studs could be recruited.

Typically these drills required helmet-to-helmet collisions of two men running full speed at each other or the simultaneous compression of a stationary ballcarrier by two or more tackles coming from different directions. Gruesome wounds were often the result.

Parallel tales, moreover, have, from time to time, filtered out of other campuses, most recently Florida State, where 28 players were scared off last summer.

One question that immediately comes to mind is whether the trainer or doctor who witnesses the outright, purposeless destruction of bodies has an affirmative duty to intervene.

"There's is no question about it, if you feel a specific activity is detrimental," said Dr. Stanford Lavine, who is associated with the University of Maryland and the Capital Bullets. "But we are there only as advisers. We can't set policy.

Shaw, when interviewed, said the team doctors at Texas turned a blind eye to the drills rather than challenge the supreme authority of Coach Darrell Royal. Phil Shinnick, athletic director at Rutgers' Livingston College, told of a physician friend faced with a similar dilemma at a major university. The doctor chose to suggest certain drills be eliminated. Instead he was eliminated.

This was a logical solution, of course, judged dispassionately against the realities of contact sports. As activities that necessarily involve the battering of the body, they create a unique demand for a second standard of medical care, a standard based on relative fitness to compete rather than restoration of complete health.

"What most people don't realize is that we never get an individual well during the season," Pinky Newell, head athletic trainer at Purdue University, was quoted recently in a Wall Street Journal profile. "What we do is get him back to activity."

Few persons interviewed argued with Newell's neat summation. "There can be no double standard," said Dr. Joe Godfrey, a rock of indignation, who believes he should treat his Buffalo athletes as he does his own children. He is outnumbered by those who support different rules at least for pro and college scholarship athletes, whose bodies are the tools of their trade, although many physicians draw the lines at drugs that mask pain in an injury that could be worsened.

Lavine suggested the media sometimes create false impressions: "It's a question of what you're injecting something for, as to whether it may be done for minor things that may be a little uncomfortable like bursitis or tendinitis. It comes out, 'So-and-so was injected so he could play.' I have tendinitis in my shoulder and I've taken injections so I could play golf. Say Sonny Jurgensen gets the same thing—if I were to give a guy like that butazolidin, it would come out 'DRUGGED!' "

The limits on the double standard, on painkillers as well as on other issues, have been in a gradual process of definition over the past few years. Change develops through periodic jolts like the Houston Ridge case, in which the former San Diego Charger won a $300,000 settlement for the negligent aggravation of his injuries.

The ill use of *Ridge*, like all similar in-

stances, according to Dr. Donald Spencer, was the byproduct of conflicting pressures.

"It's industrial medicine, really," the former doctor of the Kansas City Chiefs said. "They have to have the corporation in mind. I can't treat by the way of the coach. There's enough confusion without the middleman."

Dr. John D. Ziegler, an Olney, Md., physician who has treated some of the Redskins as well as some top amateur athletes, agrees. Ziegler sees insurmountable obstacles standing in the way of the team-hired doctor.

"I know damn well," he said, "that you're going to cure the patient better if he goes to a doctor he chooses, because right off the top of the level, you've got rapport, cooperation, and I'm sure that, say, on emotional problems some players may have, they're not going to tell the team physician that.

"It limits the practice of good medicine. They're not going to tell a company doctor they're starting to get a bleeding ulcer because they're afraid somebody might bump them out of a job, and you only have rapport when the doctor is totally independent and not influenced by anyone."

Ziegler's point appears to be borne out among the Redskins, a number of whom, for whatever reasons, perfer not to be treated by the team physician, Dr. P. M. Palumbo, Jr. Some players use doctors who have no affiliation with the team, and some have been openly derisive of Palumbo.

To a degree, management exercises control of the situation. Last summer Coach George Allen sent his players a memo requiring them to ask permission to use the services of a nonteam doctor. Allen explained his intent was to keep players from "just going all over the country just to see any type of doctor." As for the aversion of some of his employees to Palumbo, he said, "Oh, you'll always have someone that wants to get another opinion."

(Concerning the need to request permission, Allen said: "Every team in the league has the same policy." Kermit Alexander of the Philadelphia Eagles said he has heard of no such policy while playing for three National Football League teams, including the Allen-coached Los Angeles Rams.)

Among the parties looking for a better way are the officials of the NFL Players Association. One idea they are kicking around is to hire a physician in each city directly responsible to the team there. Meanwhile, the union has asked the management of each club to supply data on contractual arrangements with its physician: Whether he shares in championship money or whether his compensation is connected with the number of operations he performs.

Likewise, the Major League Baseball Players Association has begun thinking about reorienting its relationships with team-hired doctors.

Alternatives do exist. Ziegler suggested "a return to the private practice of medicine. There should be a Blue Cross type of athletic insurance policy to let the player go to the physician of his own choice."

Dr. John Knowles, who used to run Massachusetts General Hospital, sees to it that the Boston Bruins make use of the orthopedic talent of that institution. According to Knowles, teams at all levels could upgrade the quality of their care by contracting with local teaching and research centers.

Research in sports medicine has been gathering a head of steam for the past few years. Clinics devoted to the athlete have sprung up around the country, in places such as Seattle, Cleveland and Atlanta. In New York, the Institute of Sports Medicine and Athletic Trauma is using sophisticated movie equipment to analyze the causes of sports injuries. A few months ago a magazine was born: The Physician and Sportsmedicine.

Also in recent years, there has been a burgeoning interest in the psyche of the jock. Motivational research, autosuggestion and hypnosis are the new tools of success.

Does this mean more attention to the individual humanity of the athlete, less inclination to treat him as a tool that needs repair? An article that appeared not long ago in Sports Illustrated gives a peek at the future.

The subject was the work of Dr. William J. Beausay, a Bluffton (Ohio) College psychologist who is in the process of perfecting "Super Psyching." By increasing an athlete's hostility and self-confidence, Beausay believes, he can improve his performances.

He discovered the phenomenon through his autosuggestion treatments on Bill Glass, the former Cleveland Browns defensive lineman. "It was incredible," Beausay reported. "Bill Glass, a completely warm, outgoing and friendly guy, ceased to be a human being. He played like a carefully programmed machine."

SPORTS AND SAFETY

(By Mike Roberts)

When Congress reconvenes and settles down to pursuing its leading item of old business, namely running Richard Nixon out of town, you can expect the representative from Oakland to be in the thick of things.

Rep. Ron Dellums, D-Calif., will be right there shoulder to shoulder with the Abzugs and Rodinos and Waldies, laboring on an enterprise dear to their respective hearts.

Those activities will earn him a substantial amount of ink. Actually, he deserves it more for a couple of other projects, which are consigned to back-burner status for the time being, but have the potential to benefit nearly every school and college athlete in the country. Every parent with a jock-child ought to needle his congressman about these two pieces of legislation.

The Athletic Safety Act would bring school and college athletes under the protection of the Occupational Safety and Health Act (OSHA), thus providing the uniform standards the act entitles employes to expect from employers.

The Athletic Care Act would require every institution that engages in interscholastic competition to hire a certified trainer, with funding provisions included.

To the surprise of no one, our lawmakers are not knocking each other over in their haste to enact these two measures. It's not too hard to become cynical about the way priorities are established, especially where sports are concerned. If you want something to move fast it's got to be sexy, and the stuff Dellums is pushing obviously doesn't have the sure-fire, immediate voter appeal of, say, an anti-blackout bill.

Both sides of the Hill keep adding to a growing stack of sports-reform bills, most of them permeated by a common theme. In the halls of Congress an athlete is not just a citizen who deserves the fairest treatment he can get, legislated or otherwise. No, he is more than that. He is an instrument of American prestige.

In contrast, chauvinism doesn't seem to figure into Dellums' projects. He does not appear to be trying to show the Commies how many medals we can win, or trying to show his constituents that he cares about showing the Commies.

Dellums claims, instead, to be motivated by dismay at the routine acceptance of incredible injury rates.

"The bills are not perfectly drawn but they're enough to trigger some interest in this issue," he said in a recent interview. "While it's not front-page news unless some young athlete gets killed, there's a serious problem. There are 600,000 injuries a year in high school football alone."

It happened that one of those front-pagers caught Dellums' attention. In 1971 Bill Arnold died after being stricken during a summer football session at the University of North Carolina. There had been no trainer or doctor present. Some of Arnold's angered schoolmates went looking for an avenger on Capitol Hill and found one in Dellums.

Since then his office has become a repository for horror stories about incompetent or nonexistent treatment on high school and college fields.

One couple from Ohio wrote in with a harrowing tale about their son, a 15-year-old football player. The boy broke his neck hitting a tackling machine, falling face down. The "trainer" on the scene suggested he turn over, which the boy accomplished after several tries. Spurred by the trainer's encouragement, he tried to get to his feet several times. Ultimately the trainer helped the player up, wrenched his helmet off, walked him a distance to a car and drove him over bumpy road to a hospital.

There was a happy ending, sort of. After traction, surgery and a bone graft the boy recovered. The question is, how many others, every year, aren't so lucky?

"There are millions of young people around this country whose futures have been jeopardized because they have no competent trainers on the staff," Dellums said. "It's a problem of priorities. There are a lot of schools with very sophisticated hardware. They pay $4,000 for a blocking machine but won't appropriate $800 or $1,000 added to a salary to employ a certified trainer."

He concedes that the federal government is not the ideal instrument of redress. "But can we afford these injury rates in sports because of a philosophical belief that only states should act in certain areas?"

[From the Washington Star-News, Nov. 4, 1973]

HIGH SCHOOL INJURIES

(By Joan Ryan)

The statistics on high school football injuries are staggering. According to a study published in the Journal of the American Medical Association, one out of every two high school players is injured each season. Of the 1.2 million boys who play, 600,000 will limp home at the end of at least one game.

Spot studies indicate there were 40,000 knee surgeries performed last year. Had the initial injury been treated properly, 30,000 of those operations would not have been necessary. But most high schools lack the funds for hiring a physician, much less a trainer, for both practices and games.

Rep. Ronald Dellums (D-Cal.) has introduced a bill entitled, "The Athletic Care Act," which has just received a gentle push up the ladder of legislation. The Athletic Care Act will require that all educational institutions engaged in interscholastic athletic competition employ certified athletic trainers within eight years of the bill's passage.

Michael Duberstein, an aide to Dellums, expects the bill to become law within two years. "This all came about two years ago," Duberstein said. "Bill Arnold, a lineman at the University of North Carolina, died of exhaustion on the field. Some players and former players who felt they couldn't get a fair hearing in the school came to Washington with their cause.

"They went up and down the hall, knocking on doors. They finally called our office, and I met with them on Thanksgiving Day. It's the first time in the history of Congress that the question of athletic safety is being considered."

The bill has 30 co-sponsors, one of whom is former pro football player, Jack Kemp (R-N.Y.). "We are concerned with what we can do immediately," Kemp said. "We need trainers for the teams and adequate medical care. The bill points up the need for safety, but

I would imagine that requiring teams to have trainers would end 70 percent of the athletic programs in the country. Basically, I'm against federal intervention. It should be in the hands of local and state government."

Texas is one state that has acted upon the need for proper trainers already. Each team has a physician and most schools have licensed trainers. Those that don't use student trainers share a pool of certified trainers who have their treatment rooms in the several stadiums.

Money is always a problem in education, but the Houston independent school district funds its trainer program through ticket sales. Other parts of the country are less supportive of high school football, though. Bethesda-Chevy Chase High School has already felt the crunch. Athletic director Harry Botsford was enthusiastic about the need for professional trainers, but he was realistic about the lack of money available.

"Last year we had $8,300 in gate receipts, but our budget was $12,000 and the board gave us only $1,100. Our football field is in the middle of a one-fifth mile asphalt track, and a boy running into the corner of the end zone runs right up on a 10 foot square of blacktop. They told me it would cost $60,000 to reposition our field."

With Botsford and many others, it will be a case of first-things-first. But a genuine need is there. "We don't even have a doctor on the field," Botsford said.

"We just call the rescue squad. I even tried to get a pool doctor but there are so many legal implications. Doctors don't want to get involved. We have some good coaches, though. They fit the equipment on the boys, and when we start out practicing we give the boys breaks for Gatorade to replace the liquid. We have a clinic about heat exhaustion."

Not all coaches are that compassionate. The legend of Vince Lombardi has been misinterpreted by too many in the profession who think that driving a team is the sure way to win.

The Lombardi theory dominates today to the detriment of sports," Kemp said. "That the end justifies the means is wrong. Participation is more important than just winning."

I'll go Jack Kemp one further. Participation and surviving the contact sport without injury is more important than winning.

[From the Los Angeles Times, Mar. 6, 1974]

TALK OF THE TOWN

(By John Hall)

To Your Health: The statistics are grim . . . "Over 66% of all high school football participants are injured seriously enough each season to require medical attention," says a report from the National Athletic Health Institute . . . In California alone last season, nearly 60,000 prep footballers were injured. More than 18,000 needed medical attention.

Why doesn't somebody do something? . . . Well, somebody is. "We think many injuries could be prevented if the student trainers and coaches were better prepared," said Dr. Robert Kerlan, orthopedic surgeon and team doctor of the Lakers, Kings, Rams and Angels.

"The need for training in this area is critical and long overdue," said Dr. Kerlan. "Too often a student is designated team trainer, given a first aid box and turned loose on the athletes. He tapes ankles, wraps sprains, applies ointments and moves injured players around at will, often without the slightest knowledge of correct procedures."

More than merely concerned, Dr. Kerlan is one of the founders of the National Athletic Health Institute, which tackles these problems with the first annual "Student Trainers' Emergency Sports Medicine Seminar" here Friday and Saturday at the International Hotel.

"This seminar will provide the incentives and resources for similar programs throughout the United States. It is being funded by the Institute as we believe the need is too important to limit this to only those who could pay for it themselves," said Dr. Kerlan.

Some 300 student trainers from the L.A. City and CIF high schools are to attend. The sessions are open to anybody involved with high school athletics . . . Besides Dr. Kerlan, 19 physicians and specialists will lecture.

[From the Baltimore Evening Sun, Dec. 6, 1971]

REGULATIONS REQUIRE PRESENCE—PLAYERS BANG HEADS ON FIELD WITHOUT A DOCTOR ON SIDELINES

(By David Lightman)

Scholastic football players throughout the Baltimore metropolitan area went onto the field numerous times this fall without a doctor being on the sidelines, a survey of local schools has revealed.

Public schools in the city and the five surrounding counties have athletic regulations requiring doctors to be present at all varsity games.

Most coaches and athletic directors interviewed said they want a doctor on hand in case of serious injury.

But when game times comes the game goes on with or without a doctor present.

No figures are kept on the number of football injuries in games and practices.

The last football related death in Maryland was September 30, 1970, when Franze Rober Miller, 15, a player for the Havre de Grace junior varsity team died after a game in Elkton.

The boy had been hit, recalled Coach Jim Marron, and he came off the field saying his neck hurt. He sat down "and five plays later, he dropped off the bench backward."

DRIVEN TO HOSPITAL

There was no doctor on the scene; the boy was driven to a hospital where he died the same day.

A study of the National Commission on Product Safety has found that more than 250,000 football players suffer brain concussions annually. Of these, 5,000 to 10,000 have serious effects at once.

Last year, 29 players were killed in football games: 3 in college, 23 in high school and 3 in sandlot action. In addition, 14 football deaths were associated with indirect causes, such as heat fatigue or heart failure, a survey has revealed.

While in the city and all five counties—Anne Arundel, Baltimore, Carroll, Harford and Howard—doctors are required at all varsity games.

The city and Anne Arundel and Baltimore counties require doctors at junior varsity games.

There are no regulations anywhere in the metro area pertaining to practice sessions.

The Archdiocese of Baltimore requires doctors at games and the rule is enforced to the letter, officials said.

SOME ON SIDELINES

Private schools belonging to the Tri-County League have no regulations pertaining to the presence of doctors, although league officials claim that doctors are on the sidelines at most games.

The Baltimore Colts always have two doctors at every game, home and away. They don't have doctors at practices because there is no contact work, such as you have in high schools, an official said.

A doctor is always present at University of Maryland home and away games.

High school officials say the expense $50 per game for a private doctor—and a lack of available physicians is the reason for not always having doctors present.

"Having them there is a hit or miss proposition," William Callahan, Anne Arundel county's director of athletics, said. "It's really the doctor himself who determines where he's present.

"I really don't know how to relieve this," the 16-year county veteran said.

DUTY FOR COMMUNITY

At Anne Arundel school health council meetings, Dr. Sherman Robinson, a Severna Park physician, has suggested that the high school communities furnish doctors at games.

Mr. Callahan likes the idea, but so far it has not been put to widespread use.

"The problem is that doctors and ambulances never give us first priority," he said. "If there's a car accident and the game is starting, the doctor will go to the accident. Really, they don't have much choice."

The situation isn't much different in Baltimore county, where Joshua R. Wheeler, superintendent of schools, calls doctors' attendance "really a voluntary thing on the part of the doctor."

He said the county never has postponed a game because a doctor was not present.

Mr. Wheeler said, "I would not be upset if a game was played without a doctor. The chance exists in any activity around school that someone will be injured." He pointed out that many teachers have first aid training.

The county's director of athletics, Harold (Peck) Martin, however, claimed, "a doctor is in attendance at every football game, varsity and J.V."

A poll of the county coaches refuted the claim, although most coaches said doctors are "usually" present.

"Of course, we don't have doctors at practice sessions, and there probably are more injuries there than at games," he said.

Most metro teams hold practices four times a week. Mr. Martin said lack of money prevents having doctors at these sessions.

Elmon Verneer, director of physical education in city schools, claims, "Frankly the need for a doctor at a game comes about because of the impact of football on the spectators.

"They really can't treat more than first aid out there on the field. We really need doctors more during the week, during practices.

SOME FIRST AID

Mr. Verneer said most city coaches or trainers qualify for first aid, and they will put in calls for ambulances if serious injuries occur.

"At times," he added, "doctors tend to go overboard."

"I'd like to have a doctor everywhere, though, but there just aren't enough to go around."

Earl Hersh, supervisor of health and physical education in Carroll county, said that of the more than 50 varsity games in the county this year, only 2 did not have doctors present.

In one case, the physician was called away to deliver a baby. In the other, he had a meeting out of town.

"We try to have doctors at all varsity games," Mr. Hersh said, "and we try to have doctors there or on call at JV games. There are none at practice sessions, however."

Of the four county high schools, Francis Scott Key J.V. has a doctor at all games, Westminster at half the games, South Carroll "sometimes," and North Carroll none.

NO MAJOR INJURIES

"We are lucky we've had no major injuries," he said. "I feel there should be doctors at all games, but there's a shortage on doctors in some communities."

South Carroll and Westminster pay its varsity doctors between $10 and $15 a game, while those at Key and North Carroll contests are volunteers.

In Howard county, all doctors are paid $30 a game when they show up.

Walter D. Phelan, supervisor of physical education for the county, said "We had some games this year where doctors didn't show up," but said he would not have figures until principal's reports on their football programs come in later this month.

"For 15 years no one ever cared," Mr. Phelan said. "No one has doctors in the state except in Baltimore city. We're trying to get them here, but most of them are interns at Hopkins and they just can't come." "We're very fortunate" that no serious injuries have occurred this year.

But, he added, "It's like being on the desert and having the money for water" in trying to get doctors.

MONEY IN BUDGET

"We recognize the doctor problem does exist," M. Thomas Goedeke said. "We'll put a budget in for fiscal 1973 to have doctors at J.V. games.

"But money is just a part of the problem. The other part is obtaining the services of medical people."

Howard J. V. games are on Thursday afternoons, which Mr. Goedeke said is an extremely bad time to keep either doctors or ambulances on call.

Blessed with a doctor and a trainer of its own, Edgewood Senior High School fields a football team that is the best protected in Harford county.

Dr. Emory Linder, of Joppatowne, not only is with the team for its game but he also visits two or three practice sessions a week, according to Bud Coakley, who is in his 1st year as the school's athletic director and his 14th year as its head football coach.

YEARS OF SERVICE

Dr. Linder has been providing his services for 4 years, which, while impressive, comes nowhere near matching the 17 years William (Doc) McShane, a retired Army medic, has worked as the team's trainer.

"He's here every day from 3 o'clock until we get through, and he's here for all the games," Mr. Coakley said.

"Our entire outlook on injuries is very much brighter so far as worrying is concerned," he continued.

"And it's all free, thank goodness."

The only money the school must spend for major safety measures is a $125 donation to the local volunteer fire department that provides an ambulance at each of Edgewood's five home games.

Although its football team established itself as one of the best in the state this fall, Bel Air Senior High School has, at best, only makeshift safety precautions.

No local doctor can afford to spend the time Dr. Linder does at Edgewood—a fact Pat Hennessy, Bel Air's football coach, attributes to the heavy population concentration in the area.

Hence, the school pays $20 a game to the Harford County Medical Society which handles the chore of hunting down an available doctor.

Practice injuries are avoided mainly because Bel Air rarely scrimmages once the season has started.

The remaining schools in Harford—Aberdeen, Havre de Grace and North Harford—operate somewhere between Edgewood and Bel Air as far as safety precautions are concerned.

Dr. Linder also attends North Harford's games regularly as a team physician.

USUALLY A PARENT

Private schools have similar problems. In the Tri-County League, there is no regulation concerning doctors at games.

However, most schools try to provide medical aid. At Boys Latin, Hugh Gelston, assistant athletic director, said his school has a doctor at each game, usually a parent.

The eight Catholic high schools in the area are required to have physicians at all varsity and J.V. games.

Lawrence Callahan, director of secondary education, claimed the rule is enforced and said he has received no word that doctors are not present at some games.

The physicians usually are parents or volunteers, he said, adding that paid physicians soon volunteer their services after they've been with the team for a few years.

"They work in with the program," he said, "They become a part of the school."

EMERGENCY SET-UP

Doctors are not mandatory at practices, Mr. Callahan added, but schools are required to have "proper set-up" in case of emergency. That usually involves an agreement with a local rescue squad or fire department that can be called in case of serious injury.

Throughout the area, Mr. Callahan's attitude is typical of how school officials view the doctor dilemma.

"We've all been very fortunate," he said. "In Anne Arundel, we have had nothing in the nature of a serious accident for 8 or 10 years. There's been nothing to really endanger the life of any kids.

"But the solution is a two-way street. You can't force doctors into coming. We used to think it was just a case of not having enough money to attract them, but it's not that."

MORE AT PRACTICE

And officials recognize the practice problem. "You have four times as many of those," Mr. Martin said. "I'd say you need doctors four times as much there."

Their fear, too, is the one presented to the Howard county school board recently by Mrs. Evelyn Hawkins, a county parent seeking to have a J.V. regulation implemented.

She has had three sons play football in the county.

"One of these days someone's going to get hit with a hell of a big lawsuit," she said. "Everyone agrees something should be done, but everytime I sit on one of those practice sessions it looks like they're hitting harder."

IS THERE A DOCTOR IN THE HOUSE? NO ONE KNOWS WHAT HIT HIM

When Mount Hebron High's tackle threw a hard block at a Glenelg's fullback, the back staggered around. He fell, dazed, in the middle of the field.

He laid there for 15 to 30 minutes, coming out of his unconscious state twice.

As the Glenelg vice principal, J.V. football coach, and his big brother encircled 14-year-old Billy Thomas, he blinked his eyes to ask, "Did anyone call an ambulance?"

No one ever did, because no one could decide what had felled Billy Thomas. After a delay in the game for nearly half an hour, they carried him off the field on a stretcher.

There was apparently no serious injury, and the lay medical team decided it was either the heat—temperature in the 90's—or the hit—first game of the season; Billy not in top shape. But no one knows yet what or how Billy was hit that day.

He was back in the Glenelg J.V. lineup the next week, and was there for every game the rest of the season.

Mrs. Augusta L. Thomas, Billy's mother, still doesn't know what came over her son. "I was in the stands," she said. "We believe it was the heat. I didn't go down there because kids just don't like to admit they're hurt, especially to their mothers."

SEMI-CONSCIOUS STATE

In Glenelg's game against Wilde Lake's JV, David Carroll was hit hard. He came back to the bench semi-conscious.

"My son walked over to him and he asked 'Where am I?'" according to Mrs. Evelyn Hawkins, whose son Lee plays for Glenelg. "You know how kids are. David would have sat there 5 or 10 minutes and probably would have gone in."

Instead, Mrs. Carroll drove her son to a hospital, where he was given medication and released.

Vernon Siebert, Glenelg's director of athletics, admitted the school's football program could be dangerous because doctors and ambulances no longer come to varsity or J.V. games, despite a county requirement that they be present at varsity contests.

"We haven't had a doctor at the last three games," he said. "In the past, we always had either a doctor or ambulance.

"Now, it's very rare they'll stay for the entire game. The county's growing and we just do the best we can. We try to observe the county requirement, but sometimes it's out of our hands."

[From the Charlottesville (Va.) Daily Progress, December 19, 1972]

CARE FOR WOUNDED PLAYERS

Bubba Smith, Bob Griese, Sonny Jurgensen, Roger Staubach—these are only a few of the National Football League players who have suffered serious injuries this season. It is estimated that around one-half of the nation's football players, from the high school through professional levels, suffer some sort of injury every year.

Most of the injuries are minor, but the major ones often require the services of specialists in sports medicine.

The number of doctors involved in sports medicine evidently is growing rapidly. No one knows for sure how many are active in the specialty, but the AMA estimates that 20,000 practice either full- or part-time and that 20,000 others volunteer their services by attending games.

During a season, the Wall Street Journal reports a typical pro football team will spend around $120,000 for doctor and hospital bills and $20,000 for tape, bandages and other medical supplies. That represents a total medical bill of $3.6 million for the National Football League's 26 teams. And disabled players continue to draw full salary.

The most common form of serious football injury involves damage to the knee. As a result, great advances in treating knees have been made in recent years. Gale Sayers, the former Chicago Bears halfback, came back from 1968 knee surgery to lead the NFL in rushing in 1969 with 1,032 yards.

Dr. Theodore Fox, who performed the operation, said that 10 years earlier "we would have put a brace on his leg, and he would have been finished." Early diagnosis and repair are essential, according to Fox. If the operation is delayed too long, he says the job is "like sewing wet noodles together."

The trouble is that high-quality medical care often is lacking at the high school level. In a paper submitted to last year's AMA conference on sports injuries, Dr. L. W. Coombs wrote:

"Of approximately 25,000 high schools in this country, of which about 60 per cent sponsor football programs, only about 100 schools employ the services of a full-time teacher-athletic trainer.

It is unfortunate indeed that the fewest athletic trainers are to be found where the need is greatest."

[From the Athens (Ga.) Banner-Herald and Daily News, Jan. 21, 1973]

SMALL PRICE TO PAY . . .

(By Johnny Futch)

"How safe are school sports?", wonders a recent Sports Trail Magazine issue. The answer, apparently, is "not very!".

Something like 64 per cent of all participants in high school sports will wind up on someone's injury list, many with ailments that could have been avoided or reduced in seriousness had they been recognized in time.

Attempts to improve the situation so far have centered around convincing athletic programs to include a training room in their setup and the training of student-trainers through courses co-sponsored by schools like the University of Georgia and the training supplies companies.

The magazine staff surveyed 450 secondary schools, 59 per cent with less than 1000 enrollment and found that two-thirds of them had training room facilities. Only six per cent of the schools polled employed certified trainers although 56 per cent had qualified student trainers. The responsibility usually fell on the shoulders of an assistant coach, who had only rudimentary knowledge of athletic injuries and sport medicine.

The National Association of Athletic Trainers (NATA) decided at its annual meeting last week in Chicago that the situation had become critical. The NATA, hoping to turn the flood tide of prep injuries, is asking Congress to require all schools receiving aid under the Elementary and Secondary Education Act of 1965 and participating in interscholastic competition to employ a qualified trainer.

Certification as a trainer would be accomplished by one of three methods: (1) by meeting the athletic training curriculum requirements of one of the 20-odd schools currently approved by the NATA; (2) by holding a degree in physical therapy or corrective therapy and spending at least two academic years working under the supervision of an athletic trainer or (3) having completed at least four years beyond the secondary school level as an apprentice athletic trainer serving under the direct supervision of a certified athletic trainer.

The big problem, of course, will be funding, but with the growing participation in prep sports, it's difficult to argue against a bigger expenditure for student-athlete health and safety.

One look at a prep injury survey is enough to convince you that something must be done. The NATA bill is a giant step in the right direction.

ASSOCIATED INTERNISTS, P.S.,
Spokane, Wash., June 21, 1973.

Hon. RONALD B. DELLUMS,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DELLUMS: My most sincere congratulations to you for introducing bill H.R. 2575, "The Athletic Safety Act of 1973". I certainly agree 100% with your thinking that too many schools and colleges do not follow sound safety practices, and certainly we can do a great deal about preventing injuries. I think that the bill that you plan to introduce entitled, "The Athletic Care Act of 1973", will be very effective in getting our highschools to employ a qualified athletic trainer. It is too bad you put in eight years as a deadline time. It should be within the next two years.

We have been trying to get a fulltime athletic trainer for our school district in Spokane for many years, but it is a matter of money since our school budget is very, very limited for things like this, and at times runs a little bit dry. But this is the only way to go, and certainly one of the great steps forward in preventing athletic injuries. I think funding of such a bill would certainly have to be aided by the federal government.

Under separate cover I am sending you a complimentary copy of a book which I recently had published entitled, *The Prevention of Football Injuries—Protecting the Health of the Student Athlete.* You may enjoy reading it, and certainly I realize that our goals are similar. More power to you, and I hope that both your bills have no trouble in being passed.

Sincerely,

O. CHARLES OLSON, M.D.

OCTOBER 29, 1973.

DEAR SIRS: Even though several weeks have passed since we were told of your appearance on the "Today Show" pertaining to the game of football, injuries, trainers and coaches, we want you to know that we are with you 100%. Much to our regrets we did not get to see the program, but had numerous calls telling us about it. Even one of the calls was long distance.

The reason for our deep concern is because of a very serious accident that happened to our son. We feel that with the proper training our son's injury could have been much less. Only with God's power is he now called a "Miracle".

Our son's name is Brian. His accident happened on August 16th, 1972. At that time he was 15 years old. He is 6'5½" and weighs 206 lbs. He lived for sports and lived a wonderful clean life. Never did he think he was good enough to stop working harder and stronger. The year prior to his accident he had been captain of the football team, captain of the basketball team, voted the best catcher on the baseball teams and an outstanding snow skier. Due to the negligence in his accident he no longer can participate in any contact sports. To look at him today (particularly the last month) he looks like he could tackle a team single handed. He has achieved this look again through determination and the right attitude.

Brian tackled a Hooker Tack-L-Matic Machine on the first day of practice without any padding on except a helmet. Upon contact he hit and broke his neck. He dropped forward and told the coach in charge he was hurt. Because the coach saw that he could move his feet he told him to turn over and after several trys he flipped over only to be unable to move thereafter. He was left to lay on the field approx. 45 minutes. The trainer was called during this time and he took a pencil and scratched the palms of Brian's hands and pinched him in areas to see if he had any feeling. He could feel nothing and told them he felt weird. After about 35 minutes he could move the lower part of his body still with pain. At this time they asked him if he could get up and he said he didn't think so. They told him to keep trying. During this time he was lying on the field the trainer pulled his helmet off his head. Finally he got up and the trainer walked him to the parking lot (approx. a short city block) to a car and drove him to a hospital. About half way there the trainer turned the car around and drove him back to the school. My son asked where he was going and he said, "I think we better go back and get an ice pack for your neck."

He then proceeded to turn into an area where large trucks had been delivering cement blocks for building purposes at the school. Large ruts had been formed by these trucks because of rain. The trainer drove Brian right over these ruts then parked the car and left him in it while he went and got an ice pack. He returned and told him to hold it on his neck. Upon arrival at the hospital he told the emergency desk he had a boy with a pinched nerve and wanted it X-rayed. Upon X-rays they found the neck was broken and told our son not to move. They then told the trainer who was in the waiting room. He did not even go in to our son but left him there alone and returned to the high school. When I reached the hospital our son was lying alone in a room with a neck collar protector on. An ambulance had been called to transfer him to another hospital. The coach came the first night he was in the hospital and we have never heard from him since. The trainer never did contact us. We have taken our son to football and basketball games during recovery stages and the trainer and coach has been there and never approached us as to Brian's condition.

Brian went through 40 days of neck traction, then into a minerva jacket cast (weighing 30 lbs.), then had to learn to walk, stand, go up and down steps again, then into a cervical steel four poster neck brace. After 3½ months we found this did not do the trick and we had to start all over again. He returned to a different hospital to have surgery. They found a chip of bone had broken away from the neck and without the brace his neck would hang on his chest. A mylogram was done, followed by surgery the next day. A bone from the hip was taken and replaced in the neck by the Orthopedic Dr. then three wires were wrapped about the 3, 4, and 5th vertabraes by the Neuro-Surgeon. Our son was taken from his room at 11:45 a.m. and surgery was over at 6:00 p.m.

The Doctors feel that if he had been handled in a more proper way, his injury could have been much less. The pulling off of the helmet was extremely dangerous, walking and driving him in an automobile was dangerous. Of course they say not being on the field to examine him they could never prove this, but it only stands to reason, the care was neglectful, but thank God we have our son alive and not paralyzed today.

Please do not feel we are looking for sympathy. We only feel that from what we have heard from the people that heard you gentlemen on the Today Show, that what you are trying to do and say is proof here in our accident. Please do not give up on enforcing what you so rightly believe.

Our son is alive but without God he would be gone. If you can save another child from something like this, believe me, the reward will be everlasting.

Good luck and god bless you for being concerned about all the children in the athletic world.

If we can be any help to you, please, please contact us.

Sincerely,

Mr. BINGHAM. Mr. Chairman, if H.R. 69, the Elementary and Secondary Education Amendments of 1974, is passed by the House in its present form, the Congress would be slashing Federal financial assistance in areas where it is needed most—those school districts unable to provide the educational tools and programs necessary to break the education deprivation-economic deprivation cycle. For millions of city youngsters with hopes of climbing out of poverty, this bill could threaten a lifelong sentence to the bottom of the ladder, all in the name of reform. H.R. 69, as reported by the Education and Labor Committee, does contain several worthy reforms. But the formula for sharing the bulk of this Federal aid would reverse the progress that thousands of urban school districts have made in improving the ability of ghetto children to compete and achieve on equal terms with their peers.

This is a complex and tricky matter, but its implications are of disastrous importance.

The present title I formula calculates the Federal grant to be received by each school district on the basis first of the number of children age 5–17 from families with incomes under $2,000 a year according to the decennial census, and second, on the number of children age 5–17 from families with incomes over $2,000 a year from AFDC payments. Each school district's entitlement is thereafter com-

puted by multiplying the total number of children from these two categories by the greater of one-half the State or national average per pupil elementary and secondary education expenditure.

The proposed revision of the formula would substitute the Orshansky poverty index for the $2,000 poverty level, decrease the amount of AFDC children counted over the poverty index by one-third, and set a 120-percent ceiling on the per pupil expenditure used to compute the formula. Thus, if a State's per pupil expenditure is greater than 120 percent of the national average, State expenditures above that figure would not be rewarded by increased Federal financial support.

This method of calculating how 82 percent of Federal school dollars are to be spent is neither rational nor fair.

Imposing a 120-percent ceiling on per pupil expenditures to compute the title I allocation formula would effectively punish States with the most advanced education programs and would serve to encourage a decrease in State education funding supplanted by increased Federal funding. This policy is contradictory to the professed philosophy of the administration to encourage increased independence of the States from the Federal Government.

The Orshansky poverty index figures are outdated. The consumer information analysis in the original computation of the index was supplied by a 1955 Department of Agriculture food consumption survey, and a 1961 study of family expenditures conducted by the Departments of Labor and Agriculture. Revision of those figures to update the formula would take from 6 to 12 months, and it would have to be done annually to be the accurate up-to-date reflection of poverty that the formula claims to represent.

In addition, no provision is made in the index for housing costs, transportation costs, medical expenses, or a person's assets. Ms. Molly Orshansky, the index's originator, stated before the Special Education Subcommittee:

(The index) concentrates on the income-food relationship, although for urban families, particularly those handicapped not only by lack of money but by minority status and large families, the cost of housing may be critical.

She recommended that further analysis of the formula be conducted before it be used as a poverty index.

The committee's rationale for the title I formula reform was that the wealthier States, particularly New York, were receiving too much of the Federal pie. Although New York does receive a greater dollar per child grant than California, for example, due to their higher average per pupil expenditure, New York and California both receive only 19.8 percent of their average per pupil expenditure for a title I child, while States such as Minnesota and Mississippi receive 25 and 89 percent of their per pupil expenditures, respectively. It should also be noted that Federal moneys account for only 5.4 percent of the total expenditures made by New York for elementary and secondary education, while the Federal share of Mississippi's expenditure is 26 percent.

One example cited by the committee to justify the revision of the title I formula as it pertains to the AFDC factor compared New York's share of the 1974 title I assistance to Texas' share. New York, it was argued, received 4 times the financial assistance Texas received even though the school age population of the two States were nearly similar. This result was obtained, the argument went, solely because New York's AFDC payments were substantially higher than those of Texas, thereby causing a larger number of AFDC recipients to be added to the New York base for purposes of computing its Federal share. Not just New York, but most States would be adversely affected by the reduced emphasis placed on AFDC children inasmuch as only a very few States make AFDC payments at levels sufficiently high to exceed the Orshansky poverty index thereby qualifying for Federal aid.

According to the Social Services Administration, AFDC data used to allocate funds is the most accurate data which can be provided on a county-by-county basis, and is the way title I funds are presently allocated.

The hold-harmless provision included in the new title I formula is misleading. Although it appears to prevent any State from having its Federal share reduced by more than 15 percent, it means, as I read it, a State's Federal share shall not be reduced by more than 15 percent in any 1 year. Indeed, if this formula is adopted some States could expect reductions in Federal assistance far beyond the so-called hold-harmless limit. Unless the formula is amended it would dilute the application of title I moneys, creating a general aid formula deemphasizing urban needs in favor of rural ones. This is directly opposed to the trend of the population flow that the United States is experiencing from rural to urban areas.

Title I funds are to be allocated on a county-by-county basis. If the title I formula adopted by the committee and presented to the House for approval is consistent with the intent of the original allocation policy, why did the tables that were prepared for the committee only show the estimated State allotments? As I understand it, there is no definitive set of statistics showing the effect the proposed title I formula would have on each of the thousands of counties in the country. In addition, the House Education and Labor Committee was forced to vote on the formula change for title I without the benefit of ample reflection prior to its being offered as an amendment. So too, there was no data presented to the committee indicating its effect on different areas of the country. I must echo the objections of the dissenting members of the committee that the chart that was made available to the committee just prior to the final vote was invalid because it did not make statistically proper comparisons. Why, for the three different fiscal years shown were three different portions of the title I allotments used, calculated at three different appropriation levels? Such statistically invalid comparisons void the entire basis for supporting the new formula.

The committee's proposed change in the title I formula would cut New York State's allocation approximately $50 million. Time is needed to study the effect of any formula on a county by county basis, keeping in mind the original intention of the formula of aiding poor children's schools, and to evaluate thoroughly alternative proposals.

Moreover, inasmuch as the committee's proposed replacement for the present title I formula does not address the needs of the educationally disadvantaged, but rather appears to simply be a punitive measure aimed at large metropolitan school systems such as New York City's, many Representatives may have no choice but to oppose the passage of title I in its present form.

I am amazed and disappointed that the Education and Labor Committee, with its long record for drafting forward looking, meaningful legislation designed to meet the special education needs of the disadvantaged has now reversed its course. I urge my colleagues not to be misled by the prose of the committee report. Under the guise of reform the proposed title I formula, stripped of all surplusage, is regressive legislation that would undo nearly 10 years of Federal efforts to improve the educational skills of the children most in need of such aid.

While title I leaves much to be desired, there is much in this legislation worthy of House approval. The committee has rejected the extreme no strings, revenue sharing approach which the administration originally requested. Many excellent categorical programs have been continued. H.R. 69 would continue to fund the school library resources program, which during its lifetime has been responsible for the establishment of nearly 10,000 new school libraries, and assisted approximately 94 percent of the Nation's schools purchase additional books or other library resource materials.

Education for the handicapped, all too often overlooked by State aid to education programs, would be continued under this legislation. Regional resource centers, centers for children with sight or hearing disabilities, experimental preschool and early education programs could all receive funding. As contemplated, the States would receive $617 million in Federal funds to initiate, expand, and improve facilities designed to enable members of the school age population with special problems to compete with their more fortunate counterparts. While we have made tremendous strides to meet the special education needs of impaired youngsters it is unfortunate that despite increased authorizations less than half of these children are receiving any benefits from the Federal program. I would hope that increased emphasis would be given in the future to insure that this program reach a far greater number of deserving children.

I hold the same hope for bilingual education programs, which will continue to have a separate, categorical authorization of $135 million for each of the next 4 fiscal years. As the committee points

out, the principal problem with this title of the Elementary and Secondary Education Act is that it has never been blessed with adequate funding. The fiscal year 1974 appropriation was only $53 million, and as a result only a small fraction of the children who desperately need to get some teaching in their mother tongue are reached by this program. A recent Supreme Court decision has underscored the responsibility of the Nation's educational system to provide bilingual help, and the Federal Government must help meet that responsibility. I hope HEW is equally responsive to the language of the committee report and allows bilingual education to reach its intended goals.

Title XII, the Safe Schools Study Act is also of special interest. Originally introduced by myself and Congressman BELL as separate legislation, this provision would require the Department of Health, Education and Welfare to conduct a full and complete study of the problem of crime and violence in our Nation's schools, and evaluate the most practicable and effective solutions to school crime. The study would measure the cost, in both dollars and learning atmosphere, of crime in the Nation's schools, and the real and potential effectiveness of methods schools can use or are already using to conduct it.

I have been urging Federal help to schools disrupted by crime and violence for 3 years. I recommended this study only when it became clear an operational program was not possible. The problem is real and serious.

Crime and violence in our Nation's schools continues to increase at an unprecedented rate. In New York City alone, the number of reported assaults upon teachers has almost doubled during the first 5 months of this school year as compared to the first 5 months of the 1972–73 school year. The number of assaults upon students has also increased in the same time period. When the Safe Schools Study Amendment was introduced I reported that 12 cities concurred with the aim of the bill as well as with the urgency of the problem. The number of jurisdictions of that list has grown steadily. My office has been deluged with letters of support from local boards of education, from teachers unions, and from concerned public interest groups and parents. There have been articles on the problem of school crime and the need for safer schools in the latest issues of several leading education trade magazines such as School Management and the American School Board Journal.

The problem of crime and violence in our Nation's schools can no longer be ignored. Abe Levine, vice president and spokesman for the United Federation of Teachers in New York; and the National Commission for Reform of Secondary Education, which conducted a study for the Kettering Foundation, are just two of the many people and groups which share this conviction. Dr. Frank Brown, chairman of the commission, argued that the major concern confronting secondary schools today is the climate of fear where the majority of students are afraid for their safety.

The safe schools study amendment, as part of H.R. 69, is an essential part of this legislation and should be wholeheartedly accepted as such by this body.

I hope that the House will, as we begin to consider this legislation section by section regain its sense of balance and direction in order to continue the remarkable progress that has been made to end the education injustice that befalls all too many of our children.

Mr. VANIK. Mr. Chairman, I would like to comment on aspects of title VI, Amendments to and Extension of the Education of the Handicapped Act.

As the committee report points out, there have been some recent court decisions—such as the one in Pennsylvania—requiring the provision of educational services to all handicapped.

The language of H.R. 69 on page 107 appears to support the position of the courts in the Pennsylvania case in requiring a State plan "setting forth in detail the policies and procedures which the State will undertake to insure the education of all handicapped children."

Again, as the committee report states:

> In recent years federal and state courts, state legislatures and state executives have been increasingly upholding the principle that these children are legally and morally entitled to a free appropriate public education. It is to this end that this amendment is addressed. For it establishes for the first time in federal policy that handicapped children are entitled to an appropriate free public education.

The committee is to be commended for its inclusion of this language. This is an important beginning. But I would like to call the attention of the committee to the language of the Vocational Rehabilitation Act, Public Law 93–112, section 504, which states that:

> No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

In essence, this is an extension of title VI of the Civil Rights Act of 1964 to the handicapped.

Mr. Chairman, in my opinion, the language of section 504 of Public Law 93–112, the Vocational Rehabilitation Act extends the right to the handicapped to participate in education programs. It is not fair to tax the parents of these children for Federal programs of aid to education, yet deny the children of these parents the right to participate. I hope that this earlier congressional action, coupled with the language in the committee report, will make it clear—once and for all—that it is the intent of the Congress that all children receive attention and educational assistance.

I would like to point out, however, that when all handicapped children receive what is their civil right, there will be a tremendous increase in certain educational agencies. While H.R. 69 makes some new efforts to provide funding for the handicapped, that funding is woefully inadequate.

Millions of physically and mentally handicapped have been neglected, and H.R. 69 and the administration's budget request for fiscal year 1975 fail in providing even the comparable education offered other students.

The administration's proposed budget requests are particularly unconscionable. The new budget proposes to cut 43 percent from previous expenditures for the handicapped, with most of the cuts occurring in the State grant program. The termination of the State grant program eliminates the minimal funding currently provided to some 200,000 educable and trainable handicapped. On a per capita basis, these funds provided some $427 per person, even though the estimates by the regents of the University of the State of New York on conditions of the handicapped estimate that as much as $3,000 to $5,000 per person is needed for adequate educational facilities and personnel. In comparison the amount spent on other children generally falls between $700 and $1,300 per year—about twice the amount spent on the handicapped.

In addition to the low level of funding provided to those who are assisted, only about 32 percent of the handicapped are receiving any assistance at all. Out of 7 million handicapped children, only about 2.4 million are being provided any educational assistance.

Not only is the level of assistance inadequate, but most handicapped are simply unnoticed or uncared for.

It is my understanding, Mr. Chairman, that the Education and Labor Committee is proceeding with additional legislation, H.R. 70, to provide special financial assistance to aid in the education of the handicapped. As originally introduced, this bill will provide $600 per handicapped student with a special bonus payment to States which make an extra effort to provide educational services to their handicapped children.

Because of the recent legal decisions, the language in the Vocational Rehabilitation Act, and the language in the bill before us today, I believe that a State will soon be required to provide proper educational services to all the children of the State. It is imperative, therefore, that the committee and the Congress proceed as rapidly as possible with the consideration of additional and more adequate legislation to aid in the education of handicapped children.

Ms. ABZUG. Mr. Chairman, like so many other pieces of legislation I have been involved with during my brief tenure in this House, this bill, H.R. 69, represents a crushing defeat for every step of progress we have made during the past half century. Starting with our earliest grant-in-aid programs in education more than 50 years ago, the Federal Government has played a large and vital role in encouraging States—and, more recently, local educational areas—to deal adequately with the myriad of problems involved in educating their children.

Now, however, we are attempting to reverse the entire philosophy of our grant programs. We are proceeding on a new theory. Instead of providing funds on the basis of contributions which the States or local areas make—the Nixon administration self-help theory, we have determined that those localities which

contribute the least should receive the largest proportion of Federal aid. The rationale behind this is that, in order to assist all educationally deprived children, we must provide a larger proportion of help to those localities that cannot afford to educate their children, and give a smaller proportion to those which are already devoting substantial moneys to education. On its face, this may be persuasive, but the theory as applied in H.R. 69 does not survive analysis.

I do not deny that there may well be States or local areas so poor that they cannot afford to pay the price of providing a decent education even for their average children, let alone for those with special needs. But this bill—with its new formula—does not really correct this situation. What it does is measure the amount of Federal funds on the basis, with some qualifications, of what the local area is actually spending, not on the basis of what it could afford to spend. Little attempt has been made to set forth any incentive to encourage spending by these poorer localities—to require them to devote at least a certain percentage of their budgets to education. This, to my mind, is one of the great weaknesses in this bill. It is hypocritical. It claims to effect a more equitable distribution of funds—helping those children in poor, rural areas and giving less help to those in communities with larger budgets. But what it actually does is grossly inequitable. It permits those local areas which have shown little or no concern for their educationally deprived—who have preferred to spend their tax dollars elsewhere—to sit back and enjoy an almost free ride. And this is being done at the expense of other communities—such as New York City and other large urban areas which have almost bankrupted themselves in trying to solve the problems of educating their young.

How unjust can any piece of legislation be? Can anyone who has any familiarity with the problems of the educationally deprived deny that the problems are multiplied for those living in large urban areas? All one need do is look at the numbers requiring special education services or those appearing before juvenile courts to realize that educational programs for inner city children present challenges far beyond those confronted in educating rural children, no matter how poor. And because of all the crucial supplemental services which should be a part of any decent inner city program for the educationally deprived, the per-pupil expenditure must be larger for the city child.

The needs of New York's ghetto children, as in many other urban areas, are indeed special. The per-pupil expenditure in urban areas reflects more than simple teacher-pupil costs; it represents urgent supplemental services such as guidance, health maintenance, security, and dozens of other instructional services which are necessary to keep the student in school, healthy, and to prepare him to remove himself from the cycle of poverty in which his whole family exists.

The challenges in educating our youth are tremendous. It is difficult enough, in today's world, to cope with all the problems of the average school-aged child. But the task of educating the educationally disadvantaged child, with all that entails, is overwhelming—not only in terms of financial costs but in terms of finding viable educational techniques.

I will not deny that we still do not have all the answers. Our school programs are still far from perfect. But, unlike some of my colleagues, I am not willing to give up. Our children are the most valuable resource this country has. What better investment can we make of the taxpayer's dollar than to provide adequate funding to insure that these youngsters will become the economically self-sufficient law-abiding citizens of the future rather than end up as more statistics in our crime data banks or on our welfare rolls?

The CHAIRMAN. All time has expired.

Mr. PERKINS. 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. PRICE of Illinois, 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. 69) to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill under consideration (H.R. 69).

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

There was no objection.

AMENDING THE GENERAL EDUCATION PROVISIONS ACT

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12253) to amend the General Education Provisions Act to provide that funds appropriated for applicable programs for fiscal year 1974 shall remain available during the succeeding fiscal year and that such funds for fiscal year 1973 shall remain available during fiscal years 1974 and 1975, with Senate amendments thereto, and concur in the Senate amendments with an amendment.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That, (a) as used in this section, the term "applicable program" means any program to which the General Education Provisions Act applies.

(b)(1) Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section—

(A) any funds appropriated to carry out any applicable program for the fiscal year 1973; and

(B) any funds appropriated to carry out any applicable program for fiscal year 1974;

shall remain available for obligation and expenditure until June 30, 1975.

(2) Nothing in this section shall be construed to approve of the withholding from expenditure or the delay in expenditure of any funds appropriated to carry out any applicable program for fiscal year 1973 beyond the period allowed for apportionment under subsection (d) of section 3679 of the Revised Statutes (31 U.S.C. 665).

SEC. 2. (a) Clause (I) of the first sentence of paragraph (1) of subsection (a) of section 428 of the Higher Education Act of 1965 is amended to read as follows:

"(I) less than $15,000 and has been accepted for enrollment at an eligible institution or, in the case of a student who is attending such an institution, is in good standing at such institution as determined by such institution; or".

(b) The amendment made by this section shall be effective thirty days after the enactment of this Act.

Amend the title so as to read: "An Act to make certain appropriations available for obligation and expenditure until June 30, 1975, and for other purposes."

The Clerk read the amendment to the Senate amendments.

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That section 414(b) of the General Education Provisions Act is amended by inserting "(1)" before "Notwithstanding", by striking out "subsection" and inserting in lieu thereof "paragraph", by striking out "1973" and inserting in lieu thereof "1974", and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this paragraph, any funds from appropriations for the fiscal year ending June 30, 1973, to carry out programs to which this title is applicable which are made available during the fiscal year ending June 30, 1974, shall remain available for obligation and expenditure during the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.".

SEC. 2 clauses I and II of the first sentence of paragraph (1) of subsection (a) of section 428 of the Higher Education Act of 1965 are amended to read as follows:

"(I) less than $15,000, the amount of such loan would not cause the total amount of the student's loans under this part to exceed $1,500 in any academic year or its equivalent (as determined under regulations of the Commissioner), and the eligible institution at which he has been accepted for enrollment (or, in the case of a student who is attending such an institution, at which he is in good standing, as determined by such institution) has provided the lender with a statement which sets forth the estimated cost of his attendance at such institution (which, for purposes of this paragraph, means, for the period for which the loan is sought, the tuition and fees applicable to such student together with its estimate of other expenses reasonably related to attendance at such institution for such a student, including, but not limited to, the cost of room and board, reasonable commuting costs, and costs for books), and its estimate of the amount of assistance such student will receive (for the period for which the loan is sought) under parts A, C, and E of this title and under any other scholarship, grant, or loan assistance; or

"(II) less than $15,000 and the amount of such loan would cause the total amount of the student's loans under this part to ex-

ceed $1,500 in any academic year or its equivalent (as determined under regulations of the Commissioner), or equal to or more than $15,000, and the eligible institution at which the student has been accepted for enrollment, or in the case of a student who is attending such an institution, at which the student is in good standing (as determined by the institution) has determined that the student is in need of a loan to attend such institution; has determined, by means other than one formulated by the Commissioner of Education under part A, subpart 1, of this title, the amount of such need by subtracting from the estimated cost of attendance at such institution the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student; and has provided the lender with a statement evidencing the determinations made under this clause and recommending a loan in the amount determined to be needed.".

SEC. 3. Paragraph (1) of subsection (a) of section 428 of the Higher Education Act of 1965 is amended by inserting before the second sentence thereof "Nothing in this or any other Act shall be construed to prohibit a lender from evaluating the total financial situation of a student making application for a loan under this part, or from counseling a student with respect to any such loan, or from making a decision based on such evaluation and counseling with respect to the dollar amount of any such loan.".

SEC. 4. Subparagraph (H) of paragraph 428(b)(1) of the Higher Education Act of 1965 is amended to read as follows:

"(H) provides that the benefits of the loan insurance program will not be denied any student who is eligible for interest benefits under section 428(a)(1) except in the case of loans made by an instrumentality of a State or eligible institution;".

SEC. 5. Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1974" and inserting in lieu thereof "July 1, 1975".

SEC. 6. The amendments made by section 2 shall be effective sixty days after enactment of this Act and be applicable to a loan for which a guarantee commitment is made on or after that date.

The Senate amendments as amended were agreed to.

A motion to reconsider was laid on the table.

THE LATE HOPE CHAMBERLIN, AUTHOR OF THE MOST COMPREHENSIVE WORK ON WOMEN IN THE U.S. CONGRESS

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, it is with a deep sense of personal loss that I announce to the House the death yesterday of Hope Chamberlin, an outstanding journalist and author of Washington, D.C., who completed in December 1972, the most comprehensive book ever written about the 80 women who served in the Congress of the United States from 1917, when Montana sent Jeannette Rankin to the House, until the close of the 92d Congress on January 3, 1973.

Her book, entitled "A Minority of Members—Women in the U.S. Congress," was published last year by Praeger Publishers. It will stand for many years, I am sure, as the definitive work on the lives and political careers of the courageous women who broke the "male only" barrier to service in the Congress and of all of the four-score women who were elected to the House or elected or appointed to the Senate prior to this Congress. In a November 7, 1972 postscript, she was able to include only brief references to the five new women Members elected that day to the 93d Congress.

I came to know Hope Chamberlin as a friend during the arduous years she spent researching this monumental volume and know how hard and how imaginatively she worked to dig out little known facts about her 80 subjects. She pursued every lead with the enthusiasm of a cub reporter on a first assignment, but she brought to her task, in addition to enthusiasm, great skill as a writer and editor, and a veteran journalist's respect for truth and fairness.

Hope Chamberlin was a reporter-photographer for the Portland Oregonian, an information and editorial specialist with the U.S. Military Government in Germany and Austria after World War II, and director of information for the National Broadcasting Co.'s "Continental Classroom" television program before coming to Washington as a free-lance writer.

She was recently commissioned by the Business and Professional Women's Foundation to research and write a new work on women who have blazed trails or made significant contributions to the major professions, and she had mapped out an extensive schedule of travel and interviews on which she was already engaged when she fell ill and died within a week after the illness was diagnosed as cancer.

WON 1974 CHRISTOPHER AWARD

Shortly before her death, she was signally honored by having her book on women in Congress designated by the Christophers for the coveted 1974 Christopher Award for adult nonfiction as representative of the best efforts of the industry in its technical and artistic merits. It was 1 of only 10 awards—2 for motion pictures, 4 for television, and 4 for books, including 1 each for adult nonfiction, adult fiction, juvenile nonfiction, and juvenile fiction. Decisions of the judges are based on these three considerations: The work must affirm the highest human and spiritual values; it must be artistically and technically proficient; and it must have received a significant degree of public acceptance. Winners received bronze medallions inscribed with the Christopher motto: "It is better to light one candle than to curse the darkness."

Every present and former woman Member of Congress who was interviewed by Hope Chamberlin for her book will, I am sure, share my sense of loss in the death of this vital and useful and delightful person.

Mr. Speaker, under unanimous consent I submit for inclusion in the RECORD as part of my remarks an excellent review of the book which will now stand as Hope Chamberlin's last major literary work, an article by Lucia Johnson Leith in the Christian Science Monitor of August 31, 1973, as follows:

[From the Christian Science Monitor—Aug. 31, 1973]

A NEW STUDY OF THE WOMEN IN CONGRESS

(By Lucia Johnson Leith)

WASHINGTON.—"There is no question in this world that women make outstanding members of Congress," says author Hope Chamberlin. Her book, "A Minority of Members: Women in the U.S. Congress" (Praeger, $10), presents what she calls "word portraits" of each of the 80 women who have served the U.S. Congress, starting with Jeannette Rankin of Montana, who in 1917 became the first woman elected to Congress, through 1972. A brief postscript discusses the five women elected last November.

"One thing that surprised me was that for years the myth has persisted that women in Congress confine themselves to so-called social issues," she said in a recent interview here. "I made a list of some of their contributions," and she ticked off the following:

THE ACHIEVERS

Rep. Florence P. Kahn (R) of California in the 1930's drafted legislation strengthening the Federal Bureau of Investigation.

The landmark Fair Labor Standards Act of 1938, setting a minimum wage and limiting work hours, became law after Rep. Mary T. Norton (D) of New Jersey twice forced the bill out of a resistant House committee via discharge petition. This was the same method Rep. Martha W. Griffiths (D) of Michigan used in recent years to get the Equal Rights Amendment onto the House floor.

Rep. Edith Nourse Rogers (R) of Massachusetts, who served more years (35) in Congress than any other woman, was largely responsible for the GI Bill of Rights in 1944.

"These are the barest highlights," Miss Chamberlin said. "I was really surprised they had done so much and received so little credit."

It was one reason she wanted to do this carefully researched, readable book.

FEW REFERENCES

"I felt a great deal of credit was owed these women, yet nobody had had a chance to learn about them. I looked into books on Montana political history, for example, and if Jeannette Rankin was in them at all, it was as a one- or two-liner. So I wanted to set the record straight.

"Then I hoped that by setting forth the record, that it might inspire more women to run for Congress, after seeing all the obstacles that these women have endured and conquered."

Of the 85 women discussed in the book, 11 served in the Senate, 75 in the House. (Republican Margaret Chase Smith of Maine, who served in both the House and Senate, is counted twice.) The book includes eight pages of black-and-white photographs.

BEYOND REPROACH

"The most revealing thing I found—and I was not surprised to find it—was how conscientious the women are," Hope Chamberlin said. "This is not to say that men aren't," she quickly added. "Of the 85 women who have served in Congress, not one of them has been implicated for doing anything illegal. Their high visibility has almost made it mandatory that they be beyond reproach."

Since the book was written, two women have been elected to Congress in special elections, Rep. Corinne (Lindy) Boggs (D) of Louisiana and Rep. Cardiss R. Collins (D) of Illinois.

"If the time should ever come when there are a great many more women in Congress—and I don't think it will ever reach *half, not* in this century—if there were more of them so their visibility were not so high, there might be women not so full of integrity as I found these 85 to be."

She also found that women incumbents

are generally re-elected with a higher percentage of the votes than male incumbents.

ROUTES DIFFER

Many women have been elected to Congress after their husbands passed on in office.

"Men have used women to fill unexpired terms to avoid facing a sticky situation, like internecine party strife, or to buy time. Yes, some widows in Congress were little more than seat-warmers," Miss Chamberlin admits.

"But what is overlooked in all this more or less derogatory pooh-poohing—oh, they were widows—is the number who went on to carve outstanding careers for themselves."

She points, for example, to Rep. Leonor K. Sullivan (D) of Missouri, former Representatives Kahn, Rogers, and Frances P. Bolton (R) of Ohio, and former Senators Smith and Maurine B. Neuberger (D) of Oregon.

CHILEAN SITUATION DESERVES IMMEDIATE ATTENTION

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

Mr. BROWN of California. Mr. Speaker, increasing public outcry against the abuses of civil liberties in Chile makes it imperative that I once again formally protest. It is clear that abominable conditions exist; we learn of executions, mass imprisonment and exile even amongst former members of the Chilean congress. Many people are being detained and imprisoned without being informed of the charges against them. Civil courts are being circumscribed by military courts; justice is military justice. Human dignity and civil liberties have little meaning; redress of grievances is unthinkable. Americans certainly cannot be proud of the U.S.tacit consent policy with respect to Chile.

In a recent congressional conference, "Chile: Implications for U.S. Foreign Policy," an attempt was made to shed light on the political and economic situation in Chile since the military coup in September. I think the conference was instructive and informative in this regard—it underscored the urgency of the situation, a situation deserving immediate attention. It was the sense of the conference that hearings begin in the Senate to investigate the state of Chile, the extent and validity of the junta's control, and ultimately to determine what the official U.S. policy should be regarding Chile. I would now like to add my wholehearted support to this endeavor.

Spokesmen for the junta, including the Chilean Ambassador to the United States, Gen. Walter Heitmann, have stated that free elections will not be held for at least 5 years. This poses an additional moral problem to the United States that I would like to briefly address myself to. That is, Chilean citizens temporarily residing in the United States. Over 4,000 Chilean citizens are here temporarily on student or work visas, many of whom have visas that expire very shortly. We should now consider the possible persecution that many will face upon their return to Chile. It is my intention to introduce legislation to permit an extension of visas for a period of 5 years or until free elections are held, to those citizens now residing in the United States. It is my sincere hope and expectation that the broader question of asylum for political prisoners will be entertained in the Senate committee investigating the implications of U.S. policy toward Chile.

A COSTLY MISTAKE BY THE AGRICULTURE DEPARTMENT

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

Mr. WRIGHT. Mr. Speaker, the U.S. Department of Agriculture is about to make a tremendously costly mistake unless something dramatic is done to head it off.

It is a predictable mistake—one the Department has made before and should in commonsense be able to avoid. And the tragedy is that American consumers will pay for the mistake in higher grocery prices unless the present administrative intention is quickly reversed.

The Department is about to sanction and permit the massive exporting of so much American grain—again—that domestic shortages will be the inevitable result.

So strongly do I feel about the folly of this course that I wrote a personal memorandum to the President last week pleading with him to intervene before it is too late.

Let us briefly recapitulate what has happened. It started a couple of years ago, in the summer of 1972, when the Agriculture and Commerce Departments negotiated the sale of an enormous amount of American wheat to Russia. It came to some 400 million bushels, the biggest single grain transaction since the days of the Pharaohs.

The Russians paid the going market price. Administration officials explained that it would help our international balance of payments. It also would help, they said, in promoting other beneficial agreements with the Soviet Union.

All of this was fine—up to a point. That point was passed the moment administrative officialdom allowed eager grain dealers to sell too much of the American product. The Russian sale set off a chain reaction among other nations. During the crop year ending June 30, 1973, every 1 of the top 12 foreign destinations for American wheat took more grain than in the previous year.

The result we all remember—a domestic shortage, higher prices, fewer cattle being fed, less beef on the market, and higher retail prices for meat and milk as well as for bread and cereals.

One mistake can be forgiven, no doubt. But if that very same mistake is repeated, it breaches the bounds of tolerance.

Tragically, the Agriculture Department is again permitting the export sale of too much grain. During the week ending February 22, we shipped 22 million bushels. This makes 872 million bushels since last July 1. At this rate, it will be 1.3 billion bushels by next July 1.

In my memorandums, I have asked the President—and Agriculture Secretary Butz, to whom I have also written—to consider the American consumer first; to determine the minimum supply required to meet domestic needs and set this aside plus a reasonable reserve for contingencies before allowing any more sales in export.

The Russians, noting our difficulties, have announced a deferral in the taking of some of the wheat for which they have contracted. Now they offer to sell us back some of our own wheat, but not at the price at which we sold it to them—at the present market price, which is considerably higher. I am darned if that makes any sense for us.

Only through a monstrous miscalculation could the United States, which annually produces nearly three times more wheat than we consume, get into a position of dependence upon the good will of foreign governments for the maintenance of our domestic supply.

And only by a mistake bordering upon utter stupidity could American negotiators repeat the same costly error a second time.

There is still time to avert this tragedy. But unless the Agriculture Department acts decisively to stem the outflow, there could be a domestic bread shortage by late spring or early summer. Just a little bad weather—or one more miscalculation—and people may have to stand in line to buy a loaf of bread, at much higher prices.

The President has announced a national goal of energy independence by 1980. I am with him on that. But it is every bit as important that America's families be independent of foreign nations for our supply of basic foods, particularly since this country produces much more than it consumes.

That is why I am trying to blow a whistle as loudly as I can on this impending disaster while it still can be avoided. I earnestly hope that the President and the Secretary of Agriculture will heed this call to caution and commonsense.

DISCRIMINATORY FOOD STAMP PROGRAM IN PUERTO RICO

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

Mr. MITCHELL of Maryland. Mr. Speaker, the recent announcement by the Agricultural Department establishing a timetable for implementing the food stamp program in Puerto Rico and its announcement of the coupon allotment levels that it has set for the island, indicate clearly that, once again, the Department has decided to flout the will of Congress in matters concerning Federal efforts for feeding needy people.

The timetable for implementation of the program across the island calls for providing stamps in only five small island municipalities by June 30, 1974, not reaching San Juan until March 1975. This incredible decision was made in total disregard of the statute's mandate that the program be implemented in every

political subdivision in the Nation by June 30, 1974, unless it is impossible or impracticable to do so.

The U.S. Department of Agriculture has made no statement concerning the impossibility or impracticability preventing it from an island-wide implementation by the statutory deadline. Accordingly, one must assume that the Department has made no such determination. If it does so subsequently, it should be put on notice that any such finding must be affirmatively made, specific and detailed—for the burden of proof is quite clearly upon the Department in this regard. Moreover, such a showing must prove why it is that the USDA and the Commonwealth cannot meet the deadline by using such agencies as municipal governments to speed up the implementation. Such, for example, would seem to be particularly appropriate in the case of San Juan.

Even if the USDA does find lawful cause for delay, let it be advised that that does not allow for lengthy delay by any means. The Department in such case would remain under an obligation to implement the program at the first possible time.

The other matter of urgent concern is the question of how large the food stamp allotment will be for each family. According to the announcement, a Puerto Rican family of four will receive only $122 worth of stamps monthly, while the same family could receive $142 monthly in any place on the mainland United States. In light of the fact that food prices are higher in Puerto Rico than in many places in the United States, it would seem that the Department of Agriculture has chosen to discriminate against the island's poor in a way contrary to the act. Because the Food Stamp Act requires the allotment level in Puerto Rico to be based upon the cost of food there, that can only be determined in the same manner as is done on the mainland. That is, the food items in the USDA's economy diet plan are costed out and the monthly coupon allotment is then set at an amount that will allow a family to buy these items.

The USDA should immediately undertake a survey of food prices on the island being careful to use the same items as are in the mainland economy diet plan. The use of any other foods by the Department, which argues that such other foods have been traditionally used by poor Puerto Ricans, would clearly be erroneous because such foods have been used by an impoverished people to maintain a chronically inadequate diet. Now that food stamps permit truly decent diets, the Puerto Ricans must, as a matter of law, receive coupon allotments in amounts sufficient to purchase food as healthful as is purchased on the mainland. The only legal limit in the size of the Puerto Rican food stamp allotment would be the statutory rule that the allotments could not exceed those prevailing on the mainland.

Finally, as to income-eligibility regulations, the Secretary has announced that he intends to set eligibility at a point some 14 percent lower than that prevailing on the mainland—despite the fact that, as is well known, Puerto Rico is as poor or poorer than the most impoverished places on the mainland. These discriminatorily low guidelines must be revised upward at once according to the formula we provided in the 1971 amendments to the act. That is, the USDA must multiply that per capita income figure for the island by the number of persons in each household to determine the maximum permissible income for such household.

I urge the Secretary not to delay in these matters.

OEO BIAS AGAINST PRIVATE LAWYERS

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

Mr. BLACKBURN. Mr. Speaker, I am dismayed by the cool disregard for facts with which support is being generated for the Senate Legal Services bill, now known as H.R. 7824.

My experience, and present communication with numerous people on the subject, suggests a definite bias by OEO Legal Services attorneys against private lawyers.

I understand that OEO is now evaluating its Legal Services projects with a view to verifying or disproving this claim. The fact that OEO officials feel the need for such evaluation strongly suggests that they, themselves, suspect such bias.

Part of this OEO bias against private attorneys is found in refusal to give serious examination to the Judicicare principle. Judicare, of course, is the code word for a variety of plans for insuring legal care when needed via some sort of prepayment or insurance plan.

Judicare would permit the client freedom of choice in selecting a lawyer from among lawyers at large in his area. Thus, the whole legal profession would benefit from Judicare; not just the profession's federally subsidized segment.

The tendency to make the profession dependent on Federal handouts would thereby be counterbalanced.

Advocates of the Senate Legal Services bill and its counterparts act as if judicare was an unrealistic proposal. Consequently, it suffers from bad press, to say the least. I have here something that should change this condition. It is a memo from Mr. Samuel Brakel, a research attorney with the American Bar Foundation. The memo demonstrates not only that judicare is not an unrealistic idea, but that it is, in fact a well-researched and workable proposal.

Mr. Brakel's memo does much to clear some of the doubts heaped upon it. It does much, therefore, to substantiate my position that judicare is, in fact, an excellent and desirable idea.

I note, in particular, that Mr. Brakel is frank to state the biases existent against the judicare concept. I wish, therefore, to share with my colleagues this significant exposé of these biases which Legal Services activists have fostered in service of their own peculiar, narrow special interests.

I submit the Brakel memo for the RECORD.

URBAN INSTITUTE WORK ON THE CALIFORNIA JUDICARE PROJECT

(By Samuel J. Brakel, Research Attorney, American Bar Foundation)

On February 4, 1974, representatives of OEO Legal Services met in Washington, D.C. with representatives of the Urban Institute and with several researchers, including myself, who have done work in the area of legal services to the poor. The meeting was announced to be "for the purpose of exchanging ideas on methodology, data collection and evaluation" of the proposed California Judicare programs.

The following are my comments on that meeting which lasted from about 10:00 A.M. to 12:15 P.M.

Rather than an exchange of ideas, the meeting turned out to have the predetermined format of a presentation by the Urban Institute of its Proposed Evaluation Design or its progress in that direction.

First, those present at the meeting were subjected to a visual-effects display of charts; during this time were passed around the Urban Institute's "proposal", another chart on the "functional relations of a legal service program", and a summary of "measures" and "hypotheses".

The comments will relate to each of these items.

The charts contained a series of banalities in print of overwhelming size on what presumably was thought to be the essence of the "research process" or "evaluation design process". One wondered at times whether one was being subjected to an eyesight test or whether a salestalk was in progress. At its best, it was an insult to the intelligence.

The "proposal" which one could glance at during the display turned out to be a typically padded substanceless job containing many superfluous "steps" and redundant "phases" designed to give the false impression that the work proposed is very important and complex and that much thought has gone into it already. Predictably also, there were lengthy appendices in the nature of advertisement for the Urban Institute—endless "Resumes of Key Personnel" and many pages on earlier projects and past performances under labels such as "General Qualifications and Relevant Experience of the Urban Institute" or "Brief Description of the Urban Institute Approach to Evaluation Design."

The "functional relations" chart only added injury to insult. It presented various boxes, circles and arrows apparently designed to clarify the less than astounding proposition that the legal service process can be seen as moving from a potential client to a closed case.

Finally came the summary of "measures" and "hypotheses"—27 of the latter, thrown at those present at the meeting without any warning. It is difficult to see how one could expect meaningful discussion to ensue on that basis. As it turned out, it is doubtful that the "measures" and "hypotheticals" would have led to meaningful discussion even if they had been sent out months ahead.

The "measures" were in outline form and included such baffling and obscure conceptualizations as the heading "CLIENT CHARACTERISTICS" under which came "Weight of Problems in 'Non-Legal' Parameters" the sub-issues to which turned out to be "Economic Assets" and "Economic Liabilities."

The "hypotheticals" were equally problematic. They were of all levels and all orders of importance, measurability and comprehensibility—mixed together in grand confu-

sion. Often it was clear that some major antecedent hypothesis or assumption was implied, but was missing. Similarly, many subsidiary assumptions were implied but not stated. One could easily conjure up to 27 to 54 more "hypotheses" and/or throw out the original 27.

Most fundamentally, however, the "hypotheticals" were not really hypotheticals at all, but simply statements of some people's biases on the issues passed off as hypotheticals because one can't after all do studies or appease funders without hypotheticals. Some statements were so obvious and elementary as to make one wonder why they were stated at all. For example, the first item under "HYPOTHESES PRIMARILY ABOUT PROCESS MEASURES" was "Costs will be [greater/less] for Judicare." The research problem of course is not in uncovering these simplistic statements, but in determining how to measure, analyze and evaluate the items. On that the Urban Institute offered nothing other than the promise that it would try. Finally, in sum, the "hypotheticals" simply had no significance in terms of producing an "evaluation design" or whatever the purpose of the process the Urban Institute is going through might be.

A sampling of few of the other "hypotheses" reveals their dubiousness and lack of utility:

"Judicare clients [can/cannot] shop wisely for a lawyer." What does this mean? What is a "wise" selection—the opposite of a "stupid" one? How does one determine which is what? By what criteria? Subjective, objective, whose? Is the issue important vis-a-vis other issues that take time, effort and money to research?

"Clients will form opinions about attorneys based [more/less] on competency of attorney than on win/loss." What is the level and the significance sought here? How does one find out the answer? What is "competency"? Is it separable from win/loss? Does it matter what the client bases his opinion on?

"Legal service programs [will/will not] channel many disputes 'out of the street' and into the courts?" What does "out of the street", or for that matter "in the street", mean? Do the problems or some or all belong in the street or out of them? Is it "desirable" to channel all disputes into courts? How many, what percentage of, disputes channeled into courts by a legal service program would be O.K. performance?

"Demand for service will increase [faster/slower] for a staff attorney program compared to Judicare." Is a faster increase "better" or "worse?" Demand for what kind of service? Superfluous service? Significant service? Costly service? Cheap service?

"Legal service programs [will/will not] produce economic benefits for the poor that are less than the costs." What does one intend to measure here? How in the world does one measure it?

"Law reform and preventive education will do [well/poorly] under Judicare." What is law reform? What is preventive education? When is it done "well"? How much is it worth in terms of money, time, other service aspects neglected?

"Private attorneys in Judicare [will be/will not be] marginal in terms of quality and income." Bias?

"Clients [will/will not] perceive Judicare lawyers as less 'sensitive' to needs of poor." Bias?

"Judicare [will/will not] become the major source of income for inexperienced lawyers." Bias?

The above are only some of the "hypotheticals" proposed and only some of the questions that can be raised with respect to them.

CONGRESSIONAL COUNTDOWN ON CONTROLS

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

Mr. STEELMAN. Mr. Speaker, the temporary security of a controlled economy only leads to higher prices in the long run. The effect of keeping the "lid" on for a sustained period of time is that the pressure builds to the breaking point and when controls are ended, we see the "balloon" effect of escalating prices. Instead of continuing this disastrous policy, we must return to the free market economy now and allow the marketplace to make the necessary adjustments. The long-term results of this will be more stable wage and price levels.

The following article which appeared in the Wall Street Journal, March 12, exemplifies this process:

[From the Wall Street Journal, Mar. 12, 1974]

U.S. PAPER INDUSTRY ACTS TO BOOST PRICES; THREE CANADIAN PULP FIRMS LIFT QUOTAS

The paper industry is moving fast to boost prices, following the Cost of Living Council's decision Friday to end controls on the industry.

Meanwhile, prices for Canadian pulp sold in the U.S. and Canada will rise up to $35 a ton April 1, the fifth boost in the past 15 months.

Three producers, Anglo-Canadian Pulp & Paper Mills Ltd., Toronto; Domtar Ltd., Montreal, and Canadian Cellulose Co., Vancouver, have publicly announced price changes so far. Most other producers are expected to follow soon. MacMillan Bloedel Ltd., Vancouver, said it's studying the situation.

Although the Cost Council's action was labeled a surprise by some in the U.S. paper industry, St. Regis Paper Co., New York, said it's preparing to post increases early this week. William Haselton, president, said the company has signed the government's "voluntary" commitment plan, which removes Phase 4 controls from companies that agree to it. St. Regis said it will raise some products' prices immediately.

International Paper Co., New York, said it also signed the plan, which allows increases in pulp, newsprint, containerboard, bleached board, kraft paper, groundwood papers, consumer tissues, milk cartons, and other converted products and papers. The company said it will move its prices to the allowed levels "as soon as possible."

SOME BIG JUMPS LOOM

Kimberly-Clark Corp., Neenah, Wis., said it prenotified the Cost Council and expects to announce price rises on many products later this week. Donald Hibbert, executive vice president, said increases will range from 4% to 6%.

The lifting of price controls will mean big jumps for some products. Linerboard, the outer walls of corrugated boxes, is currently selling at about $145 a ton. St. Regis Paper said it plans an incerase to the allowed $165 "very soon."

Continental Can Co., New York, recently increased its price of linerboard to $161.17 and is "studying" the Cost Council decision. The company "hasn't signed" the voluntary agreement, a spokeman said.

Increases for printing papers, consumers tissues and grocery bags are expected. St. Regis said its price is below the $185 a ton allowed for grocery bag paper and will likely increase it soon.

Mead Corp., Dayton, Ohio, said its paper division has already notified customers of a price increase in printing, writing and other paper grades. Under the accord, the concern plans a weighted average increase of about 10%. The company said commodity-type grades that go to converters for greeting cards, envelopes and business forms will rise 10% to 13%. Book publishing grades will rise 5% to 7%, the company said. The in-increases are effective immediately. Pulp prices will be boosted "as quickly as possible," the company said.

Also in New York, Champion International Corp.'s Champion Papers Inc., division said it boosted prices within the decontrol guidelines. The rises "amount to a weighted average of just under 10% for the aggregate" of its line, it stated.

Decontrol is "the beginnings of a free market," said St. Regis Paper's Mr. Haselton. He said the industry's prices "haven't reflected its higher costs." He added that despite the increases allowed, some paper areas are still below market levels.

CANADIAN PULP BOOSTS

The latest Canadian increase of $30 a ton for bleached softwood pulp brings the price for this most common grade to $295 a ton, up from $165 at the beginning of 1973.

The U.S. decontrol action, which set specific price lids for some products, set a lid of $265 a ton for bleached softwood pulp through July 1. That's up about 35% from the average Phase 4 price of $195 a ton, but only matches the pre-April price charged by Canadian producers.

Both U.S. and Canadian pulp producers have been running near full capacity for the past 18 months in an attempt to meet strong demand.

Although both Anglo-Canadian and Domtar raised their U.S. price for bleached softwood pulp $30 a ton, Domtar said it's raising its Canadian price only $25, to $290 a ton, "to reflect the exchange rate on the Canadian dollar." Canadian Cellulose, indirectly controlled by the Province of British Columbia, said its price will rise $30 in most categories.

Anglo-Canadian's price in all markets for semibleached kraft pulp will be increased $30 a ton, to $293, and for unbleached pulp $25 a ton, to $280.

Domtar's new prices for bleached hardwood pulp will be $285 a ton for U.S. consumers and $280 a ton in Canada, both up $35. Unbleached sulphite pulp will rise $35 a ton, to $270, in the U.S. and $30 a ton, to $270, in Canada.

Domtar attributed the increases to higher costs of wood and labor.

Anglo-Canadian is the largest Canadian seller of pulp, with most of its production sold in the U.S. Many Canadian pulp producers consume most of their own production. Pulp is used in the manufacture of white printing paper, tissue, envelopes and fine paper products where strength is required.

REGIONAL RAIL REORGANIZATION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 30 minutes.

Mr. ADAMS. Mr. Speaker, I want my colleagues to be aware that we are at a most critical time in the reorganization of the railroads involved in the Regional Rail Reorganization Act of 1973. The Department of Transportation set forth its core system plan required by Public Law 93-236 last month and public hearings and consideration by the ICC are now going forward with 17 sep-

arate hearings being held throughout the area in order that the ICC can make recommendations on the final system.

As the one who originally introduced H.R. 9069 and later joined in supporting a similar bill, H.R. 9142, which was introduced by Representative SHOUP of Montana I have followed the progress of this legislation for many months.

These two bills, H.R. 9069 and 9142, after lengthy work in both the House Committee on Interstate and Foreign Commerce and the Senate Commerce Committee, and later a lengthy conference, emerged finally as the Regional Rail Reorganization Act of 1973, Public Law 93-236.

As this legislation was being drafted, and debated, there was a continuing struggle between the original position of the DOT and many of us because originally that Department wanted to completely design and plan this system and base such design solely on profitability. This was shown by the original DOT proposal, H.R. 8526. The bill that finally became the basis of the legislation was Representative SHOUP's bill, H.R. 9142, as amended by many provisions of my bill, H.R. 9069 and the later compromises involving several Senate bills.

LEGISLATIVE GOALS

The legislation did not contemplate using solely a profitability test. This approach was rejected by the Congress and instead the following goals were set forth in section 206(a) of the act:

FINAL SYSTEM PLAN

SEC. 206. (a) GOALS.—The final system plan shall be formulated in such a way as to effectuate the following goals:

(1) the creation, through a process of reorganization, of a financially self-sustaining rail service system in the region;

(2) the establishment and maintenance of a rail services system adequate to meet the rail transportation needs and service requirements of the region;

(3) the establishment of improved high-speed rail passenger service, consonant with the recommendations of the Secretary in his report of September 1971, entitled "Recommendations for Northeast Corridor Transportation";

(4) the preservation to the extent consistent with other goals, of existing patterns of service by railroads (including short-line and terminal railroads), and of existing railroad trackage in areas in which fossil fuel natural resources are located, and the utilization of those modes of transportation in the region which require the smallest amount of scarce energy resources and which can most efficiently transport energy resources;

(5) the retention and promotion of competition in the provision of rail and other transportation services in the region;

(6) the attainment and maintenance of any environmental standards, particularly the applicable national ambient air quality standards and plans established under the Clean Air Act Amendments of 1970, taking into consideration the environmental impact of alternative choices of action;

(7) the movement of passengers and freight in rail transportation in the region in the most efficient manner consistent with safe operation, including the requirements of commuter and intercity rail passenger service; the extent to which there should be coordination with the National Railroad Passenger Corporation and similar entities; and the identification of all short-to-medium-distance corridors in densely populated areas in which the major upgrading of rail lines for high-speed passenger operation would return substantial public benefits; and

(8) the minimization of job losses and associated increases in unemployment and community benefit costs in areas in the region presently served by rail service.

DEPARTMENT OF TRANSPORTATION PRELIMINARY PLAN

Apparently the officials of the DOT have continued to use only a test of profitability in their original position proposals and I therefore have not been surprised by the articles which have been appearing recently indicating the objections of local officials and shippers to the DOT preliminary plan.

For example, the Wall Street Journal on March 5, 1974, started its article as follows:

LOCAL PEOPLE PROTEST MOVE TO CUT SERVICE ON NORTHEAST RAILROADS

(By Albert R. Karr)

WASHINGTON.—Rep. Gerry Studds of Massachusetts finds he's losing ground in a prized project.

He has been plumping for Amtrak passenger-train service to Cape Cod along Penn Central railroad track now used only for freight. But he discovered the track linking Middleboro with Falmouth, Hyannis and South Dennis is in danger of abandonment; the Transportation Department says even the freight service should be dropped.

"Suddenly from behind me comes a new threat: I'm going to have to fight a holding action" just to keep the freight service, the Bay State Democrat says.

Mr. Studds and allies will start the fighting in Boston this week when the Interstate Commerce Commission begins hearings on the government plan for paring away "marginal" freight service of railroads in the northeast quadrant of the U.S. The department's preliminary recommendations were detailed a month ago in a report of nearly 1,000 pages, and they'll be used by the new U.S. Railway Association (USRA) as a basis for revamping Northeast rail operations. Ultimately, Congress will approve or reject the USRA-planned system.

DESIGNED TO REVERSE LOSSES

That restructing, mandated by the recently enacted Regional Rail Reorganization Act, is designed to reverse the deep losses of the Penn Central and six other lines now in reorganization under federal bankruptcy law. The planners acknowledge that a lot of track (more than 15,000 miles) would be abandoned, but they contend that only a small amount (4%) of rail freight tonnage would be lost.

That argument isn't going to convince a lot of people that the plan is a good one. Witness was for ICC hearings to be held during the next two weeks in 17 cities from Boston and Albany to Chicago and St. Louis are fast filling up with woes of abandonment plans. In Scranton, Pa., where hearings began yesterday, some 200 are scheduled to testify in three days (see story on page 6). Along with Congressmen like Rep. Studds will appear city fathers, governors and other state officials, Chamber of Commerce executives, local shippers, union leaders and environmentalists. All hope to influence the ICC, which is due to give its views on the organization plan, and the USRA decision-makers.

* * * Low-fuel train service to trucks, that the environmental consequences would be wicked, and that dropping all that freight service would badly hurt local industries and cost thousands of jobs. Witnesses will urge that specific stretches of track earmarked for abandonment be kept in use. (Abandonment opponents also are expected to get their licks in by writing letters to the Transportation Department, the ICC and Congress, and by lobbying personally in Washington.)

* * * * *

A further example showing the effects in other States appeared in the Washington Post on March 5, 1974:

NIXON RAIL PROPOSAL COMES UNDER ATTACK

(By William H. Jones)

Businessmen, environmentalists, local government officials, union leaders and consumer spokesmen joined voices yesterday to pour verbal cold water on the *Nixon* administration's recent suggestion that about one-fourth of all railroad tracks in the Midwest and Northeast could be abandoned as unprofitable.

As the Interstate Comerce Commission began public hearings, to be conducted eventually in more than a dozen cities, the Department of Transportation restructuring plan of Feb. 1 was roundly condemned for not considering potential future rail freight business in an era when fuel costs are soaring.

Several Washington area officials, testifying at the ICC headquarters, outlined their proposals for expanding railroad business here.

Reflecting a growing maelstrom of conflicts over the reorganization plan of bankrupt railroads, passed by Congress late last year, these were among the major statements yesterday:

At the ICC hearing near Scranton and Wilkes-Barre, Pa., which attracted a large number of angry shippers, the Erie Lackawanna Railway Co. became the second of six major northeastern bankrupt railroads to argue against inclusion in the plan.

President Gregory W. Maxwell told an ICC administrative law judge that the Erie will recommend to its bankruptcy court that the line be reorganized as a private firm. Earlier, Boston & Maine said it would follow a similar path. In both instances, however, judges must make the final decisions.

At the ICC hearing in Washington, which resumes at 9:30 a.m. today, Lehigh Valley trustee and chief operating officer John F. Nash proposed creation of a new Mid-atlantic Railroad Co., by combining his company and the Reading, Central of New Jersey and several smaller lines with routes to New England.

In addition, Nash proposed permitting solvent railroads—including Chesie System and Norfolk & Western—access to northeastern cities by end-to-end mergers with some of the bankrupt main lines. He forecast increased rail business throughout the region.

Speaking for organized rail labor, William G. Mahoney of the Congress of Railway Unions, criticized "vital flaws" and "basic and significant" errors which he said were included in DOT's report.

Mahoney told ICC judge Robert Wallace that if a 25 per cent cutback in tracks took place, competition would be stiffled and current levels couldn't be maintained, although the DOT said 96 per cent of existing freight traffic would be maintained in its slimmed-down network.

Leonard Lane of the Sierra Club, a conservation group, asked the ICC to consider relative costs; on an annual basis, he said, it would cost $42 million to subsidize unprofitable branch lines while "misregulation" by ICC costs consumers $450-$500 million a year.

Mayor Walter E. Washington, in a statement presented to the ICC here, said the area economy depends on "good rail transportation." He vowed to press for industrial development along New York Avenue NE., where freight lines are concentrated.

Sen. Harry F. Byrd Jr. (Ind.-Va.) asked the ICC to take into account the necessity for rail transport in the Delmarva Peninsula, where the agriculture industries rely on rail shipping for fertilizer, feed for poultry and delivery of produce. The DOT said all rail lines south of Salisbury, Md., were "poten-

tially excess" because of their low business volume.

To prevent massive distortions of service we carefully designed into the bill an ICC hearing procedure, a later review by the directors of the financing entity—U.S. Railway Association—and if the whole system is still faulty, there is a final safeguard providing for congressional review of the final system plan. This is set forth in section 208 of the law, which provides that either House of Congress may by resolution within 60 days reject the plan and return it to the designers.

I am pleased to see from these articles that local officials and shippers are taking advantage of the ICC hearings to offset the desire of certain officials in the DOT to abandon service based solely on 1972 profit figures. In the first place, we should use present figures, and in the second place, when we are faced with a fuel shortage that will make truck transportation more difficult we should be using new projections regarding abandonment of track.

In reading the press reports, however, I find that some public officials have not studied the act and are blaming the Congress for the preliminary decisions that have been made by the DOT. I am inserting an article from West Virginia in which one William Loy not only misconstrues who was the author of the bill, but also places blame for proposed abandonments on Chairman STAGGERS of the House Interstate and Foreign Commerce Committee rather than properly labeling it as the Department of Transportation proposal. This creates a further credibility gap at the local level during these trying times when truth and integrity are desperately needed, and I would hope that this is not repeated in other sections of the country. Instead, I would hope that local officials concerned about the design of the system would concentrate on the presentation of evidence to the ICC which will make the very intricate design and planning system produce the best possible new rail service.

The article follows:

WEST VIRGINIA ACTS TO HALT ICC RAIL HEARING

The West Virginia Senate yesterday adopted a resolution asking the Interstate Commere Commission to postpone a sheduled hearing on a railroad re-organization plan that would affect the state.

At the same time, West Virginia gubernatorial aide, William Loy, a Romney Republican, who is seeking to unseat Congressman Harley O. Staggers (D-W. Va.) of Keyser, vowed he would seek a delay in the hearings which aim to abandon several stops in the West Virginia Second District.

The ICC has scheduled hearings tomorrow and Tuesday on the plan designed to "revitalize" freight rail service in northeastern part and midwestern states. The hearing is one of 17 being held in the eastern part of the country.

In West Virginia, about 200 miles of track would be withdrawn from use under the initial outline of the plan. However, an ICC attorney said total mileage involved may only be 120.

The West Virginia resolution was to be presented to ICC officials prior to Monday's session.

The Senate said only 17 days had been allotted for notice of the hearing and this was not sufficient for all interested persons to be informed. It also said the plan would create "a great hardship" if adopted.

Mr. Loy criticized a 1973 law drafted by Rep. Staggers to permit the ICC to eliminate certain rail lines in the Second District.

He said the Staggers' measure would allow railroads to erase tracks between Green Spring in Hampshire County, and Petersburg in Grant County, and between Martinsburg and Inwood in Berkeley County.

He said last year, the Chessie System tried to omit the Green Spring and Petersburg lines but that he and Gov. Arch Moore persuaded the railroad to discard its proposal.

Mr. Loy charged that the Staggers' bill would allow the railroad to proceed with abandonment "unless we act now to stop that action."

He said the bill is a "step backwards," threatened the area's growth and impaired progress "in the time of an energy shortage when we really need the railroads."

ICC officials have said the number of requests to testify at hearings on the new Northeastern railroad system has been "absolutely phenomenal."

In addition to Charleston, W. Va., other hearings tomorrow are scheduled in Washington, Boston, Detroit, Pittsburgh, Columbus, Ohio and Scranton with other cities later.

The Department of Transportation has recommended 25 per cent of eastern and midwestern railroad lines be considered for abandonment. It is the final step in a two-year planning process designed to combine the best lines of seven bankrupt railroads into one trimmed down system for the East.

IMPLEMENTATION OF THE NORTHEAST PLAN

The legislative process can only produce a vehicle for action which must then be implemented by Executive action. I have always been concerned that excellent design and operating personnel be appointed to carry out the design of this system and that all involved parties present their views. Immediately after enactment of this statute I wrote to President Nixon, Secretary Brinegar of DOT, and Chairman Stafford of the ICC and urged the appointment of the best possible people to the board of the U.S. Railway Association and to the Consolidated Rail Corp.

The act also provided for assistance to the public in presenting its case. I am pleased to note that the ICC has taken seriously its responsibility under this act and pursuant to this new feature the ICC is making public counsel available to be certain that all views are properly presented. An excellent press report on this activity appeared in the Wall Street Journal of March 5, 1974, which I am inserting at this point in the RECORD:

ICC GETS AN UNUSUAL JOB: ASSISTING RAIL PLAN FOES

WASHINGTON.—Regional hearings on the Northeast-rail consolidation are putting the Interstate Commerce Commission in an unusual role: giving protesters legal assistance in voicing their gripes.

The law providing for the reorganization directs the ICC to furnish counsel to witnesses. And the agency, long criticized for neglecting public views in favor of industry interests, is going at the task with zeal. A newly hired force of 30 lawyers is helping witnesses prepare their testimony.

Some advice given to prospective complainants by Cliff Curtis, assigned to the Albany, N.Y., hearing:

Bring in new figures to improve upon the Transportation Department report, which "relies on a lot of outdated data." That study is based on 1972, so witnesses are urged to add 1973 information and even 1974 projections.

Cite local industrial and recreation expansion plans that would require rail service.

Hammer at points little mentioned in the government study, such as the need to keep lines in use for passenger services, the environmental benefits of rail service and its energy efficiency.

I want to urge my colleagues from the States involved to participate with local officials and other members of the public in the development of this system. In my opinion, the legislation provides an excellent method for utilization of the best talent we have in the United States to create a revitalized railroad system, but we must be certain that it works.

We all know that we cannot continue every mile of track in every State so we have provided in the bill for abandonment of redundant main line service and branch line service that is no longer of value. However, the bill also provides that local governments can continue to maintain lines that would otherwise be abandoned by using continuing service through a 70 to 30-percent Federal subsidy program. This will give an additional period of time for local communities to determine whether the service is necessary and allow shippers and the public to plan for their needs.

CONCLUSION

The plan has started exactly as was outlined in the congressional debate. The DOT has offered a preliminary plan and now ICC hearings are being held. I believe the DOT proposal is titled too much toward a sole test of profitability but the press reports indicate that the ICC is receiving responses that will emphasize service to the public. I hope this continues.

I have also noted the criticism by some that the plan is too generous to creditors or too attractive to bankrupt railroads. At the same time we are informed that the creditors filed suit against the legislation and some railroads such as the Erie-Lackawanna and the Boston and Maine, want to stay out of the system. This indicates to me that we have created a well-balanced approach between the public need for rail service and the constitutional rights of the private enterprise groups involved. There will be many more difficult days ahead in trying to revitalize railroad service in the United States, but all indications are that the process is working as was contemplated when we passed the legislation.

THE PEOPLE HAVE HAD ENOUGH OF THE HIGH COST OF LIVING: CONGRESS MUST HEED THE PEOPLES' MESSAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the American people are sending a message to the Congress. That message is that they have had enough of the high cost of living. And, I believe this mood will permeate virtually every action of the people at the voting booths this year, unless we get a handle on the problem.

The people have had enough of the inflation which eats away the purchasing power of their hard earned dollars.

They have had enough of the high

taxes required to pay for programs which are too often wasteful or of dubious benefit.

They have had enough of the gigantic Federal bureaucracy which consumes more and more tax dollars, goes further into debt, yet seems to accomplish less and less.

They have had enough of Government regulation of wages and prices—regulation which has driven down supplies, driven up prices, and produced shortage after shortage.

They have had enough of the careless issuance of paper money without any additional productivity to reinforce it.

My mail, responses to my questionnaires, telephone calls, town meetings, and personal exchanges convince me of the swelling chorus of discontent over rising prices, decreasing purchasing power, excessive Government spending, strangling controls. No wonder the people are angered at even the mention of new taxes. And, no wonder they are bent on taking out their hostility on one of the institutions they feel has contributed to the economic turmoil: I speak of the Congress.

The ray of hope in all of this is that the inherent capacity of the American people to know—often far better than those whose tasks they are to know—what is wrong and what to do about it. The people do know what is wrong, and they know what to do about it—put the pressure on the Congress—you and me—to do our fair share of holding down the high cost of living by putting an immediate halt to those measures which contribute to it.

THE CAUSES OF INFLATION

Inflation is not an act of God: It is an act of politicians. And, since politicians created the problem, they possess the capacity to solve it, that is, stops inflating the people's money. We must exercise the type of fiscal restraint that alone can assure this Nation that we are willing to face up to the challenge of halting this inflation.

The high cost of living which we have experienced in recent years is a product of several factors, all interrelated; but, in summary constituting an unnecessary interference by Government in the people's welfare and economic livelihood. In a well-intentioned attempt to solve the peoples' problems, Congress overlooked the most basic of all economic and political lessons: The people can solve many of their problems far better than Government can solve those problems for them.

The high cost of living is a result of Government policies which too often have backfired. No matter how well-intentioned, the actions of the Congress and the bureaucracy can never duplicate the diversity of the economic interplay of the marketplace. When Government interferes with the laws of supply and demand, jobs are jeopardized, purchasing power goes down, shortages go up, and the threat of recession even looms on the horizon.

What are the principal policies which have backfired?

First, the wage and price control program has backfired. This program—the extension of which I opposed last April—has had the effect of holding down wages, while at the same time permitting prices to far outpace them. Before the controls were imposed in 1971, the consumer price index was growing at an annual rate of 3.3 percent. Everyone was so alarmed at that growth that wage and price controls seemed the only answer. Since their imposition, however, the percentage has jumped up and up. In 1973 it was an astonishing 8.8 percent.

The answer is not more controls. Controls only delay the day in which the laws of supply and demand will be reinstituted and as supplies go back up, prices go down. The only alternative to decontrol is more control, more inflation, less purchasing power, and the actual danger of the entire economy eventually beginning to fall apart.

History's lessons are clear: As controls are lifted, prices will rise slightly, then production is accelerated, supplies then go up, and the prices decline—sometimes even drastically. This is certainly preferable to a Government in "far away Washington" trying to control the economy and the individual economic choices of our people.

Second, Government spending policies have backfired, and in a variety of ways. Too much Government spending initially overheated our economy, which alone contributed heavily to the causes of inflation. Because Government spending outpaced Government revenue, and because two few had the fortitude to insist that we pay our own way rather than insisting our children and grandchildren pay our way, the Government went further into debt. This too contributed to inflation, for Government simply printed more money to pay its debts—which put more money into circulation—and Government borrowed funds at ever-increasing interest rates—which channeled funds away from the private sector to the public sector.

Third, the failure of both the Executive and the Congress to impose self-restraint on its spending proclivities contributed to inflation. Congress is only now getting around to insisting on budget control mechanisms to insure that we establish priorities among various spending alternatives and that we hold the line against deficits. This is a step in the right direction, but it is years too late. And, instead of helping us to hold down Federal spending, the President has submitted the largest budget request in our Nation's history, calling for vast new Federal expenditures. The failure of the Congress to hold the line and the failure of the President to recommend that it hold the line only fuels the fires of inflation.

Coupled with such measures as devaluation, international currency adjustments, et cetera, these misdirected policies have contributed to the increase in the cost of living which the people are rejecting.

WHAT IS TO BE DONE

This problem is subject to being overcome not by controls as much as by their absence. Only when we adopt and enforce a sound and consistent monetary and fiscal policy will we start to climb out of this morass.

What am I trying to do to overcome the problem? Several things.

First, we must insure the elimination of arbitrary wage and price controls. Labor supports this elimination. Industry supports it. And, the consumers support it. It makes one wonder why some in the Congress do not. I hope that it is not because they put a higher priority on Government control than they do on the people's welfare.

Second, we must hold down the issuance of money that has no support behind it. Every new dollar printed—for which nothing stands behind it—robs each of us of what little money we have by destroying our purchasing power.

Third, Congress must stop voting for programs that will be financed by borrowed money. We must stop excessive Federal spending. Federal spending must not exceed its income. That is the only way to avoid either taxes or deficits, both of which rob us of our livelihood and our posterity. We must establish priorities among competitors for the people's dollars, not trying to satisfy all of them, for many are less deserving than others. The people's dollars must be judiciously spent; to do otherwise is to breach faith with the people.

Fourth, the Congress must exercise tighter restraint on the authorization and spending processes. We should look at every program in an established time frame to insist that it is successful; otherwise, cut it off. We must disclose the true anticipated cost of new programs being proposed at the time they are proposed—not later. And, we must take greater responsibility for the formulation of the budget.

Fifth, we must show the people that we too are willing to sacrifice. Every Member of this Congress feels the same pinch of every citizen. We pay higher prices too; we use devalued dollars too; we pay taxes too. But when such reckless acts as proposed pay increases for Members—Members attempting to raise their own salary—which I strongly oppose—come to the people's attention, can we doubt why they feel the way they do?

Mr. Speaker, the ability to hold down the cost of living is within our reach. We must make that reach. I am committed to holding down the cost of living, and I challenge my colleagues to join with me.

DR. BOSWELL J. CLARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, Dr. Boswell J. Clark, who has today honored us with his presence and favored us with an eloquent and inspiring opening prayer for the House of Representatives, is pastor at the Clinton, Md., United Presbyterian Church which he founded 9 years ago. "Bos," as he is affectionately known by his parishioners, has the distinction of having been a student of the revered Peter Marshall; in fact, had it not been for the inspiration of that inimitable Presbyterian minister, Dr. Clark would undoubtedly have still been following the successful engineering career which was his original calling.

Dr. Clark continues his studies, en-

couraged throughout by Mrs. Clark, while serving an exceptionally warm, friendly congregation. The Peter Marshall influence remains, however, and is reflected in mannerisms, delivery, intonation and, most importantly, sincerity. An abiding sense of the need for renewed love of country often surfaces in the Sunday sermons in the Presbyterian Church in Clinton and Dr. Clark has written an article about today's patriotism which I want to share with my colleagues. I include it as part of my remarks:

LEADERSHIP FOR THESE TIMES

(By Dr. Boswell J. Clark)

"These are the times that try men's souls," says the famous quotation. It seems every generation has felt that indeed their times were such, and we no less than they repeat this quotation as indicative of today. If such is the case then what is important is not the events which cause us to feel this truth, but what we do in response to these stimuli. Many say there is no hope, no use trying, the whole world has gone bad and there is nothing left to do but to isolate one's self in introversion of living under the intoxicated idea that is expressed by the anonymous Quaker quotation: "Everyone is evil but me and thee and I have my doubts about thee."

But man is a social being. He can only find true fulfillment of his basic needs of life by social relationships with others. Those who wrote our Declaration of Independence, our Constitution and formed this free nation were well aware of this fact. They did not withdraw from society nor resign from the human race but instead they were challenged by the problems and troubles of their day to find a social system wherein freedom could provide the way for men to constantly seek a better life "to secure for ourselves and our posterity the right of . . . the pursuit of happiness." Our response to the troubles and problems of our day can do the same. These times that try our souls can overwhelm us or they can stimulate us to stand up and gird our loins like warriors who will lead us into better days for ourselves and our posterity, both men and women. Too frequently we say to ourselves: "I am only one person. What can I do to change America or change the world community?" Joan of Arc was only one woman and yet her deeds still live in the annals of history. Patrick Henry was only one voice when he stood up in Richmond, Virginia and said "Give me liberty or give me death," and yet those words continue to echo down through the halls of time in every State of the Union.

We stand at a crossroad in our nation where we can either join the chorus of hopelessness and go down the road of despair or we can be that "one voice crying in the widerness make straight the highways," that lead to joy and the pursuit of happiness. I am only one small insignificant citizen of this United States who had the honor of being invited to open the House of Representatives this morning with prayer. As I walked across the parking plaza one day recently to speak at a prayer breakfast in the Capitol I looked up at the flag flying over our Capitol. It was one of those crisp clear mornings when the sky was its most brilliant blue and I felt a tingle in my spine as I viewed the flag which represents the nation for which I had fought in World War II and millions of other unknown citizens had done the same to preserve this nation in all of the wars of our country. I was immediately reminded of the words: "Breathes there a man with soul so dead who never to himself has said this is my own, my native land!" The thrill is not gone. There are those who will fight in peace as they did in war to lead this nation down the road of truth, honesty, and integrity of character. Their name is legion.

The Congress of the United States has such men and women in its chambers even now. Men and women who are capable of hearing the charismatic call to stand firm in what we believe and by their words and their deeds to demonstrate the strength of leadership which will lead this nation down that road upon which we embark when we founded this nation, that highway made straight by the virtue which men can and do have within their grasp. My prayer therefore for this nation is: "God give us men and women who will meet the challenge of these times!" And He will. You may be one such person needed at this moment. "Whom shall I send, and who will go for me?" "Here am I Lord, send me!" (Isaiah 6: 8)

FEO NOT ENFORCING RULES; AGRICULTURE, PUBLIC SUFFER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, nearly 2 months after the Federal Energy Office issued regulations to carry out a clear mandate from Congress, agriculture still finds itself without sufficient fuel to perform its vital task.

After receiving continued reports from farmers, Department of Agriculture officials and local fuel distributors, in my district in California's San Joaquin Valley that oil companies are refusing to obey FEO's regulations, I asked FEO Regional Administrator William Arntz in San Francisco to enforce the rules.

In my airmail letter of February 15 to Mr. Arntz, I reported my discussions indicated "that agriculture is not receiving 100 percent of current requirements in either motor gasoline or middle distillate fuel."

I urged the Administrator to "take immediate and effective action to obtain compliance from oil companies with the regulations established in accordance with provisions of the Emergency Petroleum Allocation Act of 1973."

A followup telegram to Mr. Arntz on March 7 pointed out that there had been "no response from your office to date concerning this critical situation involving California agriculture."

This finally prompted a response from the Administrator, which by coincidence was also dated March 7, in which Mr. Arntz admitted that compliance with the regulations had not been obtained.

Mr. Arntz' letter stated, in part:

We are very much aware of the situation and have been meeting with suppliers and ASCS representatives (of the Department of Agriculture) to assure an adequate supply of product for agricultural users, especially for the purposes of frost prevention which you mentioned. As you know, the regulations stipulate that those involved in agriculture are to receive 100 percent of current requirements.

Unfortunately, the FEO has been attempting to obtain voluntary compliance from the oil companies rather than use the enforcement power the agency possesses. "It may be encouraging to note that most suppliers have made every attempt to cooperate with us," the Administrator advised me. "You have my assurance, however, that we will move against those violating the regulations in the event that our efforts to achieve voluntary compliance are not successful," he promised.

From past experience, Mr. Speaker, the FEO should know by now that depending upon the good will of the oil companies simply will not protect the American people.

When the fuel shortage pinch became serious a year ago, through the Office of Oil and Gas—which was then in charge of the administration's efforts to meet a mounting problem—a voluntary effort to obtain equitable distribution of dwindling petroleum supplies failed.

Most oil companies turned a deaf ear to the requests from FEO's predecessor, claiming that they feared antitrust actions or civil suits from long-established customers. They asked for mandatory allocation legislation which would enable them to divert petroleum supplies to uses which had greater bearing on the national interest than uses which were not so essential to the well-being of the country.

This legislation was enacted by Congress with full expectation that priorities would be established and enforced in certain vital areas.

While voluntary compliance with the law is desirable, the time for kid glove treatment of the major oil companies has long since passed.

Almost without exception, the companies in my district are telling the farmers that they are limited to a certain percentage of gasoline and diesel fuel that they used in 1972, not 100 percent of requirements.

In my letter to Mr. Arntz, I pointed out:

As a consequence, serious impairment of agriculture's ability to produce is threatened in the San Joaquin Valley. Farmers who are now making plans concerning the types of crops to be planted and quantities will be greatly influenced by their ability to obtain sufficient fuel to continue their operations through the planting, growing and harvesting periods.

Of great concern to me also are the consequences in other segments of our economy if FEO allows the oil companies to proceed in their own fashion. Are the long lines at service stations the result of FEO's failure to get compliance from the oil companies? Based upon the experience of harassed farmers, it would be reasonable to draw this conclusion.

FEO has the enforcement power necessary to obtain compliance with other regulations designed to protect the general public and must exercise this authority. The public has cooperated very well in curtailing the use of energy, but it must receive the cooperation it deserves in assuring that fuel is available to minimize dislocations and hardships it is called upon to endure. FEO certainly will have the backing of Congress and the people in requiring oil companies to carry out its responsibilities under the law. I urge FEO to use all its powers to achieve this essential cooperation.

ANNUAL REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, the 1973 annual report of the Immigration and Naturalization Service has just been released. This informative document, replete with tables and statistics, illustrates the tremendous responsibilities of the Immigration and Naturalization Service.

I invite the attention of all Members of Congress to read this document and to study the attendant tables. In fiscal year 1973 there were 400,063 new immigrants admitted to the United States, an increase of 4 percent over the 1972 total. During this same period, there were 5,977,324 nonimmigrants of various nonimmigrant categories of aliens inspected and admitted to the United States. Of this number, the largest group were temporary visitors for pleasure, an increase of 17.6 percent over the previous year. Furthermore, visitors for business increased 21.8 percent over the previous year. The most staggering statistic is revealed in the arrival of over 250 million passengers during 1973, an increase of 5 percent over 1972, again setting a new record. Needless to say, this large number of people visiting our shores imposes an awsome duty on the Immigration Service to inspect such individuals prior to their admission. In addition, the Service must monitor the whereabouts and departures of these people, simultaneously recording accurate statistics.

The annual report contains a very significant section on the ability of the Service to locate deportable aliens. A total of 655,968 deportable aliens were located by Service officers, an increase of 30 percent over fiscal year 1972. A total of 84 percent of the illegal aliens ascertained made surreptitious entries at other than ports of entry. To achieve effectiveness, the Service must remove illegal aliens quickly, and 55 percent were removed within 72 hours of entry. In an effort to better detect illegal entries, a modern enforcement tool, known as an electronic intrusion alarm system, has been installed along the northern and southern borders.

There is a high concentration of illegal aliens in urban centers of this country who often unfairly compete with American workers and who often surface on welfare rolls. In the past year, the Service sought to improve the methods of detection of illegal entrants by seeking the cooperation of employers to discontinue the hiring of illegal aliens. In addition, an effort was made to expand the recruitment and training of Immigration and Naturalization officers in an attempt to strengthen area control forces in New York City, Los Angeles and Chicago.

During the previous year there was an alarming continued upward trend in alien-smuggling operations, particularly in large urban areas. Such smugglers charge an alien anywhere from $200 to $650. They also provide him with a variety of forged and counterfeit documents, transportation, and temporary housing in private homes or motels where the alien awaits relocation. Despite the dangers and hazards of crossing the border in such fashion, aliens continue to pay large fees for assistance. The Service in 1973 secured an agreement to prosecute 30 major commercial smuggling operators in Chicago and a $3,000,000 smuggling ring, the largest operation ever uncovered by the United States, was disbanded after a successful 3-year probe and investigation by Service officers. Though the primary purpose of the Service is immigration law enforcement, the past year saw Service officers responding to public emergencies. For example, officers assisted local authorities in California in evacuating a section of a city which was faced with a munitions explosion. Furthermore, officers seized over 98 tons of marijuana valued at more than $19.6 million. Due to the Service's cooperation with Federal, State, local, and foreign country law enforcement agencies, illegal firearms, merchandise, contraband, and, most important, hard drugs such as heroin and cocaine were seized by officers of the Service.

The Immigration Service must be complimented for diligent efforts in enforcing the law. Though the Service is understaffed and sufficient funds have not been appropriated, the Immigration and Naturalization Service, even under these circumstances, continues to effectively monitor, administer and enforce the immigration laws.

Extensive hearings and investigations were conducted by the Subcommittee on Immigration, Citizenship, and International Law regarding illegal aliens. The data collected led us to the conclusion that even with the inadequate manpower and available facilities of the Service, it is doing a remarkable job. Nevertheless, it becomes obvious when reviewing the facts as highlighted by this report, that additional personnel and appropriations are badly needed.

The enactment of H.R. 982, a bill which provides a penalty on employers who knowingly employ illegal aliens, will assist enormously in preventing the surreptitious entry of many aliens into the United States and will assist the Immigration and Naturalization Service in combating the vexing illegal alien problem. This bill is designed to remove the incentives for aliens to illegally enter the United States in search of employment and for employers to exploit this source of labor.

I would like to compliment the Immigration and Naturalization Service for this thorough report. I would also like to welcome Gen. Leonard Chapman as Commissioner of the Immigration Service. I am very impressed with the way that General Chapman has assumed his new duties and I look forward to working with him and with the Service in a new era of cooperation and dedication.

ONE HUNDRED AND SEVEN CONGRESSMEN JOIN IN SPONSORING BILL TO PROTECT VETERANS' PENSIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, today I am reintroducing, with 106 sponsors, legislation I first offered on February 13, H.R. 12787, to prevent veterans, their dependents and widows, from losing their eligibility for veterans' benefits or suffering a decrease in the amount of such benefits because of increases in monthly social security payments. This legislation would "pass-through" social security benefit increases enacted in 1973, totaling 16.9 percent, to all veterans who are recipients of social security. Veterans and their families would also be protected against adverse effects on VA benefits from future cost-of-living social security increases.

Mr. Speaker, I hope that the sponsorship of nearly one-quarter of the Members of this House will speed action on this important legislation by the Veterans' Affairs Committee. The many bills introduced in this and previous Congresses to "pass-through" social security benefits to veterans—of which my bill is only the latest but hardly unique—demonstrate convincingly that hearings should be held soon on the need to protect veterans and their dependents from financial harm arising from social security benefit increases. I would hope that within a few months, the House will have the opportunity to pass legislation along the lines of that which I have introduced with the sponsorship of 106 of my colleagues. We have allowed this problem of inadequate coordination between the social security and veterans' pension systems to go on too long.

As most of my colleagues know, the need for this kind of legislation is caused by the feature of current law linking a veteran's eligibility for a pension or compensation, and the amount of his benefits, to his income. Income from social security is included in computations for the purpose of determining eligibility and benefit amounts. Thus, every time social security benefits go up, some veterans receiving social security checks find that their pension goes down—and, in some cases, stops altogether. An estimated 17,000 veterans and their dependents will be cut completely from the VA rolls this year because of social security increases, while another 1⅓ million veterans and their dependents will have the amount of their benefits reduced.

This undesirable situation can be easily remedied. Future increases in social security benefits should not be computed as part of a veteran's earnings for the purpose of determining eligibility or benefit amount for VA pensions and compensation. Veterans have earned and deserve their pensions. Their VA pensions should not be linked with social security in a way that works to the detriment of the veteran and his family.

The urgent character of this legislation is heightened by the economic realities of our time. It seems obvious to me that the high inflation rates of the last couple of years strike hardest at those living on fixed incomes—particularly the elderly. Last year, food prices rose by 16 percent, more in some places, and even the Administration predicts sharp increases in the coming year. This is no time for financial sleight-of-hand with the security of elderly and disabled veterans. They need real help, not just promises. They need the full assistance of the social security benefits totaling 16.9 percent that the Congress passed last year—plus future cost-of-living in-

creases. The legislation I have introduced would accomplish this.

In the coming weeks, I will be speaking again on the issues raised by this legislation to protect veterans' pensions. I commend those of my colleagues who have joined to sponsor H.R. 12787, and urge those who as yet have not, to join in this good cause.

Mr. Speaker, at this point I include names of the current sponsors of H.R. 12787 in the RECORD:

Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Broomfield, Mr. Brown (Calif.), Mr. Burke (Mass.), Mrs. Burke (Calif.), Mr. Byron, Mr. Carney, Mrs. Chisholm.

Mr. Clay, Mrs. Collins (Ill.), Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Culver, Mr. Daniels (N.J.), Mr. Dellums, Mr. de Lugo, Mr. Denholm, Mr. Diggs, Mr. Donohue, Mr. Drinan.

Mr. du Pont, Mr. Edwards (Calif.), Mr. Eilberg, Mr. Fauntroy, Mr. Flowers, Mr. Ford, Mr. Fraser, Mr. Gaydos, Mr. Gilman, Mr. Ginn, Mr. Gray, Mr. Green (Pa.), Mr. Gude, Mr. Gunter, Mr. Hawkins.

Mr. Hechler (W. Va.), Mr. Helstoski, Mrs. Holtzman, Mr. Horton, Mr. Hungate, Mr. Johnson (Pa.), Mr. Jones (N.C.), Mr. Kemp, Mr. Kyros, Mr. Leggett, Mr. Long (La.), Mr. McCloskey, Mr. McDale, Mr. McSpadden.

Mr. Mathis, Mr. Matsunaga, Mr. Mazzoli, Mr. Meeds, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell (Md.), Mr. Moakley, Mr. Moorhead (Pa.), Mr. Morgan, Mr. Moss, Mr. Murtha, Mr. Nedzi, Mr. Nix.

Mr. Patten, Mr. Pepper, Mr. Podell, Mr. Preyer, Mr. Price (Ill.), Mr. Rangel, Mr. Rees, Mr. Reid, Mr. Reuss, Mr. Riegle, Mr. Rodino Mr. Roncalio (Wyo.), Mr. Roncallo (N.Y.).

Mr. Rose, Mr. Rosenthal, Mr. Roush, Mr. Seiberling, Mr. Stark, Mr. Steele, Mr. Stokes, Mr. Stuckey, Mr. Studds, Mr. Thompson (N.J.), Mr. Thone.

Mr. Tiernan, Mr. Van Deerlin (Calif.), Mr. Vanik, Mr. Vigorito, Mr. Waldie, Mr. Charles Wilson (Tex.), Mr. Charles Wilson (Calif.), Mr. Wolff, Mr. Won Pat, Mr. Yatron, Mr. Young (Ga.).

LABOR—FAIR WEATHER FRIEND—VIII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, when I was attacked by the Labor Council for Latin American Advancement, I was surprised to learn that Maclovio Barraza was a member of the executive committee, an officer and guiding light in the efforts of that budding new institution.

I was surprised because while it might be expected that the LCLAA as an organization might be so crude as to fail to send me a message, and then claim that it had, or that it would be so eccentric as to attack its own friends, I never dreamed that Maclovio Barraza would be a party to it or fail to protest it.

Yet when this sordid business came up, I did not hear from Barraza. He did not call me to ask what the truth was. He did not write to ask me for any facts. He did not insist that the LCLAA be honest with me. Yet he knows me well, and knows that I have defended him.

When Barraza's union was under a cloud of suspicion, so was he. His whole union and all its board officers were being called Communists, because one of their number might have been. This shadow of doubt hampered Barraza's union and it hampered him personally.

Shortly after I was elected, Barraza asked me to speak out, to do something about the situation that was so tormenting his union, and affecting his own life. Here I was, a freshman looking at the problem of getting reelected after serving half a term; I had no influence or power. But here was Maclovio Barraza asking for help in resolving an injustice.

Barraza expected me to presume that he was innocent.

Barraza expected me to act on that presumption of his innocence, and help take away the doubt that had been cast over him and his union.

He expected me to run substantial political risks in his behalf, even though I had never met him before, and even though he was not, never had been, and may never be a constituent of mine. I did this gladly, because I believe in righting injustices, and had some reason to believe that Barraza was not working for any Communist organization. So he was cleared.

Today, years later, this same Barraza is a witness and participant in an attempt to cast doubts about me, even smear me. Do I have a right to expect him to presume my innocence? Do I have a reason to expect him to defend me against an unfair attack? I think so.

Maclovio Barraza is in a powerful position to see that his LCLAA does what is right and honest. He is a founding member and a member of its executive committee. But now that the organization has done me a gross injustice, I do not hear from him; I have no indication that he has made any effort to tell the truth about me, or find it out if he has any doubts. Yet he expected me to defend him, though I was in a much less favored position.

Does this man believe in justice only for himself? Where is he now, when he has an opportunity to help one who defended him in the past? I wonder, where are you, Maclovio?

TRIBUTE TO HON. JOHN E. NIDECKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GRAY) is recognized for 5 minutes.

Mr. GRAY. Mr. Speaker, on Sunday, January 27, 1974 an honor was accorded to a Special Assistant to the President which I would like to bring to the attention of the Congress. The basic reason, is a recognition of 45 years of service to God and the Episcopal Church. There is another reason, however, of import to this body, which is that John Nidecker is known by most of its Members and those of the Senate as a friend in need and in deed.

The services he has rendered to all Members of the Congress have been of inestimable value in relationships with our constituencies and with the White House. This dedicated public servant is always willing to help any Member or his staff at any hour of the day or night. Few, if any, tasks given to him have not been accomplished. His personality is that of a happy man who enjoys helping his fellow man.

The Honorable John E. Nidecker preached a sermon at two services in Christ Episcopal Church in Rockville, Md., on that day as he began his 45th year as a licensed lay-reader in his church. To a congregation of hundreds, including many of his friends, the Rector, the Reverend Elwyn D. Brown stated that John's service extended over a period longer than most ordained clergymen.

Reverend Brown read to the congregation the attached letters from the President of the United States and the bishops and clergy with whom John served. Also, attached is a very interesting letter from a little girl who heard his sermon.

The sermon itself is a chronicle of service in many dioceses and parishes and I feel it deserves recognition by John's friends in the Congress. Ralph E. Becker, Esq. a prominent attorney well known to many of us has obtained a copy of that sermon and the commendatory letters from bishops and priests as well as the President of the United States which were read at the services and I would like to include them at this point in the RECORD, because they are a well deserved tribute:

MR. NIDECKER

(By Kane Codus)

Mr. and Mrs. Nidecker are very nice people. All his friends, today, gathered under the steeple. They sang their psalms and said their prayers. Heard his sermon and ran down-stairs. The Codus kids did not squawk which proves how much they liked your talk Billy, Julie and Katie say thank you so much for inviting us today.

THE WHITE HOUSE,
Washington, January 18, 1974.

Mr. JOHN NIDECKER,
Christ Episcopal Church,
Rockville, Md.

DEAR JOHN: Your forty-five years as a Lay Reader and Leader in the Episcopal Church are understandably a source of inspiration for all who know you. But more than this, they bespeak an unfailing adherence in your daily life to the tenets of your Faith.

As a friend who has also been fortunate to draw upon your talents and counsel in the work of my Administration, I wholeheartedly share in the sentiments that will be expressed for you on this happy occasion. I know of no one who has better upheld both the letter and the spirit of religion in service to his fellowman.

My best wishes go out to you as always.

Sincerely,

RICHARD NIXON.

SAINT ANDREWS CHURCH IN
WILLISTON PARK, N.Y.,
Williston Park, N.Y., January 22, 1974.

DEAR JOHN: I note that you are now commemorating 45 years continuous service as a Lay Reader in the Episcopal Church. Since you spent part of that internship here at Saint Andrew's, I want to take this opportunity to send my congratulations, and the assurance of my continuing prayers.

With every good wish, I am

Always most faithfully,

HENRY R. KUPSH.

THE BISHOP OF NEW YORK,
New York, N.Y., January 24, 1974.

Mr. JOHN NIDECKER,
Christ Church, Rockville, Md.

DEAR MR. NIDECKER: I just heard of your 45th anniversary as a layreader in the church. I don't know of anyone with a longer record.

In this day of renewed emphasis on the lay ministry and a renewed concern that the church be a part of every day life, it is wonderful to be able to hold up the record of someone like yourself who has been deeply centered in the life of the church for so many, many years.

God bless you in the years to come. We are all grateful to you.

Affectionately,

The Rt. Rev. PAUL MOORE, Jr.,
Bishop of New York.

NEW YORK, N.Y., *January 22, 1974.*

Mr. JOHN NIDECKER,
Rockville, Md.

MY DEAR MR. NIDECKER: I join with so many of your friends in congratulating you and the Church upon your splendid record of achievement as a Lay Reader in the Church for forty-five years. Furthermore, you have been an active Lay Reader in some of the most distinguished parishes in this country. It is a noble ministry, affecting more people than either you or I could estimate, and done to the glory of God—as it should be.

The mission of this Church has been greatly aided by dedicated people like yourself and, therefore, has been strengthened for its tremendously important task because you have volunteered in Christ's Name.

May God continue to uphold your hand as you continue to be obedient to his commands.

Faithfully yours,

JOHN E. HINES,
Presiding Bishop.

DIOCESE OF WASHINGTON,
Washington, D.C., January 23, 1974.

REV. ELWYN BROWN,
Christ Church, Rockville, Md.

DEAR ELWYN: Please do express to Mr. John Nidecker my very great appreciation of his years of service as a lay reader. The devoted ministry of such a layman is an inspiration to us all, and an example of the service to Christ and His Church that continues faithful through all the chances and changes of a lifetime.

With all good wishes to Mr. Nidecker and to the people of Christ Church,

Faithfully yours,

WILLIAM F. CREIGHTON,
Bishop of Washington.

THE DIOCESE OF PENNSYLVANIA,
Philadelphia, Pa., January 3, 1974.

Mr. JOHN NIDECKER,
c/o Christ Church,
Rockville, Md.

DEAR MR. NIDECKER: I have been appropriately informed that you are completing forty-five years of continuous service as a faithful layreader and lay leader in the Church of God. I know that you were formerly associated with St. George's Church, Venango, and Good Shepherd, Philadelphia, in this diocese. Latterly you have been associated with Christ Church, Rockville, in the diocese of Washington.

On this occasion it gives me great pleasure to send you this greeting from the Diocese of Pennsylvania, as we are eager to express our gratitude to God for your faithful service. May His Holy Spirit enfold you with His love and engrace you with His power now and in the years ahead.

Faithfully,

LYMAN C. OGILBY,
Bishop of Pennsylvania.

DIOCESE OF NEWARK,
Newark, N.J., January 24, 1974.

Mr. JOHN NIDECKER,
Rockville, Md.

DEAR MR. NIDECKER: I understand that the Rector and members of the congregation of Christ Church intend to recognize your forty-five years of service as a Lay Reader. I wish it were possible for me to join them in person to express my own deep appreciation and gratitude for these years and, especially, for the years during which you served in the Diocese of Newark at Grace Episcopal Church, Van Vorst, in Jersey City. The life of the Church is always enriched by the faithful service of laymen and laywomen. You may be sure that your ministry has been and will continue to be deeply appreciated.

Faithfully yours,

GEORGE E. RATH,
Bishop.

THE DIOCESE OF BETHLEHEM,
January 23, 1974.

Mr. JOHN NIDECKER,
Rockville, Md.

DEAR MR. NIDECKER: I have learned that you are being honored for forty-five years of service as a Lay Reader. At some time this included service in the Diocese of Bethlehem. You have taken the ministry of Lay Reader very seriously and wherever you have been you have functioned in this capacity. What a service you have performed for the Church and what a service you have done for Christ. Forty-five years as a Lay Reader is five years beyond the normal ministry of an ordained clergyman, according to the figures of The Church Pension Fund. You have thereby eclipsed and supported the ministries of many ordained clergymen by your devoted service.

I salute you, and I wish you many more years of service in the Lord's work.

With every good wish to you, I remain

Faithfully yours,

THE RT. REV. LLOYD E. GRESSLE,
Bishop of Bethlehem.

DIOCESE OF LONG ISLAND,
Garden City, N.Y., January 22, 1974.

DEAR MR. NIDECKER: I understand that you are now completing forty-five years as a Lay Reader in the Episcopal Church and I realize that you served in our Diocese at St. Andrew's in Williston Park. I feel that Congratulations to you for your faithfulness are now in order.

With this I send every good wish and my blessings.

Faithfully yours,

JONATHAN G. SHERMAN,
Bishop of Long Island.

SERMON FOR THE FOURTH SUNDAY AFTER EPIPHANY, JANUARY 27, 1974

When Fr. Brown conferred on me the honor of preaching the Sermon on this day, a theme or text kept running through my mind that can be found in the Gospel of St. Matthew and which is appointed in the 1928 Prayer Book as part of the Gospel for this day.

It is: Lord I am not worthy that Thou shouldst come under my roof but speak the word only and my servant shall be healed. It was first said at Capernaum when an officer asked Christ to heal his servant who was sick of the palsy. Christ said He would go to do so. The Centurian replied in the words of the text which have now become a part of the Priest's prayers before he partakes of the Eucharist. They have been paraphrased to say, "Lord, I am not worthy that Thou shouldst come under my roof but to speak the word only and my soul shall be healed.

These words are a foundation stone in the life of a Lay Reader. In addition to this foundation, there are other stones—building stones—which are found in the letters of St. Paul to Timothy and Titus and in his letters of instruction to the many Churches he established. In those letters, Paul was persistent in his admonitions to the people that, to serve, one must love and to love one must serve. These two ideals are set forth in the summary of the law on which hang all the law and the prophets. First one must love God and secondly one's neighbor as ones self. And if a person loves in this manner he will serve.

Some forty-five years ago a priest gave of his love for me, in that he started me along the road which has brought me to this pulpit today. It was then that I began a Lay ministry of which I am proud and for which I am deeply grateful. Grateful for the opportunity. Grateful for the guidance and understanding of the Priests and Bishops who have given me permission to serve—and—grateful to the congregations for their forebearance with my frailties.

Beng a LayReader has brought me joy in many ways. Joy in service in tiny salt-box churches with almost no room in the sanctuary to huge gothic edifices with chancels almost as large in size as one half of this church. It all began in a small mission called St. George's, Venango in Philadelphia and has culminated in this beautiful church home in which I now live.

Since that beginning, there have been many experiences. There were times when I had to put on the whole armor of faith to withstand the flaming darts of fellow Episcopalians in order to prevent a rise in problems founded on false rumor. There were times when the attitude of "let George do it" prevailed and some parishioners felt that others' pledges would provide sufficient funds for the operation of a church. There were also times when I served in the capacity of a summer supply reader and preacher, when contrary to my best efforts, the people called me Brother or Father and brought their marital and psychological problems as their offertory.

Thinking back over those forty-five years, however, the most prevalent thoughts are joyous ones. Such as being a proxy sponsor in Baptism for many children, as well as the times when I was an actual sponsor. On one occasion it was for an entire family that was baptized. Man, wife, and seven children. It is also pleasant to think of some hundreds I prepared for confirmation. It is still great to recall the voices responding to the catechetical questions, "What is your name" and "Who gave you this name?"

All of this, for me, was an escalation in my life in the church, from the day when the Bishop placed his hands on my head and recited the prayer which I have never forgotten, 'Defend, O Lord, this thy child with thy heavenly grace, that he may continue thine forever and daily increase in thy Holy Spirit more and more until he come into thy everlasting kingdom." It was so that others may thrill at that feeling of the power of the Holy Spirit—when the Bishop confirmed them—that I spent many hours in teaching.

I recall the thrill I had when the first license was issued to me in 1929, and in each succeeding year granting me the right to read the daily offices and to assist at the Altar as Epistoler and SubDeacon in the Queen of all services—the Eucharist. This is a source of exquisite joy that could not have come from any other experience in life.

Having spoken of some of the things—seen—which comprise the duties of a LayReader, let us look at some of the unseen. At one time I was an almost permanent funeral crucifer in a large church because my office was only two blocks away and they could call me for most of the funerals. Many times the call came to act as Miter Bearer for a Bishop and there were many Bishops who visited that Parish. There were other unseen things like cleaning Altar vessels and polishing brass in a small church. Working in a city mission amongst derelicts who came there for a meal and a bed. Preaching to them, listening to their woes and holding on to them when they thought that they just couldn't go on. Making house calls to assist a lone Priest in a parish which could not afford assistance. Begging for that Priest's subsistance was an experience to be remembered.

Visitations to hospitals are also a part of the layreader's life as well as offering consolations—as feeble as they might be—to those who are bereaved. Assisting priests and deacons when they took communions to the

sick in their homes. Virtually living with a group of teenagers from the age of sixteen until they left for college or marriage. Going on retreats with them; listening to their problems and helping them over the hurdles of life. Writing, acting and stage managing as well as directing plays to earn money for homes for the aged, hospitals and other institutions occupied many late hours of preparation and work. There were multiple benefits from this work since the plays earned a great deal of money—helped place some of our actors in Broadway shows and provided a means for entertaining shut-ins. These and other means of being a servant in the house of the Lord, have brought me many precious hours of peace and happiness.

As time moved on in my life in the Church, I came to a greater realization of the movement of God in it and today, as I stand here, I hope that no one will think that I have reason to boast—no—rather this is in a measure a thanksgiving to God that I have had these opportunities.

None of them could have come about without the kindness and forbearance of some great men of God. The bishops were Garland and Tait of Pennsylvania, Sterrett and Warnecke of Bethlehem, DeWolfe of Long Island, Donegan of New York, Washburn of Newark and Dun and Creighton of Washington. Some of the priests were Fathers Hord, Fulforth, Trumbore Kupsh, Paul Moore (now Bishop of New York), Canon Newman and Dr. John Butler. There were also various deacons, priests and brothers of the Oratory of the Good Shepherd, the Orders of St. Francis and Holy Cross, the Sisters of St. Margaret and others.

In terms of the opportunities, I have been attached to sundry church homes. Buildings that were lighted with gas and poorly heated; where the organ bellows sometimes failed to work, great gothic churches where the lights were plentiful; the organs were fine instruments and the people failed to work. On some occasions I served in buildings converted to house derelicts or in huge convention halls that were temporarily furnished as churches. There was even a period when we used the 1892 Prayer Book because the Parish was poor and we could not afford the green book of its day—the 1928 Prayer Book.

Some of the most interesting educational experiences which intrigued me were service with ecumenical commissions, working with young people as they wrote their own litanies or and helping them to prepare Jazz and guitar Masses. Studying liturgies and reading hosts of books to prepare for service in the church.

There were also experiences in performing the deeds of parochial responsibilities. Serving with Priests who said the early Eucharist in twenty minutes flat and with others who stretched it out to almost an hour. I have heard many kinds of sermons, some very long and very bad ones and many that were excellent. The shortest one I ever heard took exactly two minutes.

It is quite obvious that I have not emphasized my tenure here at home, but I wanted to save the best until the last. This home which I call possessively—My parish—Christ Church in Rockville, Maryland. My life here began with Father Black who had once served as a Curate in the Chapel of the Intercession of Trinity Parish, New York. He had attended Seminary with the Vicar of Trinity Church who had written to him about my move to Maryland. Within a short period after I arrived here, Fr. Black asked me to assume some duties as a Lay Reader. Within a month, I was called one morning and asked if I would Officiate at the 9:15 Service and preach a sermon written by Father Peters. That was quite an experience as anyone can attest who has had to decipher Fr. Peters almost illegible penmanship. A Lay Reader who can join me in that thought is Mr. Hopkins who had the same duties for the 11:00 a.m. Service on that day.

Although I had served on other Vestries, service on this Vestry was a marvelous education. As a result, a nomination was made for additional service but I was not elected. At first, I was disappointed not realizing what God had in store for me. Time proved God's point since my inability to serve came along in three months when I went into the hospital. This proves that God knew what He was doing—I didn't. His plan did something else—it brought home to me the love of the people of this Parish—the prayers—flowers—letters—visits—cards and communions each gave me an evidence of His love through your love.

It must be obvious to all of you that I feel a great sense of joy in now working with Fr. Brown and Fr. Rose. It is also a wonderful feeling to be a part of this congregation of friendly active members who are my brothers and sisters in Christ. Hearing the voices of our choirs under the direction of our Minister of Music, Mr. Preston, is the source of additional joy. Being a part of the fellowship of Lay Readers is another area for which I have great feeling.

The young people of this parish never cease to amaze me in their zeal and in their service. Our acolytes do so much for all of us who serve at the Altar and sometimes straighten us out when we seem to fail or forget a point in our activities in the Eucharist.

From Fr. Hord who started me on this road, to Fr. Brown who now walks it with me, I have been most fortunate. The ways in which God has shown me error in my use of the life, He has given me and the happy experiences have made me a willing wearer of the whole armor of faith.

It is with joyful humility that I begin this forty-fifth year as a Lay Reader. It is my hope that I can continue to serve and with a fervent prayer that I look forward to the coming years of service in the church. And now my prayer of thanks:

Thank you, Lord, for this great life, which
You have given me.
For all my friends, here gathered, and for
my family.
For serving our great Nation, in a very special way,
For serving at the Altar, on this, Your Holy
Day.
For tempering adversity, for joy in the success,
Which brought me here to this great church
and for my happiness.
For places you have sent me, to do your
bidding there,
And for the many ways You've shown, that
for me You do care.
May I continue on, O Lord, to work within
Your plan,
To do the things which I should do to help
my fellowman.
I know I am not worthy Lord, yet hopefully
I pray,
That I may serve You well, O Lord, until
my dying day.
Amen.

TEAPOT DOME SCANDAL GROWS ON OIL SHALE LEASING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the third tract in the Federal prototype oil shale leasing program was offered for bid this morning in Salt Lake City. Of the three bidders, a joint bid by Phillips Oil and Sun Oil Cos. was the highest at $75,586,800.

Mr. Speaker, I have said before that this latest oil shale leasing would provide us with an opportunity to make a better comparison of the first two tracts. It does indeed, and these are the results:

Amount of oil identified by DOI as "recoverable"; high bonus bid; and per barrel bonus bid yield to Federal Government

Colorado Tract:

C–a, January 8, 1974, 4,070 million barrels, $210,305,000, 5.2 cents per barrel.

C–b, February 12, 1974, 723 million barrels, $75,596,800, 16.3 cents per barrel.

Utah Tract:

U–a, March 12, 1974, 244.4 million barrels, $75,596,800, 30.9 cents per barrel.

Mr. Speaker, the disparity in the per-barrel yields to the Federal Government from the leasing of these public lands is simply outrageous. The second tract brought three times as much as the first, but the leasing today of the third tract, brought twice as much as the second tract. This amounts to six times as much as the first tract: 30 cents per barrel compared to 5 cents per barrel.

If the C–a and C–b tracts have brought per barrel bonus bids similar to today's, the Public Treasury would be over $1 billion richer. Instead, public petroleum resources appear to be going for peanuts, to be eventually resold by a private industry that has already recorded unprecedented annual profit levels.

After learning of the results of the second tract leasing, I wrote Secretary of the Interior Morton asking that he delay the prototype program until a complete, emergency reexamination was completed. How much was the public receiving for the sale of their precious natural resources? Why did one sale bring a nickel per barrel, while another, in more difficult mining conditions, brought 16 cents per barrel?

That letter was written on February 13. I have not received a reply as of this date.

I asked Secretary Morton why those leases should not be renegotiated to assure a fair and equitable treatment of the public's interest. If there was any indication that the public's interest was not being served, then the programs should be delayed.

Mr. Speaker, I think the results of today's leasing make all the more clear the urgent need for an agency to revive and reexamine Government leases of the public's lands and resources. Although the Department of the Interior stands guard over trillions of dollars of public property, it has a startling lack of secondary oversight: Once land is leased or minerals are authorized for recovery, there is no second effort to insure the public that they are indeed receiving bonus bids or royalty payments, truly commensurate with the value of the resources.

For this reason, Mr. Speaker, I intend to offer amendments to the upcoming extension of authorization for the Renegotiation Board, to allow the Board to renegotiate leases let for recovery of resources from public lands. Such an oversight mechanism could help prevent the apparent abuses of the public's interest that we are seeing today.

GUARANTEED STUDENT LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Michigan (Mr. O'HARA) is recognized for 10 minutes.

Mr. O'HARA. Mr. Speaker, let me expand briefly on the substance of the unanimous-consent request which I made earlier.

H.R. 12523 is a bill relating to the continued availability of funds appropriated in earlier fiscal years. It is a noncontroversial bill which earlier passed the House unanimously and subsequently passed the Senate, in a somewhat amended form, also unanimously.

One of the Senate amendments to H.R. 12253 dealt with the guaranteed student loan program, and sought to make such loans more readily available to students from middle-income families.

At the same time the Senate was amending H.R. 12253 and attaching its amendment thereto, the Special Subcommittee on Education of this body began hearings on a similar bill with an unfortunately similar number, vis H.R. 12523.

The Committee on Education and Labor has today reported H.R. 12523 to the House, and I requested unanimous consent, in effect, that the House language on the guaranteed loan program as embodied in H.R. 12523, be substituted for the Senate amendment to H.R. 12253.

GUARANTEED STUDENT LOANS

In 1972, when the Congress enacted Public Law 92–318, the massive Education Amendments of 1972, we changed the formula for eligibility for guaranteed loans and for the interest subsidy that had long been a feature of that loan program. Prior to the 1972 amendments, any student whose adjusted family income was $15,000 or less could apply for a guaranteed loan and for interest subsidy. The Federal or State Governments would assure the lender against default on the loan, and the United States would, for eligible students, pay the loan interest during the period while the student was in school.

In 1972, we removed the income test for eligibility, believing, quite rightly, that $15,000 was not what it had been. But, at the same time, in an effort to avoid abuses of the program, we required the institutions of higher education to make a determination that the student was in need of a loan, and the amount of that need.

The resulting performance has not been encouraging. The number of loans has fallen off substantially from the figures originally predicted, and, while there has been some recovery, we are still denying interest benefits, and in many cases, denying access to college, to a great many young people on the dubious grounds that they are "too affluent to need a subsidy."

In January 1973, the President's budget estimated that the number of loans would rise from 1,256,000 in 1971–72 to 1,533,000 in 1973–74, and 1,673,000 in 1974–75. The most recent budget shows those estimates reduced to 1,088,000 in 1972–73, 890,000 in 1973–74, and 979,000 in 1974–75.

The reasons for this decline in the number of guaranteed loans are several, but almost without exception, the witnesses before my subcommittee and the observers who have written me have placed the major share of the blame on the requirement that the individual loan applicant's need be "analyzed" through the use of analysis techniques that were designed to ration out scarce grant funds and scholarships.

The result has been that middle-income families have become virtually "analyzed out" of the loan market at the same time that increased tuitions and fees are beginning to price them out of the opportunity to pay their kids' college costs from current income.

In the 14 months that I have chaired the Special Subcommittee on Education, there has been no more persistent theme underlying the testimony before my subcommittee, and the correspondence I have recevied from parents, students, college financial assistance officers, banks, and my colleagues, than the plea that something be done to stop this notion that a family with an income slightly in excess of $10,000 can "reasonably be expected to contribute" 30 percent or more of its total income in order to keep its kids in college—and the notion that the entire panoply of student financial assistance, including loans, must be confined to kids coming from the bottom of the economic spectrum.

In the course of the past several months, my subcommittee has conducted field studies of the loan problem, and 7 days of open hearings on its scope and on proposed remedies. The legislation the subcommittee and the full committee have developed will not solve all the problems of the loan program. But it will make a healthy beginning back toward a situation in which young Americans of middle-income families will not be told, in effect, that their parents ought to take out a third mortgage or sell the family farm in order to qualify for a guaranteed loan.

The Committee on Education and Labor, Mr. Speaker, agreed unanimously to this resolution of this problem for the immediate future. But I have repeatedly stated and I will reiterate again today, that it is my intention, as chairman of the Special Subcommittee on Education, to complete, this year, a thorough-going study of the entire student assistance program, including the loan program, and to seek to present to the House an entirely new student assistance package well before the existing law expires on June 30, 1975.

Let me describe the legislation we reported today.

Under H.R. 12523, as reported to the House, the requirement for formal needs analysis, would be removed altogether from the program for borrowers whose adjusted family income is less than $15,000, and who are borrowing no more than $1,500 in a given year. For students with adjusted family incomes of $15,000 or more, or for students who seek to borrow in excess of $1,500, appropriate needs analysis would still be required though the bill does ban the use, in this context only of the very stringent needs analysis system worked out for the basic opportunity grant program.

In addition, H.R. 12523 extends for 1 more year the special allowance provisions of existing law, under which the Secretary of Health, Education, and Welfare can prescribe a special allowance to be paid to lenders under this program to help make up the difference between the 7-percent interest chargeable to the borrower and the market interest rate.

H.R. 12523's proposed changes in the guaranteed loan program would affect loans on which guarantees are made after 60 days subsequent to its enactment. In effect, these would mostly be loans made to meet expenses for this fall, though some might be applicable in summer school.

It is my opinion, and I am joined in this opinion by the distinguished ranking minority member of the Committee on Education and Labor (Mr. QUIE) and by the able ranking minority member of my subcommittee, the gentleman from Oregon (Mr. DELLENBACK) that this amendment will help meet the immediate problem. We are agreed, too, that it will not cure all the ills of the program, and that the subcommittee's intention to press on to a rewriting of the entire student assistance package should not and will not be slowed down by expeditious House action on this proposal.

KEEPING A STRONG NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CHAPPELL) is recognized for 5 minutes.

Mr. CHAPPELL. Mr. Speaker, one of the outstanding contributions of the Veterans of Foreign Wars organization is their great Voice of Democracy contest for high school students. Their efforts have, without doubt, influenced thousands of young people to think more deeply about our country and its needs, as well as their own ability to help the Nation.

This year's theme is "My Responsibilities as a Citizen" and I am very proud that the State winner is from my own district. His name is James Frederick H. Holmes from Daytona Beach, Fla. Jim has been active in his school—President of Mainland Forensic League and captain of the debate team. He has won numerous awards in speaking and we are indeed pleased he has received recognition from the VFW as Florida State winner.

Mr. Speaker, Jim's thoughts in his speech are some that we all can benefit by and I present his speech here for everyone to read:

MY RESPONSIBILITIES AS A CITIZEN

(By James F. H. Holmes)

Almost two centuries ago, a small group of Americans gathered to cast their votes for a new experiment. An experiment in Freedom, Liberty, and Self-government. Never before in the history of the world has any political experiment been so successful, never before have so many people been so free.

Through the decades the United States has grown and prospered. We have become the

strongest, richest, and most successful country in the world.

Today, two hundred million Americans, all of us free. Living and working according to our beliefs and our desires.

I hear so often what's wrong with America, but seldom do I hear anyone admit that in order to preserve our way of life and in order to improve America, Americans must first meet their responsibilities as citizens.

What are my responsibilities as a citizen? What are your responsibilities as a citizen?

Our foremost responsibility, is to exercise our rights as granted us by the constitution and work to protect and preserve those rights.

We can not afford to be apathetic toward our government. We must exercise our right to vote. So often I've heard people say their one vote doesn't really count. But they are so very wrong, History has shown us that one vote does count. One vote made Oliver Cromwell lord protector of the Common Wealth, One vote decided that Americans would speak English rather than German, One vote kept Arron Burr later charged with Treason from becoming President, One vote made Texas part of our country, One vote saved Andrew Johnson from impeachment, One vote changed France from a monarchy to a republic, and One vote made Adolph Hitler head of the Nazi Party.

One vote does count, Our Democracy, our Freedom, hinges on our vote.

Register to vote, participate in government and political campaigns, and vote on every election day.

We must also stand ready to defend our country. Both from Foreign Aggression, and undue criticisms from within.

Lately the Institutions and principles which have made our nation great have been under attack; The Supreme Court, The Congress, The Presidency, The Flag, The Home, The Educational System, and even the Church.

We must respond with loud voices that in spite of their faults and failures, we believe in these institutions. Let us point out what's right with America as well as what's wrong.

We should all recognize that with our freedom some two centuries ago came certain responsibilities and obligations which have been passed down generation to generation. The cost of Freedom has been high. High in the pocketbooks, on the battle fields and in the hearts of our ancestors.

As Benjamin Franklin left the Constitutional Convention a Woman ask him "Sir what type of government do we have?" He responded "Madam we have a Democracy, if you can keep it." He was really telling us that Freedom is everybodies job and as a young American I'm striving to meet my responsibilities as a citizen. If we meet our responsibilities, and with God's help we will overcome the crises of our time and ensure a Strong, healthy America for our children.

As we near our two-hundredth anniversary as a nation, let us answer Benjamin Franklin. Let us tell him "Yes we have a Democracy and we shall keep it".

Mr. Speaker, I want to again thank the VFW for its continuing work with our young people—and a special thanks to Jim for a fine speech.

HOW SOCAL PLANNED THE LATEST ELK HILLS RAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Moss) is recognized for 30 minutes.

Mr. MOSS. Mr. Speaker, some 16 Members of the House have signed a discharge petition seeking a 1-year open up of Navy's Elk Hills, Calif., oil reserve. As constructed, the legislation this petition seeks to discharge would benefit Standard Oil of California by several hundred millions of dollars. I have warned of this, offering to provide any member definitive documentation of the dimensions of this blossoming giveaway. Curiously, the President, warned in 1970 and 1973 of this affair, has maintained support of the open up attempt.

Nor is this the only dimension of the overall effort to take Elk Hills for commercial exploitation and massive private profit. For years, immediate boundaries of Elk Hills and other Navy reserves have been the scenes of raids by private interests, seeking to drain Federal oil pools by abuse of leases and Government permits. This has been accomplished through the Bureau of Land Management and U.S. Geological Survey.

Private companies have attempted to invade Navy's oil pools by drilling on their own fee lands next to reserves. This has been especially true at Elk Hills, twice resulting in law suits against Standard Oil of California by Navy through the Justice Department.

The most recent case, known as Tule Elk, after the oil field in question, resulted in victory for Government, as the court decided Socal was illegally draining oil reserved for national defense. However, this case is unique because I have come into possession of internal Socal documents, giving us a rare glimpse into how a giant oil company works as it prepares and calculates a raid on public resources. These papers indicate the company was aware its drilling would take Government oil, and carefully examined projections on how much oil it could extract before Government found out and acted. The only reason Socal informed Navy of its drilling program was because of its fear that Congress and the press would discover its activity and make it public.

Socal spokesmen have admitted the papers are genuine. The most fascinating twist here is that in spite of these revelations, the President continues to press ahead with plans to open Elk Hills for Socal's benefit. Such a position becomes increasingly untenable when an observer peruses these internal documents, which I now offer for inclusion in the RECORD in the hope Members will find them useful and enlightening:

SAN FRANCISCO, CALIF.,
October 14, 1970.

EXPLORATORY PROSPECTS NEAR ELK HILLS

Mr. A. V. MARTINI: On October 9, 1970 you requested our comment on possible involvement with Naval Petroleum Reserve No. 1 if certain exploratory prospects outlined by your staff were to be drilled. We have studied the map which you provided and have discussed the matter briefly with counsel. (It seems to us that each of the prospects will eventually arouse the interest of the Navy and will necessarily bring about negotiations for joint production of the pools that are found to extend into NPR #1.)

SECTIONS 7–R

In our position, Prospect *7R and* offers the most favorable conditions for normal commercial exploitation of oil pools found at these locations. We would expect that the accumulations would be produced in the same manner as the existing 14B pool that extends from Navy Section 14B in NPR #1 to areas in Sections 15B, 22B and 23B.

SECTIONS 7–R

It should be noted that Prospect 7R lies within the proposed extended area established by the Amendatory and Supplemental Agreement (NOd–8477). Within the proposed extended area inclusion is mandatory for a Stevens Zone accumulation which is found to be connected with a Stevens Zone reservoir now productive within NPR #1. If such connection does not exist, the accumulation does not have to be included under the Unit Plan Contract (decision is by the Secretary of the Navy). The reservoir could be produced in the manner employed for the 14B pool. It appears that lack of connection with a reservoir now productive within NPR #1 could be proved for Prospects 7R.

We believe that the probability of becoming involved with Navy to some extent if oil is discovered, is very nearly 100% for each of the prospects. However, the probable physical situation indicated by you for Prospects 7R lead us to believe that commercial exploitation of reservoirs discovered in these areas could be arranged.

J. H. THACHER.

7–R—PRODUCTION AND EXPLORATION PROGRAM

PRINCIPLE

Begin exploration on North half of Section—away from Unit Boundary.

Thus, minimize immediate threat to Reserve and resulting early Navy action to include.

ADVANTAGES

Could allow considerable production before Government reacts.

If limited extension into Reserve, could result in Standard's ability to produce commercially.

DISADVANTAGES

May instigate Government legal attack on 15(b) ("mutually desirable") interpretation.

May cause Armed Services Committee to request shut-in until facts determined.

End result could be condemnation of land for dollars, no oil.

SAN FRANCISCO, CALIF.,
June 21, 1973.

ELK HILLS EXPLORATION

Mr. J. H. SILCOX: Pursuant to our discussions with Messrs. Gosline and McBaine on June 19, we have prepared the attached summary position paper in an attempt to focus attention on the key factors that must be evaluated in regard to each prospect.

We would appreciate your review of this summary and your particular comments regarding the technical questions raised in the recommendations outlined regarding the 7–R prospect.

When you have had an opportunity to consider this material and your technical data, we would like to review the entire matter with you preparatory to further discussion with Mr. McBaine and in preparation of a mutually agreed-upon report to Mr. Gosline.

POSITION PAPER: EXPLORATION BY STANDARD ON PERIPHERY OF ELK HILLS

OBJECTIVE

To consider the advisability of initiating current exploration at one or more locations around the boundary of Elk Hills. There are legal questions involved which dictate a cautious approach, but current oil

shortages also support proceeding with the program even though some risk is entailed.

AREAS OF POTENTIAL EXPLORATION

The attached map indicates the various possible exploratory plays. Of these, only three appear of sufficient merit currently to be included in this analysis. They are the 7–R area, the area and the area. Other plays are more speculative from a technical standpoint and face at least the same legal problems.

POSITION SUMMARY—INDIVIDUAL EXPLORATORY LOCATIONS

The 7–R location is the most attractive from a geological standpoint, thus carrying the least risk of proving unproductive. (Unfortunately its location is within the Extended Area, delineated by the Amendatory Agreement, and there are no properties owned by others than Navy and Standard in the immediate area.)

An issue of major importance is involved in the present Elk Hills litigation. In this case, the trial judge has ruled that paragraph 15(b) of the Unit Plan Contract can only be invoked on a basis of "mutual desirability." This is in contrast to the position that Navy has previously taken that inclusion could be initiated under 15(b) at the discretion of the Secretary, in which event the Secretary would also have the ultimate power to determine the terms of inclusion.

Drilling of an exploratory play in 7–R could cause Navy attorneys to challenge the trial court's interpretation on the grounds that, without 15(b), Navy has only the recourse of condemnation to protect the Reserve against drainage. In such event, Navy attorneys could cite the well being drilled by Standard and the time factors involved in satisfactory condemnation procedures to argue that the 15(b) interpretation must be overruled in the interest of the protection of the Reserve.

Because of this problem, the only drilling that should be considered currently in the 7–R area should be as far as possible from the present Unit boundaries. For example, if the initial well is drilled at least in the northern half of Section 7–R (early activity in exploration and development of the 7–R play might not cause Navy sufficient concern to give rise to a challenge of the trial court's interpretation of 15(b).)

While current geology indicates no connection to a pool that is commercially productive within the Reserve boundary in 1948, the possibility of some Navy action built around the provisions of the Amendatory Agreement must be kept in mind in view of the fact that the 7–R play lies within the Extended Area.

Recommendation: This play should be given further detailed review from an operating standpoint to determine how far away from the boundary of the Reserve drilling and production could be kept and how long a time might go by before evidence of potential drainage of the Reserve might become evident. On the basis of these determinations, final review of the risks relative to 15(b) can be undertaken with the attorneys.

A brief chart summarizing the advantages and disadvantages of the 7–R play is attached.

Principle: Begin exploration on North half of Section—away from Unit boundary.

Thus, minimize immediate threat to Reserve and resulting early Navy action to include.

Advantages: Could allow considerable production *before* Government reacts.

If limited extension into Reserve, could result in Standard's ability to produce commercially.

Present geology indicates this is a "separate structure" from those within Unit and only limited extension within Unit boundaries.

Disadvantages: May initiate Government legal attack on 15(b) ("mutually desirable") interpretation.

May cause Navy or Armed Services Committee to request shut-in until facts determined.

End result could be condemnation of land for dollars, *no* oil.

SAN FRANCISCO, CALIF.
June 29, 1973.

ELK HILLS EXPLORATION

Mr. J. E. GOSLINE: Subsequent to our recent discussion with you and Messrs. McBaine and Silcox, we have reviewed in detail the various technical, legal and policy aspects affecting exploration prospects around the boundary of the Elk Hills Unit.

We have discussed these questions with both Messrs. McBaine and Silcox, and this memorandum is consistent with their views.

In summary, we recommend consideration of a two-well drilling program to test the 7–R prospects. We suggest approval for budgetary purposes with the provision that the 7–R prospect be drilled first.

Summary material regarding each individual prospect is attached.

We would appreciate an opportunity to discuss this at your convenience.

J. H. THACHER.

POSITION PAPER

EXPLORATION BY STANDARD ON PERIPHERY OF ELK HILLS

OBJECTIVE

To consider the advisability of initiating current exploration at one or more locations around the boundary of Elk Hills. There are legal questions involved which dictate a cautious approach, but current oil shortages support proceeding with the program even though some risk is entailed.

AREAS OF POTENTIAL EXPLORATION

The attached map indicates the various possible exploratory plays. Of these, only three appear of sufficient merit currently to be included in this analysis. They are the 7–R area. Other plays are more speculative from a technical standpoint and face at least the same legal problems.

POSITION SUMMARY—INDIVIDUAL EXPLORATORY LOCATIONS: 1. 7–R AREA

The 7–R location is attractive (1 in 5) from a geological standpoint, thus carrying the least risk of proving unproductive. While its location is within the Extended Area delineated by the Amendatory Agreement, current geology indicates no connection to a pool that was commercially productive within the Reserve boundary in 1948. Thus, the possible application of the Amendatory Agreement is remote as long as the present subsurface picture is reasonably correct.

Of the three plays under consideration, the 7–R prospect is the only prospect which now appears to lie almost entirely outside of the present boundaries of the Unit. Initial drilling would be about two miles from the limiting line of commercial productivity of the Stevens Zone within the Unit. Action in this location by Standard can be justified, if necessary, on the basis that drilling is being conducted where, according to our geology, it is least likely to involve reserves within the Unit.

An issue of major importance is involved in the present Elk Hills litigation. In this case, the trial judge has ruled that paragraph 15(b) of the Unit Plan Contract can only be invoked on a basis of "mutual desirability." This is in contrast to the position that Navy has previously taken that inclusion could be initiated under 15(b) at the discretion of the Secretary, in which event the Secretary would also have the ultimate power to determine the terms of inclusion.

Drilling of an exploratory play in 7–R could cause Navy attorneys to challenge the trial court's interpretation on the grounds that, without 15(b), Navy has only the recourse of condemnation to protect the Reserve against drainage. In such event, Navy attorneys could cite the well being drilled by Standard and the time factors involved in satisfactory condemnation procedures to argue that the 15(b) interpretation must be overruled in the interest of the protection of the Reserve.

Navy attorneys may be more inclined to ask for reversal of the 15(b) interpretation in the 7–R situation than in some others because this prospect lies entirely on Standard and Navy lands, and actions related to application of 15(b) can be conducted largely "in-house" between Navy and the House Armed Services Committee. In situations that involve other landowners, application of 15(b) would not solve a drainage problem because it applies only to Standard's land and not to that of outsiders. Thus, the independence of action available to Navy in consultation with the Armed Services Committee is markedly reduced when outside landowners are involved and the overall policy reaction of Congress becomes a matter of greater significance.

Because of this problem, the only drilling that should be considered currently in the 7–R area should be as far as possible from the present Unit boundaries. For example, if the initial well is drilled at least in the northern half of Section 7–R, early activity in exploration and development of the 7–R play might not cause Navy sufficient concern to give rise to a challenge of the trial court's interpretation of 15(b). Exploration advises this can be done.

Recommendation: Exploration is prepared to recommend drilling this prospect and believes early development can be kept at least one-half mile away from the Reserve boundary. On this basis, we recommend this prospect for immediate approval and drilling.

A brief chart summarizing the advantages and disadvantages of the 7–R play is attached.

SAN FRANCISCO, CALIF.,
July 3, 1973.

ELK HILLS

MEMORANDUM TO THE FILE:

On July 3, 1973, Mr. Gosline met with Messrs, McBaine, Silcox, Hartsook and myself to review Mr. McBaine's memorandum of June 29, 1973 and our memorandum of June 29, 1973.

He questioned Mr. McBaine closely on the paragraph 15(b) issue on condemnation. He received the assurance of Mr. Silcox that in view of a fault just south of the south line of Section 7–R, Exploration for there would be minimum intrusion into the Unit of the 7–R accumulation.

I called Mr. Gosline's attention to the 7–R production and exploration program attachment to our memorandum as to disadvantages, which states, "May cause Navy or Armed Services Committee to request shut-in until facts determined." I told him I thought we were very likely to receive such request if the 7–R well were productive. Mr. Gosline felt the Company was in a position to decline to shut-in wells in the north half of Section 7. We reviewed a number of other

facets of the problem and Mr. Gosline retained the memoranda and will advise us his wishes shortly.

I reported the above to Mr. Mims and gave him a copy of the McBaine memorandum.

J. H. THACHER.

SAN FRANCISCO, CALIF.,
July 12, 1973.

ELK HILLS DRILLING 7–R

Memorandum to file: At the Executive Committee today, Mr. John Silcox presented the Exploration Department proposal for a well on 7–R. He explained in some detail the geology, the structure, and the intrusion into the Unit of each of such plays. He also indicated better control technologically on 7–R. He had a map and a payout and rate of return chart to supplement the economics.

Mr. Gosline had told me not to get into the technicalities of the contract and the lawsuit if it could possibly be avoided. Mr. Miller asked me our view of the proposal. I told him that this was a matter of management judgment. Mr. Gosline had consulted extensively with Mr. Turner McBaine and, with us, had considered the risks of inclusion and had recommended to top management that the wells should be drilled.

In his presentation, Mr. Silcox stated that Bill Bristow and I plan to call on the Navy and tell them about the well at an appropriate time before information reached the public. I told Mr. Miller in my very brief remarks that I felt this essential to avoid misinformation getting to the Navy from Jack Anderson, the Bakersfield paper, or another outside source. Mr. Miller remarked that this was our fee property and that we plan to drill and that we should tell the Navy that we plan to do so as a courtesy, but we were not, of course, seeking any permissions from the Government. I added that as the Committee well knew we were a participant in the Unit and the Operator for the Unit and that I felt informing the Navy of our plans would facilitate the continuance of our present good relations with the Government.

In short, Mr. Miller and Mr. Haynes concurred in our plan to advise the Navy personally at the appropriate time. I will coordinate this with Mr. Bristow.

In considering our advice to the Navy, I stated that as to 7–R we could indicate that it was selected because of its minimum possible intrusion into the Unit. (Mr. Haynes questioned the desirability of making such statement since, he indicated, management might later desire to drill other locations which penetrated deeper into the Unit than 7–R. I responded by withdrawing the suggestion in light of such management's possible future desires.) I did not say so at the meeting because of Mr. Gosline's wishes not to get into contractual points, but I feel very strongly that if Mr. Haynes' position materializes, he will multiply the risk manyfold of inclusion or condemnation of Standard's lands.

Mr. Miller remarked at the end that he and Mr. Haynes had favored drilling these wells for some time and, unless there was objection from the Committee, it was approved. He made one further remark along the lines that if the 7–R well was commercially productive, we might want to go ahead and drill up Section 7–R. I think the latter step should be approached with great caution, but it was not appropriate to raise any objections thereto at this meeting. If the first well is successful, then we can assemble further technical facts, receive the Navy comment, and management can judge what further drilling should take place. I did indicate that the Navy would undoubtedly drill a well on the north line of the Unit and possibly on Sections 8 and 12.

The proposal was approved.

Present at the meeting were: Mr. O. N. Miller, Mr. H. J. Haynes, Mr. G. M. Keller, Mr. H. W. Bell, Mr. D. L. Bower, Mr. H. L. Severance, and, as a guest, Mr. L. W. Funkhouser.

J. H. THACHER.

SAN FRANCISCO, CALIF.,
July 16, 1973.

ELK HILLS, 7–R

Mr. J. F. GOSLINE: Toward the end of the Executive Committee Meeting on Thursday, July 12, concerning exploratory wells, one on 7–R two comments were made:

(1) Mr. Miller commented that if the 7–R well were commercial, we might desire to drill up the balance of the property.

(2) Mr. Haynes commented that we might at a later date desire to drill exploration plays on our land that gave evidence of extending further into the Unit than either 7–R.

As to the first, if we drill a successful well in the north half of Section 7–R, the Unit will probably drill a well on the north side of Section 18, which adjoins 7–R on the south. If this well is non-productive and the evidence indicates that there is no significant intrusion into the Unit, then it would seem we could proceed to drill locations south of the initial well with small risk of involving the Unit. If, on the other hand, the Section 18 well is commercially productive in the zone from which the 7–R well is producing, I think we should exercise extreme caution before drilling locations to the south of the initial well in 7–R. (Mr. Bristow's engineers have estimated that cumulative production from the first two 7–R wells in three years might be on the order of 520,000 barrels of oil. The effect of such withdrawal on the Unit Section 18 well would be drawdown on the order of six pounds per square inch, which is within the accuracy of present pressure instruments.) (In short, it might cause no alarm in the Navy.) To drill additional producing wells southward in 7–R would result in additional withdrawal from the reservoir and further evidence of drawdown on the Unit well in Section 18. Assuming no connection between the 7–R accumulation and a Unit pool known to be productive in 1948, the Navy can pursue the remedies outlined by Mr. McBaine in his letter of June 29, 1973: Use of Section 15(b) in the Unit Plan Contract, offset production, or a compensatory drainage agreement.

(As to the second comment that the Company might wish later to drill wells on a prospect that extends substantially into the Unit.) (If the Standard well or wells outside the Unit produce from a pool that lies 40 to 50 percent in Unit and Unit wells so demonstrate, I think we can assume that Navy will attempt to negotiate inclusion of the pool pursuant to Section 15(b) of the Contract. This means that our land within the estimated limiting line of production of this pool might be included in the Unit, but on a negotiated basis that would give us compensation.)

(I am sure you are aware that Western drilled two wells, No. 12 and No. 22, on Section 25Z offsetting the Unit in 24Z in 1964. These wells initially had a combined production capacity of about 330 barrels a day and they have since produced a cumulative 867,000 barrels of oil to May 31, 1973. I suggested to Mr. Soileau at the time that he shut the wells in until the Engineering Committee or other agency could determine whether these wells would drain the Unit. Mr. Soileau's answer was that he was confident that our wells did not drain the Unit. As a result of the skillful presentations by Dr. Pauisel, Mr. Soileau's position was upheld in the trial court. However, we should recognize that the Navy vigorously protested these wells, filed a suit in the fall of 1967, and the litigation will continue through the appeal, a period of perhaps two more years to 1975. The Navy added additional items to the complaint, which in themselves had to be researched and answered. In short, the Company has spent thousands and thousands of dollars of Engineering time, management time, and legal fees to defend the continued production of two small wells and our interpretation of the A & S Agreement. I doubt we can estimate the total cost, but I am sure Mr. O'Brien can give you a figure on the cost of preparation for and legal representation during the trial.)

In this memorandum, I have not touched on the effect of the above two drilling programs on the Ninth Circuit Court affirmance of the District Court's ruling on Section 15 (b) of the Unit Contract, as this is covered in Mr. McBaine's memorandum of June 29. Nor have I discussed the possible effect of the 7–R full development on the two Navy Sections 8 and 12 east and west respectively of 7–R, as I have covered this in a separate memorandum to you.

(In summary, as I am sure you are aware, Navy will never permit the situation to arise which they believe will bring criticism on the Navy from the House Armed Services Committee or the GAO.)

I outlined the above so that you may keep these points in mind in your discussions with Messrs. Miller and Haynes as to the comments which they made in the Thursday, July 12, Executive Committee meeting.

J. H. THACHER.

REDUCING REGRESSIVE SOCIAL SECURITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE), is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to announce to the Members of the U.S. Congress that today I filed an additional 25 cosponsors to my bill that would reduce the regressive social security tax on our American citizens. This legislation would reduce the tax on the employee from 5.85 to 3.9 percent and would reduce the tax on the employer by the same amount. This regressive tax that resulted in our wage earners in America receiving a lower paycheck as of January 1, 1974, must be lowered in order to end penalizing the American worker and also to end the practice of placing a heavy tax burden on American industry. This is the system of taxation that prevails in most European countries where one-third of the tax is paid by the employee, one-third by the employer and the balance comes out of general revenue.

Our social security system has been freighted down with many of the burdens formerly paid for out of local, county, State, and Federal revenues.

I include in the RECORD at this time the "Social Security Honor Roll" that contains the names of all those who have joined me and some of my colleagues on the House Ways and Means Committee in cosponsoring this much needed legislation:

SOCIAL SECURITY HONOR ROLL

Bella Abzug of New York.

Joseph P. Addabbo of New York.
Frank Annunzio of Illinois.
Herman Badillo of New York.
Jonathan B. Bingham of New York.
Edward P. Boland of Massachusetts.
Frank J. Brasco of New York.
George E. Brown, Jr. of California.
James A. Burke of Massachusetts.
Yvonne Brathwaite Burke of California.
Phillip Burton of California.
Charles J. Carney of Ohio.
Shirley Chisholm of New York.
Frank M. Clark of Pennsylvania.
William Clay of Missouri.
Cardiss Collins of Illinois.
Silvio O. Conte of Massachusetts.
John Conyers, Jr., of Michigan.
James C. Corman of California.
William R. Cotter of Connecticut.
Paul W. Cronin of Massachusetts.
Dominick V. Daniels of New Jersey.
James J. Delaney of New York.
Ronald V. Dellums of California.
Ron de Lugo of Virgin Islands.
Frank E. Denholm of South Dakota.
John H. Dent of Pennsylvania.
Charles C. Diggs of Michigan.
Harold D. Donohue of Massachusetts.
Robert F. Drinan of Massachusetts.
Don Edwards of California.
Joshua Eilberg of Pennsylvania.
Walter E. Fauntroy of District of Columbia.
Daniel J. Flood of Pennsylvania.
William D. Ford of Michigan.
Donald M. Fraser of Minnesota.
Joseph M. Gaydos of Pennsylvania.
Benjamin A. Gilman of New York.
Kenneth J. Gray of Illinois.
William J. Green of Pennsylvania.
Bill Gunter of Florida.
Michael Harrington of Massachusetts.
Augustus F. Hawkins of California.
Wayne L. Hays of Ohio.
Ken Hechler of West Virginia.
Margaret M. Heckler of Massachusetts.
Henry Helstoski of New Jersey.
Floyd V. Hicks of Washington.
Elizabeth Holtzman of New York.
Harold T. Johnson of California.
Barbara Jordan of Texas.
Joseph E. Karth of Minnesota.
John C. Kluczynski of Illinois.
Peter N. Kyros of Maine.
William Lehman of Florida.
Mike McCormack of Washington.
Stewart B. McKinney of Connecticut.
Torbert H. Macdonald of Massachusetts.
Ralph H. Metcalfe of Illinois.
Parren J. Mitchell of Maryland.
Joe Moakley of Massachusetts.
William S. Moorhead of Pennsylvania.
Thomas E. Morgan of Pennsylvania.
Morgan F. Murphy of Illinois.
Robert N. C. Nix of Pennsylvania.
James G. O'Hara of Michigan.
Claude Pepper of Florida.
Carl D. Perkins of Kentucky.
Bertram L. Podell of New York.
Melvin Price of Illinois.
William J. Randall of Missouri.
Charles B. Rangel of New York.
Ogden R. Reid of New York.
Henry S. Reuss of Wisconsin.
Donald W. Riegle, Jr., of Wisconsin.
Peter W. Rodino, Jr., of New Jersey.
Robert A. Roe of New Jersey.
Fred B. Rooney of Pennsylvania.
Charles Rose of North Carolina.
Benjamin S. Rosenthal of New York.
Fernand J. St Germain of Rhode Island.
Charles W. Sandman, Jr., of New Jersey.
Paul S. Sarbanes of Maryland.
Patricia Schroeder of Colorado.
John F. Seiberling of Ohio.
James V. Stanton of Ohio.
Fortney H. Stark of California.
Louis Stokes of Ohio.
Frank A. Stubblefield of Kentucky.
Gerry E. Studds of Massachusetts.
Robert O. Tiernan of Rhode Island.
Richard Vander Veen of Michigan.
Charles A. Vanik of Ohio.
Jerome R. Waldie of California.
Charles H. Wilson of California.
Lester L. Wolff of New York.
Antonio Borja Won Pat of Guam.
Gus Yatron of Pennsylvania.
Andrew Young of Georgia.
Clement J. Zablocki of Wisconsin.

EQUITY FOR THE SINGLE TAXPAYER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like at this time to urge the distinguished Chairman WILBUR MILLS and his colleagues on the Ways and Means Committee to move expeditiously in executive session with the markup of H.R. 2701. I testified before that committee last year supporting the passage of H.R. 2701; again I call the House's attention to the necessity of passing this legislation without waiting another year.

As we all know, millions of Americans are now in the process of filing their 1973 tax returns. Unfortunately, approximately 38 million people; namely, those who are not married, will be discriminated against when they pay their taxes. H.R. 2701 would remove this discriminatory inequity faced by single people by establishing a uniform rate structure for all taxpayers, whether they be married, widowed, divorced or single. This means that after the allowable deductions and exemptions are taken, the same graduated tax rate would be applied to an individual's taxable income, regardless of one's marital status, thus allowing persons to compute their taxes by using the same tax table currently reserved for use by married couples filing jointly. H.R. 2701 has 163 cosponsors and has passed the Senate—S. 650, introduced by Senator PACKWOOD—by an overwhelming majority of 53 to 19.

The single taxpayer pays up to 20 percent more in taxes than a taxpayer filing a joint return. The actual cost can best be illustrated by a few examples. A single taxpayer whose taxable income is $12,000 pays $2,630 in taxes; if he or she were married and filing a joint return, he or she would pay $2,260—a difference of $370. And the rate on any income in excess of $12,000—up to $14,000—increases; for example, 20 percent for the single return and 25 percent for the joint return. The tax penalty for being single at $16,000 is $570; at $20,000, $850; at $50,000, $3,130.

I believe that taxes should reflect differences in a taxpayer's responsibilities for dependent support, but the way to do this is through exemptions for dependents, not through different tax schedules for the same incomes. To that end, I have proposed legislation to increase the personal exemption and the exemption for dependents to $1,200. Requiring as we do today that single persons pay at a higher rate is simply arbitrary. The joint tax return rate for married taxpayers does not reflect the different financial responsibilities in supporting six dependents as opposed to say, one dependent. Furthermore, under the present rate structure a divorcee or widow with three dependents, using the head of household schedule, pays taxes at a higher rate than a married couple with no children. In fact, widows and divorcees who are heads of households on the average are required to pay 10 percent more taxes than they would had their marriages continued or their spouses lived.

The failure by Congress to act on this legislation would be unconscionable. Only six other countries tax their unmarried people more heavily than their married couples. Five of these six, Russia, three of her satellites and Spain, are dictatorships. We all realize that our tax code contains a number of tax preferences. What H.R. 2701 calls for is not another preference, but simple equity for the unmarried taxpayer. Moreover, this equity is not for the benefit of a few, but rather for the benefit of most, for almost everyone must face the prospect of one day being single and, unless this bill is passed, being confronted with discriminatory taxation.

STATE OR FEDERAL CONTROL?

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, "protection furnished by workmen's compensation to American workers presently is, in general, inadequate and inequitable. Significant improvements in workmen's compensation are necessary if the program is to fulfill its potential."

Much has happened in the realm of workmen's compensation since July of 1972 when this statement was made by the National Commission on State Workmen's Compensation Laws. The Nation's oldest social insurance scheme, workmen's compensation, is presently facing a major overhaul, at both the State and Federal levels.

As cosponsor of the bill (H.R. 8771) which would force States to upgrade their compensation laws or face the imposition of Federal standards, this flurry of activity has been of great interest to me. In the face of Federal action, State legislators are hurriedly enacting changes in their individual compensation laws. The number of bills passed in fact, has tripled in relation to the output of a few years back. This new surge of interest however, has failed to alleviate the enormous disparity of compensation rates between individual States.

The hop-scotch form of State legislating that has existed since the early days of this century has produced the fragmented system of workmen's compensation that we are faced with today. The theory behind the enactment of the original law was that work accidents and

deaths were the responsibility of employers, one of the many costs of production, therefore, employers, not society should bear the burden of compensation.

Unfortunately for today's workers, these regional rates of compensation have failed to keep pace with the runaway inflation of the past two decades. The maximum weekly benefit for disabled workers in 23 or almost half of our States, is now below the official U.S. poverty level for a family of four. Numerous other inequities in medical and rehabilitation payments simply add insult to injury, in the literal sense of the phrase.

The "National Workers' Compensation Standards Act of 1973" which the Honorable CARL D. PERKINS and I cosponsored on June 18 of last year would demand the relief of these deficiencies. It would guarantee weekly death or disability benefits of at least two-thirds of an employees wage. Coverage for all employees would be compulsory. Medical and rehabilitation service payments would be unlimited.

Senators JACOB JAVITS and HARRISON WILLIAMS have introduced an identical bill, S. 2008, which is presently before the Senate Labor and Public Welfare Committee. It is my intent in the House, as chairman of the Select Subcommittee on Labor, to hold hearings on the issue of workmen's compensation in an effort to correct the injustices experienced by the American worker under the present disparate State laws.

The following article from the January 22 issue of the Washington Star News further depicts the inequities faced by millions of Americans:

YOUR MONEY'S WORTH: WORKMAN'S COMPENSATION

(By Sylvia Porter)

Our 65-year-old state workmen's compensation system—the nation's oldest form of social insurance, covering more than eight out of ten of us—is heading for dramatic expansion.

The long overdue overhaul will come either as a result of a federal takeover of the patchwork state comp laws—or it will come because the threat of this takeover will force the states to act on their own to erase the painful inequities, plug the gaps, help equalize the now wildly varying benefits from state to state.

Behind the accelerating drive for reform are the recommendations of a special National Commission on State Workmen's Compensation Laws, which last year completed the nation's first exhaustive study of the system. Its proposals flash a preview of the shape of the system to come and the scope of protection you can expect to have on your job within the next two years:

Extend coverage to employes who are now excluded—without regard to occupation or number of workers employed by a given firm—and make this coverage mandatory.

Reason: in 15 states, the commission found less than 70 percent of the work force was covered, and in many states those least likely to be covered were those most in need of protection, such as domestic workers and farm workers. In all, the Insurance Information Institute estimates, 10.5 million U.S. workers are not covered today—an appalling inequity.

Pay cash benefits for temporary total disability and death to at least two-thirds of the worker's gross weekly wage as of 1973 to 100 percent of the state's average weekly wage by mid-1975 and up to a maximum of 200 percent of each state's average weekly wage by 1981.

Reason: in a majority of states, the maximum benefit a disabled worker could get was under the poverty line for a family of four. Most workers were getting less than two-thirds of their lost wages and benefit ceilings were, in most states, utterly unrealistic for higher paid workers.

Pay permanent total disability benefits for the entire duration of a worker's disability and upgrade benefit amounts.

Reason: the commission found that 19 states fell short of this standard. In 15 states, payments stopped after 10 years, and in 11 states the maximum benefits to cover wage losses were less than $25,000—less than the amount most full-time workers can expect to earn in just two or three years.

Remove all existing legal limits on the length of time and the dollar total to be spent on medical care and/or rehabilitation for any work-related injury.

Reason: in 14 states, medical benefits were limited—even though additional benefits might be desperately needed and might spell the difference between a worker's regaining ability to work or remaining dependent and disabled.

Provide full coverage for work-related diseases and illnesses (as well as injuries) and drop the frequently found requirement that an "accident" must have occurred in order for a disability to be eligible for compensation.

Reason: several states failed to provide such coverage even though occupational diseases are now in a frightening uptrend and in many of the states which did offer such coverage, only certain diseases were covered. Others that were not covered included some only recently associated with hazardous working conditions.

The pressure on the states to move to comply with the new standards is on. Under a bill to be before the 1974 Congress, the states would have only until July 1, 1975, to act.

And if they do not? Then the prospect will clearly be a federal law—and still another layer of bureaucracy and centralization in Washington.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1974

(Mr. YOUNG of Georgia asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. YOUNG of Georgia. Mr. Speaker, today we will be discussing the provisions of H.R. 69, the Elementary and Secondary Education Amendments of 1974. The new title I allocation formula contained in this legislation will profoundly affect local education agencies in every American community in the coming years.

In the past several years, I have seen conflicting data regarding the effects of this new allocation method. The use of different appropriation levels, for example, makes any meaningful comparison difficult. Furthermore, the requirement that any amendments to title I must be printed in the RECORD 2 days prior to their consideration makes a thorough understanding of this formula all the more crucial.

For these reasons, I think it is important that every Member be familiar with the dissenting views on H.R. 69, offered by five of our colleagues who serve on the Education and Labor Committee, Representatives CHISHOLM, BADILLO, BIAGGI, DANIELS, and PEYSER:

DISSENTING VIEWS ON H.R. 69 OF MR. BADILLO, MR. BIAGGI, MRS. CHISHOLM, MR. DANIELS, AND MR. PEYSER

After more than one year of hearings and mark-up sessions held by the General Education Subcommittee and the full Committee on Education and Labor, H.R. 69 has been reported. We are compelled to submit dissenting views on numerous points of grave concern that contain important ramifications for the federal role in elementary and secondary education. At issue are not only substantive items that seriously undermine the intent of the legislation, but also the process through which these very items were considered and adopted by the Committee. Because of these various concerns, these views are submitted by Committee Members who voted for some of the provisions in question, as well as Members who voted against them.

THE PROCESS OF ADOPTING THE TITLE I FORMULA

During the past six months, the full Committee had been considering the distribution formula for the Title I program of aid to the disadvantaged through a process that can at best be described as haphazard and cursory. A multitude of formula alternatives were offered, including many that would effect radical changes in the program. Some proposals were accompanied with allocation estimates and some were not. Yet, despite the fact that Title I is a county allocation formula, accompanying tables at all times showed only estimated state allotment totals. No county estimates were ever made available. Even the formula that was finally adopted by the Committee was approved solely on the basis of estimated state allocation totals, with no data available that would have in any way illustrated the actual impact at the county level. Thus, although it may have been shown that a state would gain in total through the new formula, it was not shown that many heavily populated counties within that "gaining" state would lose. This was allowed to occur despite the objections of Members of the Committee, and despite the testimony of several witnesses who appeared before the Committee recommending that the decision on the new formula be based on county data.

Further, the chart showing state totals that was made available just prior to the final vote on the formula did not illustrate comparable items. Specifically, for three different fiscal years, three different portions of Title I were shown, calculated at three different appropriation levels. For Fiscal Year 1975, the new formula showed all parts of Title I at the President's budget request of $1.885 billion. For Fiscal Year 1974, only Part A was shown at the lower appropriation level of $1.719 billion. For Fiscal Year 1973, only the local education agency portion of Part A was shown at the impoundment level of $1.585 billion. The actual amount allocated for Fiscal Year 1973 was $1.810 billion, as a result of a court suit which forced the release of the impounded amount. Ample data were available showing allocations at the increased amount which the Committee was not presented. The net result was the appearance that some states would gain more and others would lose less than would actually be the case.

Finally, the actual data used to calculate the estimated state totals for the new formula was not the data the new legislation

would dictate. The new formula requires the use of the Orshansky poverty index and two-thirds of the AFDC count over the Orshansky poverty index. In the Orshansky index there are many different income levels based on a variety of factors. Thus, the AFDC count must be made on a case by case basis that will undoubtedly create administrative chaos. These counts are presently not available anywhere.

The tables made available to the Committee used the AFDC count over an income level of $4000 for illustrative purposes. The income level of $4000 was selected because it was closest to the median Orshansky income level ($4200) above which an estimated AFDC count exists. However, since the higher the income level used, the lower the AFDC count, the actual AFDC count was overrepresented. Hence, the estimated state allocations for states with large AFDC populations were shown to be higher than will actually be the case.

Thus, Committee Members who had been deliberating 30 to 40 Title I formulas for several months summarily adopted a formula on the basis of limited and inaccurate information. Thus far, the damage that would be brought by this radical change in Title I programs in large population centers has been camouflaged by uninformed rhetoric and misleading data.

After H.R. 69 was reported from the Committee, the Library of Congress was asked to produce a table that eliminates two of the problems addressed above. The table shows allocations by county for local education agencies in Fiscal Year 1974 at $1.396 billion (out of a total appropriation of $1.719 billion). The new formula is applied to $1.396 billion in order to achieve a comparison of like amounts for local education agencies. The following figures are taken from this table. They show the amount lost and the percentage decrease in allocations for 44 of the most heavily populated counties in the country. A hold harmless of 85 percent of the previous year limits to 15 percent the amount any individual county can lose in any given year. Of the 44 counties listed, 35 show 15 percent reductions, the maximum possible. In spite of the 15 percent hold harmless to the previous year, most of the counties that show a 15 percent decrease on the table below will continue to lose additional funds because their entitlements will decrease with the application of the new formula. It is important to reemphasize the negative effect of the increase in eligibles on heavily populated areas as a result of the use of the Orshansky poverty index:

DOLLAR DIFFERENCE BETWEEN FISCAL YEAR 1974 ALLOCATION UNDER CURRENT FORMULA AND FISCAL YEAR 1974 ALLOCATION UNDER NEW FORMULA (LEA'S ONLY) APPROPRIATION LEVEL: $1,396,000,000

County	Difference	Percent loss
California:		
Alameda (Oakland)	−$705,120	−12
Los Angeles	−7,480,150	−15
San Francisco	−646,808	−15
Colorado: Denver	−515,345	−15
Connecticut:		
New Haven	−628,143	−15
Hartford	−631,070	−15
Georgia: Fulton (Atlanta)	−735,572	−15
Illinois: Cook (Chicago)	−7,779,999	−15
Indiana:		
Lake (Gary-East Chicago)	−534,906	−15
St. Joseph (South Bend)	−133,687	−15
Kansas:		
Wyandotte (Kansas City)	−238,806	−15
Sedgewick (Wichita)	−290,686	−15
Kentucky: Jefferson (Louisville)	−754,738	−15
Maryland: Baltimore City	−1,938,183	−15
Massachusetts: Suffolk (Boston)	−1,112,079	−13
Michigan: Wayne (Detroit)	−3,890,005	−15
Minnesota: Hennepin (Minneapolis)	−772,417	−15
Missouri: St. Louis City	−365,833	−6
Nebraska: Douglas (Omaha)	−336,689	−15
New Jersey:		
Hudson (Jersey City)	−$811,318	−13
Passaic (Patterson)	−624,907	−15
Essex (Newark)	−1,983,153	−15
Mercer (Trenton)	−370,627	−15
New York:		
Erie (Buffalo)	−1,309,828	−15
New York City	−23,156,030	−15
Monroe (Rochester)	−849,801	−15
Onondaga (Syracuse)	−395,771	−14
Westchester (Yonkers)	−930,194	−15
North Carolina:		
Mecklenburg (Charlotte)	−367,220	−15
Forsyth (Winston-Salem)	−274,953	−15
Ohio:		
Summit (Akron)	−334,438	−15
Cuyahoga (Cleveland)	−1,867,259	−15
Franklin (Columbus)	−614,977	−15
Montgomery (Dayton)	−342,917	−15
Oklahoma: Oklahoma (Oklahoma City)	−424,038	−15
Oregon: Multnomah (Portland)	−68,950	−3
Pennsylvania: Philadelphia City	−4,069,704	−15
Rhode Island: Providence	−531,741	−15
South Carolina: Charleston	−423,359	−14
Utah: Salt Lake	−260,352	−13
Virginia:		
Richmond	−367,555	−15
Norfolk	−465,062	−15
Washington	−425,807	−10
Wisconsin: Milwaukee	−952,407	−15

EFFECTS OF THE COMMITTEE FORMULA

With respect to substance, the factors that comprise the formula will cause a serious undermining of the original intent of the Title I program, and will transform a program of assistance to areas with large concentrations of poverty children to one more akin to general assistance to the school-age population at large.

WEAKNESSES OF THE ORSHANSKY POVERTY INDEX

First, the formula is based in part on the Orshansky poverty index developed in 1963. It contains at least two elements which weigh against metropolitan areas: the derivation of the income levels and the farm-non-farm distinction. The basis of the formula was established by studies made ten years ago on family food expenditures. Although food expenditures then only accounted for 30 percent of a person's income, it was felt that by comparing food expenditures, the relative poverty of different groups could be found. However, using food costs alone excludes the important consideration of such expenses as housing, transportation, or a person's assets. Mollie Orshansky, the developer of the index, stated before the Special Education Subcommittee, "It (the index) concentrates on the income-food relationship, although for urban families, particularly those handicapped not only by lack of money but by minority status and large families, the cost of housing may be critical."

Further criteria of the index include sex of the head of the household; number of children under 18 in the household and total number of persons in the family; and farm or non-farm residence. The farm-non-farm distinction is not to be construed as an urban-rural differentiation. We quote here a Library of Congress research report:

"The poverty levels are not varied according to the different costs of living in different parts of the United States. Nor are they varied according to rural/urban residence or suburban/central city residence. The farm/nonfarm variation should not be construed as an urban-rural differentiation since it is based on assumed cost-of-living differences due to the value of food produced on a farm and consumed by the farm family and since the persons counted under the farm family poverty levels are, generally, only farmers, not the rest of the "rural" population.

The result of this lack of "cost-of-living" differentiation is that, relatively speaking, when used to determine minimum income needs of the poverty population, the poverty levels tend to understate poverty conditions in high-cost-of-living areas (such as large metropolitan areas) and overstate poverty conditions in low-cost-of-living areas (such as rural areas and small towns.) This is in relation to what might be found if the poverty levels were adjusted to cost-of-living differences actually maintaining in given areas.

Another weakness in the actual dollar poverty levels is that they are criticized as being too narrowly based (on food expenditures alone) and do not take into account the other claims on a family's budget such as housing, medical care, and income taxes."

Thus, it is our contention that the weaknesses of the Orshansky poverty index outweigh its merits. As Ms. Orshansky went on to outline other shortcomings in her formula before the Special Education Subcommittee, she recommended that "further analysis of the formula be conducted before it is used as a poverty index."

There is another aspect of the index which, in combination with other factors in the new Title I formula, compounds the anti-metropolitan bias. The Orshansky index calls for the use of the Consumer Price Index to update income levels. As the Committee formula requires a yearly update, the income levels in the Orshansky index will increase yearly with inflation.

AFDC COUNT TO BE ELIMINATED

In addition to counting those children from families under the Orshansky index, the Committee formula counts only two-thirds of the children from AFDC families with incomes above the index. As noted earlier, the higher the income level used, the lower the AFDC count. Thus, as the Orshansky poverty levels increase yearly, the AFDC count above these levels will not increase at the same pace and will therefore decline. It can be projected that in a short time the AFDC count in the formula will be effectively eliminated in total.

During the Committee's debate, the use of AFDC in the formula was discussed at length. Some Members expressed the view that the number of AFDC children in the larger states is exploding and would continue to expand, therefore should be eliminated as a formula factor. Questions addressed to the Social and Rehabilitative Service of HEW by the Chairman of the Committee elicited the following information regarding the trends in the number of AFDC recipients nationally and the average payment to AFDC families nationally:

"January (1974) was the tenth consecutive month for which the change in number of (AFDC) recipients was less than 0.7 percent, decreases occurring in three of those months. 1971 figures had already shown a marked decrease in percentage rise of recipients over 1970. Statistics for 1972 indicate a further substantial decline in percentage growth over 1971. The actual increase in 1972 was less than 400,000.

This same leveling effect is also reflected in the national statistics for average (monthly) money payments to AFDC families:

January	1968	$162.95
January	1969	171.70
January	1970	178.55
January	1971	186.55
January	1972	189.40
January	1973	188.90

The same document, quoted above, asserted that AFDC data was best available on which to base distribution of funds:

"Although there are variations in AFDC eligibility and payment levels which do favor states with less restrictive eligibility rules and higher payment levels in AFDC data are

used to allocate funds, we are unaware of any other more adequate data which is provided county-by-county on a relatively current basis (yearly) which could be used for an equitable distribution of funds."

It is true, however, that while in large states such as California and New York welfare rolls are leveling off or decreasing, in certain Southern states such as Alabama and Louisiana the number of AFDC families is continuing to increase at a rapid rate. However, since the payments received by the latter group will probably not climb fast enough to keep up with the Orshansky up-date, the additional AFDC children will not add to the number eligible for Title I in those states.

THE PER PUPIL EXPENDITURE PENALTY

The third important part of the new formula is a limitation of 120 percent on her pupil expenditures above the national average and a floor of 80 percent of the national per pupil expenditure for states below the national average. The 120 percent ceiling works against Alaska, Connecticut, New Jersey, New York, and the District of Columbia. Their allocations are in effect reduced by the ceiling.

A recent study projects that the following additional states could potentially be limited by the ceiling if their state per pupil expenditures continue to grow at present rates: Illinois, Michigan, Minnesota, Pennsylvania, Rhode Island, Wisconsin and Maryland. The 120 percent ceiling on per pupil expenditures penalizes those states which have made a greater contribution in their spending for education.

THE "WEALTHIER" STATE MISCONCEPTION

States with per pupil expenditures above the national average are often referred to by proponents of the new formula as "wealthier" than those with lower per pupil expenditures. The following will demonstrate one of the reasons why that label is inappropriate.

The State of Mississippi's Title I maximum Federal payment per low-income student for Fiscal Year 1971 was $504, or 91 percent of the state per pupil expenditure. In contrast, New York's maximum Federal payment per low-income student was $780.50 or 50 percent of the state per pupil expenditure. If both states had decided to use their money to reduce class size for low-income students, Mississippi would have been able to reduce class size by 46 percent, while New York would have been able to make only a 29 percent reduction! This is a measure of the variance in the cost of education between regions, as well as an argument against the use of the term "wealthy" state. Thus, the new formula would perpetuate the phenomenon whereby those states spending less than the national average per pupil expenditure will still receive more per student than they are actually contributing (state and local effort combined) while those states with higher per pupil expenditures than the national average will not be rewarded for increased effort.

SAME SIZED PIE, SMALLER SLICES

The consequence of the use of the rural-biased Orshansky index, plus the decrease in AFDC and the limit on payment rate, is a redistribution of funds away from the most densely populated jurisdictions. Although the total number of eligible children increases under this formula as compared with the present formula, the percent of the total for population centers decreases as compared with the present. Since the appropriation level for Title I is not expected to increase to the level necessary to serve all the eligibles, the relative amount that will be made available to metropolitan areas will decrease. The result is a dispersion of the funds around the country. To put it another way, the new formula must be applied to the same sized pie, with smaller slices as the end result.

This is of important consequence to the federal role in elementary and secondary education in this Nation. It represents a retreat from the intent of Title I to assist those areas with large concentrations of need. For population centers, the implications are profoundly negative.

THE METROPOLITAN CRISIS IN EDUCATION FINANCE

It is well documented that the financing of education in our largest cities is in a state of crisis. The trend in metropolitan development has left the cities with a highly concentrated and less affluent population and with economic resources that are not increasing at a rate that can match the cities' burgeoning needs. As a result of the greater need and demand for increased health, housing, transportation, welfare, sanitation and other services, a smaller proportion of the typical city budget can be spent on education, despite the higher tax rates which exist in metropolitan areas.

New York City, for example, collects revenues at a per capita rate that is 22 percent greater than the State average. But of those tax dollars, the amount spent for education is eight percent less than the state average. New York's revenues are burdened by per capita spending for public safety and assistance that is 2.5 times the state average and for health and sanitation that is over 2 times the state average. These services cut deeply into the education resources of the city. This fiscal overburden is easily recognized when data from urban centers is compared with similar data from outside urban centers. The Senate Select Committee on Equal Educational Opportunity, in their Committee Print entitled "Issues in School Finance," present the following data:

Education as a percent of total expenditures:

	Percent
Washington, D.C	26
Outside Washington, D.C	57
New York City	24
Outside New York City	52
Chicago, Ill	33
Outside Chicago, Ill	57
Atlanta, Ga	39
Outside Atlanta, Ga	61
Louisville, Ky	40
Outside Louisville, Ky	70

Taxes as a percent of personal income:

	Percent
Washington, D.C	9.7
Outside Washington, D.C	4.2
New York City	10.2
Outside New York City	6.7
Chicago, Ill	7.4
Outside Chicago, Ill	4.0
Atlanta, Ga	5.2
Outside Atlanta, Ga	4.0
Louisville, Ky	5.2
Outside Louisville, Ky	3.5

Per capita taxes for total expenditures:

Washington, D.C	$1006
Outside Washington, D.C	425
New York City	894
Outside New York City	644
Chicago, Ill	473
Outside Chicago, Ill	352
Atlanta, Ga	554
Outside Atlanta, Ga	315
Louisville, Ky	508
Outside Louisville, Ky	302

These tables are another indication of the inappropriateness of the term "wealthy" as applied to areas with a higher than average per capita income. Those areas are usually the ones that must spend more for services other than education, and can buy less with each dollar spent.

Fiscal problems are increased for New York by the effect of the tax rate on the formula for state aid to education. Higher assessed valuation of property equals less money from the state in New York, thus the city is short-changed again.

In addition to the wide range of service demands on every tax dollar, cities must pay more for education, and simultaneously, because of the nature of their populations, provide expensive supplementary services such as bilingual education, programs for the mentally and physically handicapped summer recreation programs, supplementary nutrition programs, vocational and adult education programs, and many others. Of all the children enrolled in school in the state, New York City has 33 percent. But 74 percent of the state's welfare children live in that city, along with 37.5 percent of the state's handicapped children and 55 to 65 percent of those who are educationally disadvantaged. The following data from an Urban Coalition Report entitled, "Urban Schools and School Finance Reform: Promise and Reality," showed the needs were equally as demanding in other urban centers:

SHARE OF TOTAL ENROLLMENT BY SPECIAL NEED CATEGORY, SELECTED URBAN SCHOOL DISTRICTS, 1971-72

[In percent]

	Physically or mentally handicapped	With a special learning disorder	Title I eligible	Vocational technical	Total
Northeast:					
Boston, Mass	3.7	4.7	36.1	1.5	47.0
Buffalo, N.Y	4.0	NA	31.4	9.0	44.4
Pittsburgh, Pa	3.8	.5	48.9	7.2	60.4
Midwest:					
Chicago, Ill	2.5	.1	60.8	27.1	90.5
Detroit, Mich	2.6	.3	32.7	.6	36.2
Minneapolis, Minn	3.8	7.8	16.8	2.9	31.3
St. Louis, Mo	5.2	.2	29.8	7.0	42.2
Cleveland, Ohio	1.3	.1	43.1	6.7	51.2
Milwaukee, Wis	2.7	NA	37.2	NA	39.9
South:					
Atlanta, Ga	0.8	0.1	7.3	4.9	13.1
Houston, Tex	2.2	NA	25.7	7.3	35.2
West:					
Los Angeles, Calif	1.9	5.2	34.6	12.9	54.6
San Diego, Calif	1.5	.5	9.5	6.1	17.6
San Francisco-Oakland, Calif	2.2	.8	32.4	1.9	37.3
Denver, Colo	3.6	.9	16.4	5.2	26.1
Portland, Oreg	5.2	2.3	52.7	10.2	70.4
Average	2.8	1.6	30.3	6.9	41.6

As we have pointed out earlier, non-education needs are much greater in non-rural than in rural areas. Services like public safety, transportation and health care are more costly. While the federal government pays an average of 7.1 percent for elementary and secondary education among the states, individually state receipts vary greatly from 2.5 percent to 26 percent. Mississippi received more than ten times the federal to state proportion than did Iowa in 1971–72. While the national average federal contribution is 7.1 per state the average for states more than 30 percent rural is 10.8 percent; for states less than 30 percent rural, 6.5 percent. Rural states already receive the greater proportion of federal aid to elementary/secondary education. Any formula which widens this gap will present non-rural states, and some rural states which have large urban centers within them, with very acute revenue problems.

ANOTHER ATTACK ON THE PURPOSE OF TITLE I

The Committee bill contains yet another attack on the relationship between poverty and the purpose of Title I. First let us quote the Elementary and Secondary Education Act of 1965. Section 101 of Title I states:

"In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means . . . which contribute particularly to meeting the special educational needs of educationally deprived children."

There can be no question of what this declaration of policy means. The emphasis is on poverty.

The Committee's version of H.R. 69 allows the local school district the option of using criteria other than poverty as a basis for distributing Title I funds among schools. The only other method discussed by the Committee during its consideration of this bill was the measurement of educational disadvantage through testing. To compound the loss of funds to the population centers under the Committee's formula with the inevitable dilution of programs and services a shift to testing would bring, would even more severely truncate compensatory education programs for New York and many other large cities where poverty is abundant.

We will not go into the many objections to measurement of educational disadvantage for Title I eligibility that have been aired by Members of this Committee as well as renowned and distinguished scholars and educators across the country. It is acknowledged that the technology of assessment is far from perfect; that tests label and mislabel and classify children; and that there is a definite cultural bias in the tests most commonly used to measure educational disadvantage.

The Committee's Title I formula hits New York State, and especially New York City particularly hard. A decision to use educational disadvantage rather than poverty to distribute Title I funds among schools within a school district would dilute limited funds even more.

One Committee Member was heard to remark, "there are 49 other states" (other than New York). What was not clear at the time is the fact that not only will New York incur a loss, but many other states as well. If the formula became law, in New York City alone, as many as 100,000 children could lose the benefits of Title I services. It is for those children and the others like them from states and counties "with concentrations of low-income families" that we submit these dissenting views.

SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1974

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am introducing today legislation designed to provide long overdue and strongly warranted tax simplification and reform for our Nation's small business. Similar legislation was introduced in the first session of the 93d Congress by my distinguished colleague, Representative EVINS of Tennessee, and I wish to add to my efforts in this important endeavor.

There is no question that the small business community in the United States plays a vital role in the perpetuation of our free enterprise system; it is particularly attuned to the needs of the local area, it makes contributions of inestimable value in stimulating competition, and it constitutes a substantial base of America's past and future prosperity.

One of the existing inequities in the Internal Revenue Code of 1954 serves to place a greater proportionate tax burden on small businesses. The current tax rates applicable to corporations do not distinguish between small and big business corporations. The resulting effect is that large enterprises pay a lower effective rate of tax than small businesses. According to Federal Trade Commission figures, small- and medium-sized businesses pay taxes of around 50 to 51 percent of their incomes, while our largest firms pay taxes on about 35 percent of incomes.

Section 201 of the legislation I have introduced would establish eight different tax brackets. Under the lowest such bracket, a corporation whose taxable income is not over $50,000 would be subject to 20 percent normal tax and the surtax, if any, would be the same. The amount of normal tax would increase bracket by bracket as the taxable income increases, but any corporation earning up to $1 million would have the benefit of the lower tax rates. For example, if taxable income falls between $500,000 and $1 million, the normal tax would be $105,750, plus 22 percent of any excess over $500,000. Corporations earning over the $1 million mark would be subject to slightly higher rates and, therefore, there would be no overall loss of Federal revenue. The shift in corporate taxes afforded by this legislation of around 1 percent would give a substantial break to small enterprises without significantly impacting the larger corporations. In effect, the bill would allow the smaller concerns to retain more working capital and thereby stimulate growth and expansion capabilities which are now stifled by our somewhat regressive corporate tax structure.

The small business community in our Nation today is faced with intense competition and slender financial resources. The proposal I am introducing takes several constructive steps to protect the viability of the American business system. It establishes an Intergovernmental Committee on Tax Simplification for Small Businesses and it requires the submission to Congress by the Secretary of the Treasury recommendations for structural changes in the Internal Revenue Code of 1954 which would consolidate into one chapter those provisions relating primarily to new and small business enterprises. It takes into account the need for a revision of depreciation policy and the increasingly important need for small businesses to be able to take advantage of rapid technological advances. It would relieve small enterprises of the inconvenience and time involved in having to make payments of various employment and excise taxes more frequently than on a monthly basis.

In an era where the complexities and costs of doing business are thwarting the formation of new enterprises, title III of this bill would establish special treatment provisions for net operating income for the first 3 years of new and small corporations.

To assist the growth of existing small businesses, the legislation would increase the additional first-year depreciation allowance, eliminate the reserve ratio test for small business, and provide for a 10-year carryover of net operating losses for those concerns which fall within the meaning of the Small Business Act. Additionally, a new section would be added to part I of subchapter G of chapter 1 providing for dividend distributions to reduce tax liability.

This bill would not only benefit the incorporated business, but also includes provisions designed to aid partnerships and subchapter S corporations. For the latter, it would increase the number of permissible shareholders and broaden the classes of permissible shareholders.

In view of the possibility that this session of Congress will actively address tax reform, I urge the attention of my colleagues to the special need for income tax simplification reform, and relief for small businesses.

REESTABLISHING NOVEMBER 11 AS VETERANS DAY

(Mr. SEBELIUS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to discuss legislation to reestablish November 11 each year as Veterans Day, House Joint Resolution 126.

Many veterans of World War I recall the emotion and feeling in their hearts when the Armistice was announced on the 11th month, the 11th day, and the 11th hour in 1918. It seems to me the decision to change our Nation's observance of Veterans Day to the fourth Monday in October, while convenient, was a great disservice to our Nation's veterans and our Nation's heritage.

The fact of the matter is that one of the Nation's sacred holidays has been sacrificed for materialism and convenience. Rather than another convenient holiday, November 11 should be a day for reflection and personal rededication to peace and our American freedoms and ideals. Already, 33 State legislatures have passed legislation to reestablish November 11 as Veterans Day.

This action is especially urgent as we

prepare to celebrate our Nation's bicentennial. To expedite consideration, I am today filing a discharge petition to bring up House Joint Resolution 126 for immediate consideration in the House of Representatives. I urge my colleagues to sign this petition.

This week, individual delegations from the Veterans of Foreign Wars are visiting Washington. I think it would be especially appropriate if we could indicate to these veterans that we intend to make the observance of Veterans Day something more than a convenient holiday. I am not opposed to convenience and practical considerations, as such, but I feel quite strongly this particular national holiday should be observed in such a way that we can rededicate ourselves to establishing a permanent framework for peace throughout the world.

In memory of our fallen comrades, we should do no less.

HUMAN GOALS: VALUES FOR LIVING

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, for the third consecutive year, Maj. Jim D. Sullivan of Wilburton, Okla., executive officer of the McAlester battalion of the 95th Division—Army Reserve—and a member of the faculty at Eastern State College, Wilburton, Okla., has won a George Washington Honor Medal in the annual Freedoms Foundation of Valley Forge writing competition. His winning paper this year was entitled "Human Goals: Values for Living." In it he urges us all to "stop allowing everyone to bad-mouth America and start looking on the positive side." I am happy to share with my colleagues Major Sullivan's winning letter as it appeared in the Latimer County News-Tribune, Wilburton, Okla.:

TO THE EDITOR: America will remain the world's leading power only if Americans begin now to rededicate themselves to keeping America great. If America has slipped a little in recent years, it's because we as individuals and as a nation have failed to live by established human goals converted into marching orders for daily living. These values for living have been provided us, both as a nation and as individuals, in the Constitution, the Bible and from examples set by the resoluteness of early-day Americans.

It's ironic and sad that on the eve of America's 200th birthday that our great country should be so embroiled by conflict, scandal and turmoil. Never has there been a time when apparent breakdown has been so evident in governmental integrity.

America must cultivate a larger number of leaders—at all levels—who have the statesman-like moral fiber to rise above what might be called the "selfishness of leadership," which allows the drive for power, wealth and popularity all too often to get in the way of what's best for America.

Gone are the days—it seems—when a man's word or handshake is sufficient, and this has to be the result of our living day-to-day with only selfish thoughts without values for living that benefit others as well.

Human goals are really nothing more than a game plan for life and many of our statesmen have revealed that early-day goals nourished to fruition have led to their success. No good athletic team will go into a contest without having determined a plan to achieve victory.

Very likely these human goals may interfere with your comfort and even your selfish interests: you just may have to start talking the American way of life to your kids and the people on the block; you may have to jump in and take a stand on local issues; you may have to spend some time working in local government, your church and schools, your professional and civic organization. Yes, you may have to start doing more than just sitting back waiting for the evening news to see what crisis "they" have got "us" in today.

Americans should settle for no less than the best and this must include all elected officials, plus community, state and federal activities and programs. Thousands of examples are recorded—with fascinating results—of instances where citizens in a community have really become interested and involved in changing intolerable situations. Our government can shift toward totalitarianism only if you continue to claim you're too busy and to ignore your inherent responsibilities accompanying freedom.

How about it, editor? If the mass media, as well as our leaders, will grab hold of their responsibilities, wave the flag, a little, stop allowing everyone to bad-mouth America, and start looking on the positive side—I'll stand up and help you put the greatness back in America so America will be around to celebrate its 300th birthday!

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. YOUNG of Illinois (at the request of Mr. RHODES), for March 13–14, on account of official business.

Mr. CAREY of New York (at the request of Mr. O'NEILL), for this week, on account of death in his immediate family.

Mr. BUTLER (at the request of Mr. RHODES), for March 11 and 12, 1974, on account of illness.

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. BEARD), to revise and extend their remarks, and to include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mr. HANSEN of Idaho, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 1 hour, on Thursday.

(The following Members (at the request of Mr. ROSE) to revise and extend their remarks and include extraneous material:)

Mr. MCFALL, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. GRAY, for 5 minutes, today.

Mr. MATSUNAGA, for 30 minutes, today.

Mr. VANIK, for 5 minutes, today

Mr. O'HARA, for 10 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. CHAPPELL, for 5 minutes, today.

Mr. Moss, for 30 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YOUNG of Georgia and to include extraneous matter, notwithstanding the fact that it exceeds 2½ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $522.50.

(The following Members (at the request of Mr. BEARD) and to include extraneous matter:)

Mr. WYATT.

Mr. STEIGER of Wisconsin.

Mr. BROYHILL of Virginia.

Mr. VEYSEY in two instances.

Mr. KEMP in three instances.

Mr. FORSYTHE.

Mr. WALSH.

Mr. HOSMER in three instances.

Mr. MALLARY.

Mr. SARASIN.

Mrs. HECKLER of Massachusetts.

Mr. MCKINNEY.

Mr. WYMAN in two instances.

Mr. LUJAN.

Mr. SHRIVER.

Mr. FRENZEL in three instances.

Mr. LANDGREBE in 10 instances.

Mr. HUBER in two instances.

Mr. HANRAHAN in three instances.

Mr. DERWINSKI in three instances.

Mr. WHALEN.

Mr. MARTIN of Nebraska.

Mr. HOGAN in eight instances.

Mr. GUDE.

Mr. ARCHER.

Mr. CRANE in six instances.

Mr. DELLENBACK.

Mr. COHEN.

Mr. HILLIS.

Mr. SMITH of New York.

Mr. BROWN of Michigan.

Mr. FINDLEY in two instances.

Mr. STEELE.

Mr. MCCLORY.

Mr. HORTON.

Mr. MICHEL in five instances.

Mr. BROYHILL of North Carolina.

Mr. ABDNOR.

Mr. BAUMAN.

(The following Members (at the request of Mr. ROSE) and to include extraneous material:)

Mr. DOMINICK V. DANIELS.

Mr. RANGEL in 10 instances.

Mr. MATHIS of Georgia in two instances.

Mr. MATSUNAGA in 10 instances.

Mr. STOKES in six instances.

Mr. BADILLO in three instances.

Mr. MCKAY.

Mr. HARRINGTON in four instances.

Mr. O'NEILL.

Mrs. BOGGS.

Mr. GINN.

Mr. MOLLOHAN.

Mr. DIGGS in two instances.

Mr. EDWARDS of California in two instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. LITTON.

Mr. WON PAT.

Mr. FORD.

Mrs. MINK.

Mr. STUDDS.

Mr. ASPIN in 10 instances.

Mr. FULTON.

Mr. BURKE of Massachusetts.

Mr. EVINS of Tennessee.

Mr. WALDIE in two instances.

Mr. BINGHAM in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2662. An act to authorize appropriations for U.S. participation in the International Ocean Exposition '75; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6119. An act for the relief of Arturo Robles.

ADJOURNMENT

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 13, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2034. A letter from the President, National Railroad Passenger Corporation, transmitting a request for a supplemental appropriation for fiscal year 1974 for Amtrak; to the Committee on Appropriations.

2035. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2036. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Commissioner of Education on financial assistance for maintenance and operation of schools in federally affected areas and for school construction in federally affected areas, pursuant to 20 U.S.C. 242(c) and 20 U.S.C. 642(c), respectively; to the Committee on Education and Labor.

2037. A letter from the Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People, transmitting a draft of proposed legislation to extend the expiration date and the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People; to the Committee on Government Operations.

2038. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to revise and extend programs of Federal assistance for comprehensive health resources planning, and to assist the States in regulating the costs of health care; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2039. A letter from the Comptroller General of the United States, transmitting a report on the progress and problems in providing health services to Indians; 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. BLATNIK: Committee on Public Works. H.R. 11929. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; with amendment (Rept. No. 93-891). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 8660. A bill to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances; with amendment (Rept. No. 93-892). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 12523. A bill to amend section 428(a) of the Higher Education Act of 1965, as amended, and section 2(a)(7) of the Emergency Insured Student Loan Act of 1969, to better assure that students will have reasonable access to loans to meet their postsecondary education costs, and for other purposes; with amendment (Rept. No. 93-893). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 12417. A bill to require the development of a long-range plan to advance the national attack on diabetes mellitus, and for other purposes; with amendment (Rept. No. 93-894). Referred to the Committee of the Whole House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 977. Resolution providing for the consideration of H.R. 12471. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; with amendment (Rept. No. 93-900). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 978. Resolution providing for the consideration of H.R. 3858. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958 to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances; with amendment (Rept. No. 93-901). Referred to the House Calendar.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11559. A bill to place certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes. (Rept. No. 93-902). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11573. A bill to amend the Organic Act of Guam to place certain lands within the jurisdiction of the Government of Guam, and for other purposes; with amendment (Rept. No. 93-903). Referred to the Committee of the Whole House on the State of the Union.

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. EILBERG: Committee on the Judiciary. H.R. 3190. A bill for the relief of Gabriel Edgar Buchowiecki; with amendment (Rept. No. 93-895). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 5011. A bill for the relief of James Lennon; with amendment (Rept. No. 93-896). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 5477. A bill for the relief of Josephine Gonzalo (nee Charito Fernandez Bautista); with amendment (Rept. No. 93-897). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 5667. A bill for the relief of Linda Julie Dickson (nee Waters) (Rept. No. 93-898). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. S. 280. An act for the relief of Leonor Lopez; with amendment (Rept. No. 93-899). 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. ANNUNZIO (for himself, Mr. DULSKI, Mr. ZABLOCKI, Mr. DOMINICK V. DANIELS, Mr. HELSTOSKI, Mrs. GRASSO, Mr. KLUCZYNSKI, Mr. STRATTON, Mr. NEDZI, Mr. DERWINSKI, Mr. DINGELL, Mr. ROSTENKOWSKI, and Mr. ROE):

H.R. 13377. A bill to amend title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. STEELE:

H.R. 13378. A bill to amend the Social Security Act to extend entitlement to health care benefits on the basis of age under the Federal medical insurance program (medicare) to all persons who are citizens or residents of the United States aged 65 or more; to add additional categories of benefits under the program (including health maintenance and preventive services, dental services, outpatient drugs, eyeglasses, hearing aids, and prosthetic devices) for all persons entitled (whether on the basis of age or disability) to the benefits of the program; to extend the duration of benefits under the program where now limited; to eliminate the premiums now required under the supplementary medical insurance benefits part of the medicare program and merge that part with the hospital insurance part; to eliminate all deductibles; to eliminate copayments for low-income persons under the program, and to provide, for others, copayments for certain services or items but only up to a variable income-related out-of-pocket expense limit (catastrophic expense limit); to provide for prospective review and approval of the rates of charges of hospitals and other institutions under the program, and for prospective establishment (on a negotiated basis when feasible) of fee schedules for physicians and other practitioners; to revise the tax provisions for financing the medicare program and increase the Government contribution to the program, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 13379. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. BINGHAM (for himself and Mr. KOCH):

H.R. 13380. A bill to amend section 4(a) of the Agriculture and Consumer Protec-

tion Act of 1973, and for other purposes; to the Committee on Agriculture.

By Mr. BINGHAM:

H.R. 13381. A bill to amend the Internal Revenue Code of 1954 to eliminate, in the case of any oil or gas well located outside the United States, the percentage depletion allowance and the option to deduct intangible drilling and development costs, and to deny a foreign tax credit with respect to the income derived from any such well; to the Committee on Ways and Means.

By Mr. BOWEN:

H.R. 13382. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 13383. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself, Ms. ABZUG, Mr. BADILLO, Mr. CONTE, Mr. COTTER, Mr. DE LUGO, Mr. DENHOLM, Mr. FLOOD, Mr. FORD, Mr. GRAY, Mr. HAYS, Mrs. HECKLER of Massachusetts, Mr. KLUCZYNSKI, Mr. MURPHY of Illinois, Mr. PERKINS, Mr. PRICE of Illinois, Mr. RANDALL, Mr. RODINO, Mr. STUBBLEFIELD, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. VANDER VEEN, Mr. GILMAN, Mr. ZABLOCKI, and Mr. BURTON):

H.R. 13384. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the social security program, with a substantial increase in the contribution and benefit base and with appropriate reductions in social security taxes to reflect the Federal Government's participation in such costs; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 13385. A bill to amend the Social Security Act to extend entitlement to health care benefits on the basis of age under the Federal medical insurance program (medicare) to all persons who are citizens or residents of the United States aged 65 or more; to add additional categories of benefits under the program (including health maintenance and preventive services, dental services, outpatient drugs, eyeglasses, hearing aids, and prosthetic devices) for all persons entitled (whether on the basis of age or disability) to the benefits of the program; to extend the duration of benefits under the program where now limited; to eliminate the premiums now required under the supplementary medical insurance benefits part of the medicare program and merge that part with the hospital insurance part; to eliminate all deductibles; to eliminate copayments for low-income persons under the program, and to provide, for others, copayments for certain services or items but only up to a variable income-related out-of-pocket expense limit (catastrophic expense limit); to provide for prospective review and approval of the rates of charges of hospitals and other institutions under the program, and for prospective establishment (on a negotiated basis when feasible) of fee schedules for physicians and other practitioners; to revise the tax provisions for financing the medicare program and increase the Government contribution to the program; and for other purposes; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 13386. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN:

H.R. 13387. A bill to amend the Truth-in-Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking and Currency.

H.R. 13388. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 13389. A bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of United States energy resources on public lands and elsewhere, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13390. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 13391. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. COTTER (for himself and Mr. GIAIMO):

H.R. 13392. A bill to provide an additional 5-year period before States must begin repayment of outstanding advances to their unemployment compensation accounts; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 13393. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLENBORN:

H.R. 13394. A bill to amend section 218 of the Social Security Act to provide that a policeman or fireman who has social security coverage pursuant to State agreement as an individual employee and not as a member of a State or local retirement system may elect to terminate such coverage if he is subsequently required to become a member of such a retirement system; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 13395. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

H.R. 13396. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mrs. GRASSO:

H.R. 13397. A bill to delay the repayment of an advance or advances to the unemployment account of a State under title XII of the Social Security Act; to the Committee on Ways and Means.

H.R. 13398. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 13399. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform and relief for small business; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. REID, Mr. CONTE, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BERGLAND, Mr. BINGHAM, Mr. BOLAND, Mr. BRASCO, Mr. BRINKLEY, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BURKE of Massachusetts, Mrs. BURKE of California, Mr. BYRON, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CORMAN, Mr. CULVER, Mr. DOMINICK V. DANIELS, and Mr. DELLUMS):

H.R. 13400. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. REID, Mr. CONTE, Mr. DE LUGO, Mr. DENHOLM, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. DU PONT, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTROY, Mr. FLOWERS, Mr. FORD, Mr. FRASER, Mr. GAYDOS, Mr. GILMAN, Mr. GINN, Mr. GRAY, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. GUNTER, Mr. HAWKINS, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H.R. 13401. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. REID, Mr. CONTE, Miss HOLTZMAN, Mr. HORTON, Mr. HUNGATE, Mr. JOHNSON of Pennsylvania, Mr. JONES of North Carolina, Mr. KEMP, Mr. KYROS, Mr. LEGGETT, Mr. LONG of Louisiana, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCSPADDEN, Mr. MATHIS of Georgia, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MEEDS, Mr. MURTHA, Mr. METCALFE, Mr. MEZVINSKY, Mr. MITCHELL of Maryland, and Mr. MOAKLEY):

H.R. 13402. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. REID, Mr. CONTE, Mr. MOORHEAD of Pennsylvania, Mr. MORGAN, Mr. MOSS, Mr. NEDZI, Mr. NIX, Mr. PATTEN, Mr. PEPPER, Mr. PODELL, Mr. PREYER, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REUSS, Mr. RIEGLE, Mr. RODINO, Mr. RONCALIO of Wyoming, Mr. RONCALLO of New York, Mr. ROSE, Mr. ROSENTHAL, Mr. ROUSH, Mr. SEIBERLING, and Mr. STARK):

H.R. 13403. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. REID, Mr. CONTE, Mr. STEELE, Mr. STOKES, Mr. STUCKEY, Mr. STUDDS, Mr. THOMPSON of New Jersey, Mr. THONE, Mr. TIERNAN, Mr. VAN DEERLIN, Mr. VANIK, Mr. VIGORITO, Mr. WALDIE, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Georgia):

H.R. 13404. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. KYROS (for himself, Mr. ROGERS, Mr. SATTERFIELD, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 13405. A bill to provide for the establishment of a national advisory commission to develop a national plan for the control of epilepsy and its consequences; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON (for himself, Mr. CHAPPELL, and Mr. WAGGONNER):

H.R. 13406. A bill to amend the National

Emissions Standards Act in order to conserve fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON: (for himself and Mrs. BURKE of California):

H.R. 13407. A bill to provide an excise tax on every new automobile in an amount relating to the portion of such automobile's fuel consumption rate which falls below certain standards, to provide an energy research and development trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. BOWEN, Mr. CONLAN, Mr. FULTON, Mr. GUNTER, and Mr. MATSUNAGA):

H.R. 13408. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 13409. A bill to amend the Internal Revenue Code of 1954 to provide that percentage depletion shall not be allowed in the case of mines, wells, and other natural deposits located in foreign territory; to the Committee on Ways and Means.

By Mr. MEZVINSKY (for himself, Mrs. BOGGS, Mr. FREY, Mr. MOAKLEY, Mr. ROSENTHAL, Mr. ROYBAL, and Mr. WOLFF):

H.R. 13410. A bill to provide for tax counseling to the elderly in the preparation of their Federal income tax returns; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 13411. A bill to amend titles II, VII, XI, XVI, XVIII, and X of the Social Security Act to provide for the administration of the old age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 13412. A bill to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, and to make such lands part of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. PARRIS:

H.R. 13413. A bill to authorize the Secretary of the Interior to transfer certain lands of the United States to the city of Alexandria, Va., to facilitate the establishment of parks and recreation areas, and for other purposes; to the Committee on the District of Columbia.

By Mr. PEPPER:

H.R. 13414. A bill to amend the National Housing Act to provide a statutory basis for the continuing administration by Federal Housing Administration of the standard risk programs under such act; to the Committee on Banking and Currency.

By Mr. PRICE of Illinois (for himself and Mr. HOSMER) (by request):

H.R. 13415. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ROE:

H.R. 13416. A bill to authorize the Secretary of Agriculture to make grants to cities and park districts to encourage the increased planting of trees and shrubs and to encourage other urban forestry programs; to the Committee on Agriculture.

H.R. 13417. A bill to amend section 4a, the commodity distribution program of the Agriculture and Consumer Protection Act of 1973; to the Committee on Agriculture.

H.R. 13418. A bill to amend the National School Lunch and Child Nutrition Act Amendments of 1973 and for other purposes; to the Committee on Education and Labor.

H.R. 13419. A bill to amend title II of the Comprehensive Employment and Training Act of 1973, to provide that an area is deemed an area of substantial unemployment for purposes of such title if such area has a rate of unemployment of at least 6 percent; to the Committee on Education and Labor.

H.R. 13420. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 13421. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans by 20 percent, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RONCALLO of New York:

H.R. 13422. A bill to direct the Secretary of the Treasury to compensate States and units of local government for the loss of real property tax revenues due to the tax exempt status of certain real property owned or occupied by foreign countries and international organizations; to the Committee on Foreign Affairs.

By Mr. RYAN:

H.R. 13423. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDMAN:

H.R. 13424. A bill to amend the tariff schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin (for himself, Mr. QUIE, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESHLEMAN, Mr. HANSEN of Idaho, Mr. FORSYTHE, and Mr. TOWELL of Nevada):

H.R. 13425. A bill to extend the authority for the program known as "Project Headstart" to provide comprehensive services to aid disadvantaged preschool children in order to enable such children to attain their full potential; to the Committee on Education and Labor.

By Mr. STUDDS (for himself and Mr. DOMINICK V. DANIELS):

H.R. 13426. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TAYLOR of North Carolina (for himself, Mr. HALEY, Mr. HOSMER, Mr. SKUBITZ, Mr. KING, and Mr. DON H. CLAUSEN):

H.R. 13427. A bill to provide for the establishment of the Clara Barton National Historic Site, Md.; John Day Fossil Beds National Monument, Oreg.; Knife River Indian Villages National Historic Site, N. Dak.; Springfield Armory National Historic Site, Mass.; Tuskegee Institute National Historic Site, Ala.; and Martin Van Buren National Historic Site, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 13428. A bill to prohibit commercial fishing in the waters located in the national seashore recreation areas; to the Committee on Interior and Insular Affairs.

By Mr. TIERNAN (for himself, Mr. BADILLO, Mr. BUCHANAN, Ms. COLLINS of Illinois, Mr. CORMAN, Mr. EDWARDS of California, Mr. HOGAN, Mr. METCALFE, Mr. PEPPER, Mr. RIEGLE, Mr. ST GERMAIN, Mr. SARBANES, Ms. SCHROEDER, Mr. SYMINGTON, and Mr. VIGORITO):

H.R. 13429. A bill to protect the environment and conserve natural resources by stimulating the use of recycled or recyclable materials by effecting rate changes in the movement of these materials by common carrier, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 13430. A bill to amend the Uniform Code of Military Justice to require that all notation relating to the arrest, charge, and trial of any person under such code be expunged from all military records if the charge is dismissed or the person is found not guilty of the charge, and for other purposes; to the Committee on Armed Services.

By Mr. CHARLES H. WILSON of California:

H.R. 13431. A bill to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus; to the Committee on Interstate and Foreign Commerce.

H.R. 13432. A bill to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. WALSH, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. CARNEY of Ohio, Mr. FORD, Mr. GUNTER, Mr. MALLARY, Mr. MOORHEAD of Pennsylvania, Mr. SANDMAN, Mr. SARASIN, Mr. SEIBERLING, and Mr. THOMPSON of New Jersey):

H.R. 13433. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. WON PAT (for himself, Mr. BENITEZ, Mr. DE LUGO, and Mr. FAUNTROY):

H.R. 13434. A bill to amend section 216(b) of the Merchant Marine Act, 1936, to entitle the Delegates in Congress from Guam and the Virgin Islands to make nominations for appointments to the Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

By Mr. HANLEY:

H.R. 13435. A bill to amend title 5 United States Code relating to retirement computation for law enforcement officials; to the Committee on Post Office and Civil Service.

By Mr. HÉBERT (for himself and Mr. BRAY) (by request):

H.R. 13436. A bill to amend title 10, United States Code, to authorize the negotiated sale by the Department of Defense of certain equipment, materials, and obsolete spare parts to U.S. purchasers, and for other purposes; to the Committee on Armed Services.

By Mr. HUBER:

H.R. 13437. A bill to amend section 105(d) of the Internal Revenue Code of 1954 to provide that the excludability from gross income of disability pension payments to an individual shall be continued when such individual reaches statutory retirement age; to the Committee on Ways and Means.

By Ms. JORDAN (for herself, Mr. PRICE of Illinois, Mr. SEIBERLING, and Mr. STOKES):

H.R. 13438. A bill to amend the Internal Revenue Code of 1954 so as to reduce by 8 percent the amount of individual income tax withheld at the source; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. FRASER):

H.R. 13439. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove

rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 13440. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes; to the Committee on Veterans affairs.

By Mr. RINALDO:

H.R. 13441. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.J. Res. 935. Joint resolution authorizing the President to proclaim the first Sunday in May as "Chaplains' Sunday"; to the Committee on the Judiciary.

By Mr. SNYDER:

H.J. Res. 936. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. DERWINSKI, Mr. ROSE, Mr. BIAGGI, Mr. BAKER, Mr. EDWARDS of California, Mr. DENT, and Mr. BURGENER):

H.J. Res. 937. Joint resolution regarding the status of negotiations with foreign governments in relation to debts owed the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McEWEN (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CONABLE, Mr. DELANEY, Mr. DULSKI, Mr. FISH, Mr. GILMAN, Mr. GROVER, Mr. HANLEY, Mr. HASTINGS, Miss HOLTZMAN, Mr. HORTON, Mr. KEMP, Mr. KING, Mr. KOCH, Mr. LENT, Mr. MITCHELL of New York, and Mr. PEYSER):

H. Con. Res. 443. Concurrent resolution expressing the sense of Congress that the United States invites the International Olympic Committee to select Lake Placid, N.Y., as the site of the 1980 Winter Olympic Games; to the Committee on Foreign Affairs.

By Mr. McEWEN (for himself, Mr. PIKE, Mr. PODELL, Mr. RANGEL, Mr. ROBISON of New York, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SMITH of New York, Mr. STRATTON, Mr. WALSH, Mr. WOLFF, Mr. WYDLER, and Mr. MURPHY of New York):

H. Con. Res. 444. Concurrent resolution expressing the sense of Congress that the United States invites the International Olympic Committee to select Lake Placid, N.Y., as the site of the 1980 Winter Olympic Games; to the Committee on Foreign Affairs.

By Mr. O'HARA:

H. Con. Res. 445. Concurrent resolution authorizing additional copies of Oversight Hearings entitled "State Post-Secondary Education Commissions"; to the Committee on House Administration.

By Mr. ESHLEMAN:

H. Res. 972. Resolution relating to the serious nature of the supply, demand, and price situation of fertilizer; to the Committee on Agriculture.

By Mr. HANRAHAN:

H. Res. 973. Resolution declaring the sense of the House with respect to the prohibition of extension of credit by the Export-Import Bank of the United States; to the Committee on Banking and Currency.

By Mr. PEPPER:

H. Res. 974. Resolution amending the Rules of the House of Representatives to provide equal coverage of House Committee meetings by all media and for other purposes; to the Committee on Rules.

By Mr. PRICE of Texas (for himself, Mr. HUNT, Mr. RARICK, Mr. LUJAN, Mr. COCHRAN, Mr. COLLINS of Texas, Mr. KEMP, Mr. DEVINE, Mr. MILLER, Mr. BREAUX, Mr. ROBERT W. DANIEL, JR., and Mr. MICHEL):

H. Res. 975. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. VANDER JAGT:

H. Res. 976. Resolution to express the sense of the House with respect to the allocation of necessary energy sources to the tourism industry; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

376. By the SPEAKER: Memorial of the Senate of the State of Arizona, relative to construction of the Hualapai hydroelectric dam in the Colarodo River; to the Committee on Interior and Insular Affairs.

377. Also, memorial of the Legislature of the State of Georgia, relative to research into eye diseases; to the Committee on Interstate and Foreign Commerce.

378. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to establishment of a national cemetery in Massachusetts; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROYBAL introduced a bill (H.R. 13442) for the relief of Fidel Grosso-Padilla, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

403. The SPEAKER presented a petition of Herbert A. Wilson, Baltimore, Md., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, March 12, 1974*

The Senate met at 10:30 a.m. and was called to order by Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Reverend Henry L. Reinewald, national chaplain, Veterans of Foreign Wars of the United States, offered the following prayer:

Almighty God, we invoke Your presence and grace upon the United States of America, upon those who are called to govern, especially the Senate of the United States.

Grant to us in this hour the blessing of Your Holy Spirit, that the need of this time may be met in accord with Your will and Your word.

Thank You, Lord, that we as a nation under God seek in all ways to serve You, and to provide for ourselves and our posterity the blessings of life, liberty, and the pursuit of happiness.

By faith, Lord, our forefathers brought into being these United States of America. By faith, Lord, all things are possible for us in this day. In such faith, Lord, guide the Senate of the United States, and all of the people of these United States now and evermore. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read the communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 12, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. PROXMIRE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 11, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for not to exceed 15 minutes.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the time heretofore allotted to the distinguished Senator from Delaware (Mr. ROTH) be canceled.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will