

good and considerate people, and our people are concerned about all people.

I hope Mr. President, that we will get a chance soon to air this issue in its entirety. Perhaps we have overstayed our welcome or have done too much for our friends. Perhaps we have been a bit naive all along, though, I conclude, never ungenerous and never without charity.

Mr. RANDOLPH. Mr. President, will the distinguished Senator from New Mexico yield?

Mr. DOMENICI. I am delighted to yield to the Senator from West Virginia.

Mr. RANDOLPH. I would like, for the record, just to give one example of what one person did in Turkey. This man came from the United States of America as an employee of AID. He came from the Midwest to Ankara, Turkey. He gave of his knowledge of farming. For part of the years he was there, he assisted in the use of machines in farming operations.

Because of his knowledge, and his efforts working with Turkish farmers, their productivity was increased many, many fold. The exports of goods increased substantially. This is but the contribution of one man from the AID organization—unheralded, unapplauded, but certainly representative of that larger group of individuals whose contributions are constructive in nature and to whom praise should be given for their endeavors in aiding people in faraway countries.

It is important that the Senator from New Mexico assess the value of this Nation's representatives who work with the peoples of other countries.

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER FOR RECOGNITION OF SENATOR RANDOLPH AND SENATOR ROBERT C. BYRD ON THURSDAY, MARCH 28, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on next

Thursday, March 28, 1974, after the two leaders or their designees have been recognized under the standing order, Mr. RANDOLPH be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

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

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene next on Tuesday of next week at the hour of 11 a.m. After the two leaders or their designees have been recognized under the standing order Mr. PROXMIER and Mr. PASTORE will be recognized each for not to exceed 15 minutes, and in that order; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 5 minutes.

At the conclusion of the period for the transaction of routine morning business the Senate will resume consideration of the then unfinished business, S. 3044, the public financing of campaigns bill. There is no time limitation on that bill. To repeat the optimistic statement by Mr. MANSFIELD, it is hoped that action on the measure may be completed in a couple of days.

Also on Tuesday it is anticipated that S. 2893, a bill to amend the Public Health Service Act may be called up and acted upon.

Also on Tuesday S. 1835, the so-called servicemen's group life insurance bill, may be called up and acted upon.

Conference reports may be called up at any time. Yea-and-nay votes may occur on Tuesday next.

#### ADJOURNMENT TO 11 A.M., TUESDAY, MARCH 26, 1974

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and pursuant to the provisions of Senate Resolution 298, as a further mark of respect to the memory of the late Senator B. Everett Jordan of North Carolina, that the Senate stand in adjournment until 11 a.m. on Tuesday next.

The motion was agreed to; and, at 3:30

p.m., the Senate adjourned until Tuesday, March 26, 1974, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate on March 22, 1974:

##### IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of Chapters 35 and 837, Title 10, United States Code:

##### To be major general

Brig. Gen. Arthur W. Clark, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Brig. Gen. William Lyon, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Brig. Gen. Oscar D. Olson, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Brig. Gen. Alfred Verhulst, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Brig. Gen. John S. Warner, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

##### To be brigadier general

Col. Bruce M. Davidson, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Edward Dillon, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. George M. Douglas, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Arthur A. Gentry, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Irving B. Holley, Jr., xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Harry J. Huff II, xxxx <sup>FV</sup>, Air Force Reserve.

Col. Willard G. Hull, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. James D. Isaacks, Jr., xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Orrin W. Matthews, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Alvin J. Moser, Jr., xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Dalton S. Oliver, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Frank J. Parrish, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

Col. Barnett Zumoff, xxx-xx-xxxx <sup>FV</sup>, Air Force Reserve.

#### CONFIRMATION

Executive nominations confirmed by the Senate March 22, 1974:

##### IN THE AIR FORCE

The following officer for temporary appointment to the grade of Brigadier General in the United States Air Force under the provisions of Chapter 839, Title 10 of the United States Code:

##### To be brigadier general

Col. Edward B. Burdett, xxx-xx-xxxx <sup>FR</sup>, Regular Air Force.

## EXTENSIONS OF REMARKS

#### SENATOR WILLIAM V. ROTH SPEAKS BEFORE THE MILFORD CHAMBER OF COMMERCE

#### HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, March 22, 1974

Mr. ROTH. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a recent speech I made in Delaware, before the Milford Chamber of Commerce.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM V. ROTH, JR., BEFORE THE MILFORD CHAMBER OF COMMERCE ON MARCH 18, 1974

Ladies and gentlemen of the Chamber of Commerce, it is a great pleasure for me to be here in Milford. I am not sure how many of you may have heard me when I was at the Rotary Club in early February, but those of you who did may recall that on that occasion I discussed the energy crisis. Our State and Nation's energy problems, of course, are still very much with us and continue to occupy the majority of my time in

Washington. Many of us believe that we would not be in such bad straits today if we had exercised more foresight a few years ago. I recall that in 1970 a number of experts testified in Congressional hearings that our country could be faced with very serious energy shortages in a few years. In response to this testimony, I had introduced a bill to establish a Commission on Fuels and Energy to provide a complete assessment of the problem and make recommendations on how an energy crisis should be avoided. Unfortunately, as so often happens, no action was taken until the crisis was already upon us.

I mention this incident because I believe it illustrates the importance of taking a long range view of our problems and seeking in-

telligent approaches before they become crises. Today I want to apply the lesson that we should have learned from the energy crisis by discussing another area of public policy which I believe a critical and careful examination of the future is vitally needed. This is the area of our national defense. I have no doubt that we will recover from the energy crisis, but America cannot afford to have a "security crisis" a few years down the road.

Defense, of course, is already one of the country's most controversial subjects. It disturbs me, however, that much of the current debate is cast in very superficial terms. On one hand, there are those who contend that our defense effort should be greatly reduced because of the détente policy with the Soviet Union or because of other budgetary priorities. On the other hand, there are those who argue that Congress should approve all new military spending programs.

What is too often lost in the loose talk about too much defense or too little defense is that a sound defense policy, like most other major public policies, involves a careful and delicate balancing of competing considerations. Internationally, we must find a proper balance between the need for an effective free world defense on the one side and the risk on the other side that if we build up too much we might give new impetus to a costly and dangerous arms race. Domestically, we must have a strong defense, but we must also guard against prodigal defense and other Federal spending that is one of the root causes of inflation.

Let us look first at the international context of our defense policies. There is a substantial element in the country today who believe that the United States can retreat without harm from its commitments in Europe and Japan. This argument is often buttressed by one or the other of two premises—that the Soviet Union has so reformed that it would not attempt to exploit an American withdrawal to pursue its own interests around the world or that even if she did, it would not harm America's vital national interests. I believe both premises are fallacious.

The nature of the communist ideology, the nature of the Soviet domestic system, and the evidence of recent Soviet behavior—both in Czechoslovakia and in the Middle East—demonstrate that the USSR is neither ready to give up its sphere of domination in Eastern Europe nor willing to abandon its policy of attempting to fill the vacuums of power that may develop around its borders. We must remember that while there are now many competing centers of political influence in the world, there are still only two military superpowers. If the United States retreats prior to having established a sound basis of relations with the Soviet Union, vacuums will be created that only the Soviet Union can fill.

We cannot, however, relax our efforts to achieve a sound basis of relations with the Soviet Union. I strongly support a continued search for common areas of interest in limiting arms. Arms limitations agreements must provide equal benefits for both sides; they must be verifiable so that we can be sure that the other side is living up to its bargain; and, they must be subject to Congressional approval and continued Congressional oversight. Even with these safeguards, arms limitations agreements may entail an element of risk. We do not live in a world free from risk. It is necessary to take some risks for peace because there are much greater risks in unchecked arms races. Unabated arms races may result in more defense, but they mean less security. I hope that both countries will recognize their common interests—both political and economic—in arms limitations.

This brings me to the domestic context of

our defense policy. While we need a strong defense, we must also practice economy in the defense area. As an advocate of a balanced budget and fiscal responsibility and a foe of inflation, I deplore the attitude of some in the military who think that the normal strictures against waste and careless use of the taxpayers' money does not apply to them. No one should believe that the mere invocation of the words "national security" guarantees free and unlimited access to the United States Treasury. Defense is not an end in itself; it is a burden forced upon us by the nature of the world we live in. It is a burden we must bear, but there is no point in making it heavier than it has to be. To guard against inflation, all government programs—including defense programs—must be carefully examined and strictly justified according to need.

Let's take a careful look at the defense budget. It is true, of course, that defense spending has gone up. But, it is also a fact that the defense budget has gone up less than most sectors of the budget. During the past decade, total Federal outlays have increased by 157%. Defense spending during this same period increased 84%, about half of much. As a proportion of the Federal budget, defense now takes 27¢ of your tax dollar, whereas in 1964—the year before our military involvement in Vietnam began—it took 42¢, or nearly half. As a percentage of our budget and gross National product, defense is now lower than at any time since before the Korean War.

The gross figures, however, tell only a very minor part of the story. Within the defense budget, we are spending much greater amounts on operations and maintenance, on per unit manpower costs, and retirement costs. Our spending for procurement and research and development are becoming a smaller part of the budget.

Inflation and the increasing sophistication of weapons has meant that the average defense dollar buys a good deal less than it used to. The money that is required to build a thousand of the latest F-14 fighters today would have bought more than a hundred thousand fighter aircraft in World War II. A nuclear submarine cost \$81 million in 1964; today one costs \$181 million; a jeep which cost \$3,300 in 1964 today costs \$4,200.

At the same time procurement costs have been doubling, our expenditure on procurement has increased only about 25%, from \$15 billion in 1964 to \$18.7 billion in fiscal year 1974. Accounting for inflation we are spending less today on procurement than we were ten years ago. We are buying less and our overall defense capability is weakened.

The story in the research and development budget is very similar. Ten years ago we spent \$7 billion on research and development; this year we are spending \$8 billion. Again, if we account for inflation, we are spending about \$2 billion less in terms of buying power than we did in 1964. We are not sure what the Soviet Union is spending because such budget figures are a deep, dark secret there, but the estimates start at \$10 billion and go up to \$20 billion.

In the contemporary world, research and development is a very key aspect of the overall strategic balance. A technological breakthrough by one side may be converted into a permanent military and political advantage. It may very well be necessary in the near future to devote a greater proportion of our defense budget to research and development in order to prevent the Soviet Union from achieving a technological advantage over the United States.

If we are going to have to spend more in the areas of procurement and research and development, we will need to look for more

effective ways of saving money in other areas of the defense budget. The largest increases, in recent years, have come in military salaries and retirement pay. Twenty years ago manpower costs were about a third of the defense budget. With pay increases and the advent of the volunteer army, manpower costs have risen to take 56 cents of each defense dollar. Despite large reductions in personnel, manpower remains an extremely expensive defense item.

Last year Congress established a Defense Manpower Commission to examine manpower issues. Certainly, imaginative solutions are in order if we are going to prevent salaries from pricing us out of a good defense.

One approach to the manpower problem may be to place more emphasis on National Guard and reserve units. One unfortunate by-product of recent Pentagon doctrine has been to emphasize use of the active forces for all military missions and to require the Guard and Reserves to bear the brunt of budget cuts. Yet, according to some specialists, there are a number of lower priority missions which Guardsmen and Reservists could perform at a fraction of the cost of using active-duty personnel. One such mission is the defense of the continental United States against bomber attack. This has a low priority status because the Soviets have never concentrated on developing long-range bomber forces and the likelihood of a bomber attack is generally believed to be pretty remote. The surest way to increase the likelihood, however, would be to relax our guard. Here then is a necessary mission which would probably be handled as effectively, but with less expense, by our Guard and Reserves.

I would hope that the Defense Manpower Commission and the appropriate military authorities would give this suggestion careful consideration and would try to identify other opportunities to save active-duty manpower by better use of the National Guard and Reserves.

At the same time, there are a host of other problems that require urgent consideration. The United States has the world's highest ratio of support to combat personnel. There is too much staffing at headquarters. One of the worst examples is the Southern Command in the Panama Canal Zone which has little more than 10,000 military personnel, but also has 10 generals, 2 admirals, and 4 headquarters. Incidentally, the naval "fleet" assigned to the Southern Command consists of two 45-foot fishing boats which are used by the brass.

We have a huge one million man civilian payroll—there are almost half as many civilians in our military establishment as there are active military personnel. There is the problem of grade creep—the tendency of the armed services to have higher and higher proportions of top-ranking officers, further compounding manpower costs. Finally, we have a very serious problem of escalating costs of retirement.

Underlying each of these problems is the need for a new basic orientation in the way the Pentagon views manpower. It used to be that manpower was seen as relatively inexpensive. Now manpower is in short-supply; it is expensive; and the military will have to make the very best use of each man.

I have covered only some of the problems that we are going to have to resolve if we are going to have a strong national defense. Adequate research and development funds, careful procurement policies, and the wise use of manpower, however, are not in themselves a guarantee of a strong national defense. It also requires careful and continued cultivation of the best traditions of the American military—thorough training, attention to duty, discipline, and subordination to civilian authority.



I emphasize particularly the last—subordination to civilian authority—because while our civilian leadership is democratically controlled through the electoral process, the military is and must be autocratic. If the military is not controlled by the civilian authorities then we will not have a strong national defense because the military itself could be a threat to those very freedoms and rights we seek to defend. For this reason, whenever there has been a question of civilian control—as in the famous MacArthur case or more recently in the case of General Lavelle—the dictates of our civilian leadership—the President—must prevail, because he and he alone, is accountable to the electorate for the actions of the military.

I am sure that you remember that two years ago it came to light that one of our Air Force generals, General Lavelle, had reinterpreted the rules of engagement to intensify bombing of North Vietnam without submitting the matter to higher authorities. In doing so, he violated two traditions of the American military—submission to civilian authority and obedience to military supervisors.

Recently, the Air Force asked that two of General Lavelle's subordinates, Brig. Gen. Charles A. Gabriel and Major General Alton D. Slay, be promoted, and the promotions are currently before the Senate Armed Services Committee. Both men testified before the Committee almost two years ago that they knew of the unauthorized bombing raids and of the falsification of reports in order to keep them secret. Neither questioned the propriety of what was happening although both had served more than twenty years in the military.

Because of the importance of the principles of civilian control and military discipline, I very much doubt that either general should be rewarded with promotion. I am not a member of the Armed Services Committee, but I will be very interested in the vote the Committee will take on these promotions. Should the matter be referred to the full Senate for action on the Floor, there would have to be very persuasive evidence presented in favor of promotion before I could support it.

Let me close by saying a word about America's role in the world. I think we can be justly proud of our place in contemporary international history. The United States has lived side by side in peace with its much smaller neighbors on this continent for more than a century. We acted in a manner entirely new to world history at the end of the last world war when, although we had the military and economic power to dominate the world, we chose instead to pursue the path of peace. We made special sacrifices over the past quarter century to maintain stability in the world and to restore war torn regions to prosperity. We took on the awful burdens of limited war in Korea and Vietnam, and historians may long debate, just as we have debated, whether we were wrong or whether we were right. But, I am confident that history will applaud our overall efforts in the difficult postwar period.

Now we have arrived at a juncture when a real measure of international detente and peace seems within our reach. We also show signs of weariness from the past frustrations of reaching this goal. It is not the time to give up. I think we all—in Milford and around this country—should recognize that we still live in very difficult and complex times and that our country still has an important and active role to play in the world around us. I hope that we will approach our problems with maturity, recognizing that our role imposes on us certain sacrifices. The way to peace requires a strong defense for America and her allies; it requires an in-

involved America, and it requires that we have a generous spirit, ready to defend our own vital interests, but alert to new opportunities to promote international peace.

#### NO FERTILIZER SHORTAGE IN WASHINGTON

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. LITTON. Mr. Speaker, in my opinion, the USDA is releasing "wishes" rather than facts and should be more realistic with their estimates on the fertilizer shortages facing American farmers this year.

Farmers need to have a true picture of the fertilizer shortage so they can plan accordingly. By knowing what their supply might be, farmers could plan to put the fertilizer where it would do the most good.

The USDA was predicting 5-percent fertilizer shortages when most of the industry put the figure at 15 percent. At a briefing with Dr. Dunlop, of the Cost of Living Council, a couple of weeks ago, we were told we only had a spot fertilizer shortage; but, Mr. Speaker, I tell you the spot covers an area that goes from coast to coast and from Texas to North Dakota.

Last year the USDA made predictions which continually were off a country mile. The administration has released misleading estimates in the apparent hope that by releasing the estimates they would come true.

Mr. Speaker, this year's U.S. shortage is more than 3 million tons of nitrogen fertilizer and this does not include almost that much shortage in phosphate. The predictions of food prices leveling off this year could be wrong, because of the fertilizer shortage.

The USDA turned loose all the farmland in America, but the fertilizer simply is not there to properly utilize this acreage. The 3 million tons of nitrogen fertilizer that we do not have means we will produce 22.5 million tons less grain this year than we would normally be able to produce. That is nearly twice as much grain as was involved in the famous Russian wheat deal.

The grain that would not be produced this year, because of the fertilizer shortage would produce the equivalent of 50 billion loaves of bread which is a 5-year supply of bread for every man, woman, and child in America. If the grain which is not produced because of the fertilizer shortage were all corn, it would produce a 170-year supply of cornflakes for America.

Mr. Speaker, several factors contributed to the present fertilizer shortage in America. Fertilizer profit margins were low in the 1960's, causing some big companies to get out of the fertilizer business. When fertilizer demand picked up, our Government initiated the price freeze, locking the plants in at low profit mar-

gins at a time when they should have been expanding.

This freeze not only discouraged plant expansion at a time of increased demand, but it put American fertilizer prices well below the world market price which in effect encouraged fertilizer exports at the very time we were experiencing shortages ourselves. But many American farmers could not buy it at any price.

Other causes of the fertilizer shortage were the nearly 20 million more acres put in production this year, increased grain prices which justified heavier than usual fertilizer application, the poor fertility of the new land put into production which requires heavy fertilization, and the shortage of natural gas from which all American nitrogen fertilizer is made.

Mr. Speaker, I am especially critical of the USDA encouraging fertilizer use while the State Department was encouraging its export through low-interest loans, while the Cost of Living Council was encouraging its sale abroad by freezing domestic prices below the world market price. The Cost of Living Council finally lifted the freeze on fertilizer, but only after tens of thousands of tons had been literally forced abroad. The fertilizer we exported last year, because of the artificial price created by the freeze represents the shortage we now face in America.

The lifting of the fertilizer freeze helped discourage exports, but a separate agreement between Dunlop and fertilizer manufacturers after the ending of the freeze had, in effect, reinstated the freeze, except this time it is brokers who are doing the exporting to get around the "deal with Dunlop," just as brokers got around the freeze to drive up the price of propane.

If fertilizer manufacturers do not fairly allocate their fertilizer supplies to their dealers on the basis of last year's sales, they could well be faced with mandatory allocations of fertilizer such as those presently being used in the petroleum industry.

Mr. Speaker, my office has received numerous reports of local fertilizer dealers who were advised they would get as little as 30 percent of the fertilizer they sold last year. This will not only mean the closing of many local dealerships, but will also mean that large numbers of farms in a given geographic area which depended on the dealer for fertilizer needs will have greatly reduced yields. This could have a damaging economic effect on some small towns.

Considering the high fertility needs of the 20 million additional acres being put into production, which included millions of acres that had not been fertilized for many years, and considering the higher grain prices justifying heavier than usual fertilizer application, it would appear fertilizer requirements are going to be at least 10 percent greater than last year. If this were true and if we only have a 5-percent shortage of fertilizer as the USDA says, fertilizer dealers around the country should be getting 105 percent of what they sold last year. I know of no

dealer in Missouri getting 100 percent and most I have contacted are getting 50 to 80 percent.

Mr. Speaker, because of the inelastic demand for food, reductions in food supply are always magnified in the price of food to the consumer. A 1-percent decrease in food supply can mean a 3- to 4-percent increase in food price. I do not expect the USDA to see that more fertilizer is produced overnight, but at least they can give the true facts to the farmers so they can better utilize the fertilizer we do have.

#### ETHICS IN PUBLIC DISCLOSURE

### HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Friday, March 22, 1974

Mr. HARTKE. Mr. President, it is axiomatic that a democratic society depends on the availability of information and openness in the communication and discussion of that information. Too often we confuse communication with rhetoric and form with substance.

There is a compelling need for us to consider the ethical content of our public communications. To put it rather bluntly, the public is convinced that some of their elected officials have been guilty of lies and deceit. During the Kennedy administration, there was talk of "managed news"; during the Johnson administration, it was called a "credibility gap"; and under the present administration, one day's official pronouncement often become "inoperative" the next day.

Recently, I received a copy of an address given by Robert C. Jeffrey, president of the Speech Communication Association and chairman of the Department of Speech Communication at the University of Texas at Austin. Mr. President, because of the pertinence of this address to the subject of my remarks, I ask unanimous consent that its text be printed in the Extensions of Remarks.

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

#### ETHICS IN PUBLIC DISCLOSURE

(Delivered by Robert C. Jeffrey)

Three years ago when I accepted the invitation to be a nominee for Second Vice-President of the Speech Communication Association, I did so as a matter of duty to the Association with little serious thought of being elected. Upon learning of my election, I was forced to contemplate the rigors of the offices suddenly thrust upon me. Contemplation led to the realization of a commitment to edit the convention abstracts, the principal duty of the Second Vice-President, and to plan the National Convention, the principal duty of the First Vice-President. These onerous chores could be endured, I concluded, if the thought of the presidential year were kept foremost in mind. I discovered that editing the convention abstracts was not as onerous as I had anticipated, and that planning the convention can be both pleasurable and rewarding, as well as time consuming. I have discovered more importantly,

in the three years of official service to this Association, that accepting the demands of professional activity has proved, ultimately, to be its own reward.

Last December, with the first two years of service completed and Ted Clevenger's term approaching closure, I turned to the "Operations Manual" of the Association for assistance in performing the duties of the President. On the page titled "Guide for Presidents," Don Bryant stated one procedure succinctly: During the summer and fall of the Presidential year, "the President should compose an excellent Presidential Address for the national convention of such scope as the President thinks fit." He further advised: "Try out parts of it at regional and other meetings." The platform you provide me as President of the Speech Communication Association is a hearty source of professional satisfaction and, taking Don Bryant's admonition seriously, one I would like to capitalize on today in discussing a much neglected concept in the teaching and research in communication—the problem of ethics in public discourse.

Many of you at regional or state conventions have heard me refer to several events and practices in our world today that threaten our ethical communication conduct. One of those practices is the employment, with tax monies, of an "Executive Flunky," if you will, as a mouthpiece for the President of the United States. Mr. Ziegler in the present administration holds this post. As communication strategists we have passively and uncritically accepted this practice, thereby harboring and condoning the institution of a Presidential Scapegoat, an institution that permits our highest elected officer to test public opinion in a quasi-official fashion. If reaction to the statements attributed to the President is negative the President can deny responsibility for the statement. With this simple mechanism of public statement by proxy we encourage both deliberately designed deception and abrogation of responsibility.

By permitting our highest elected officials and those they appoint to administrative posts to classify information as confidential, and by placing no constraints on those public servants, we deny the public information necessary for proper decision-making in the democratic process.

Equally as reprehensible and deplorable is our national administration's malevolent efforts to weaken the integrity of the press by deliberate design. At this convention last year, New York Times' writers Robert Semple and James Naughton concluded that the present administration has been so successful in undermining the credibility of the press that the public refused to acknowledge the Watergate saboteurs once exposed. That, of course, was prior to the Watergate Hearings. The word "coverup," however, has now become a household word and extends beyond the Watergate matter to areas perhaps yet to be discovered.

These practices are among many that lead inevitably to the conclusion that the American public refuses to demand an ethical responsibility from its leadership. It is a frightening prospect, and one that Richard Nixon viewed with alarm in 1970 when, recalling the bombing at the University of Wisconsin in that year, he said "... what corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, excusing of inhuman acts in a misguided effort to accommodate the community standards to those of the violent few."

If we substitute the words "crime" or "irresponsibility" for the word "violence," we arrive at the basis for my remarks this afternoon.

The corrosive effect of the acceptance of deception has led to the cheapening of authority in America in recent years. Too many broken promises, too many empty words, too little real achievement of vital objectives, too many inept or insensitive or inexplicable decisions made by untouchable officials in unreachable institutions—all of these have undermined both the integrity of and our respect for the figures who lay claim to executive leadership and executive "privilege." This disintegration of administrative morality and accompanying public impertinence extend beyond the American Presidency to leadership in the universities, corporations, unions, and organized religion. Some of the practices of our profession have, in my opinion, contributed, however subtly, to this impalement of national morality.

First, the research emphasis in human communication has, for over a decade, been behaviorally oriented, accompanied by an abandonment in many academic programs of a healthy and balanced orientation with interest in humanistic and ethical aspects of communication. Historically, technological progress has always left in its wake agonizing political and social change, and even though earth's complexion has changed every minute since it first took off around the sun, what is so shockingly new about our changing world is that where it once changed imperceptibly, it now convulses and heaves and shatters and reconstitutes itself before our very eyes. Reflecting this scientific upheaval is the behavioral and objective orientation in communication research in which the human as individual is often neglected and the mass as individual is subjected to experimentation and manipulation.

We have been "scientifically" aware, however, since the turn of the century that no objective reality exists, that every perception of objectivity, regardless of the sophistication and precision of our measuring instruments, in the final analysis, is determined by individual perceptivity and capability. It is amazing that since Planck's discovery of Quantum Theory in 1900 the "scientific" world has recognized the reciprocity between the scientist as individual and the world he seeks to control, and yet, we in Speech Communication are propagating as "new," "progressive," and "innovative" a view of human behaviors strangely reminiscent of 19th century scientific thought.

Related to the emphasis on scientific investigation of communication behavior is a second practice contributing to the ethical and moral decline in our communicative society—an extreme concern with the development of images in leadership roles. As Daniel Boorstin so eloquently put it, "the making of illusions which flood our experiences has become the business of America." The sophistication of contemporary illusion making results from the subjugation of individual identity to group profile, inevitably leading to excesses in promoting products for human consumption and images for leadership roles. Encouraged by such falsified profiles of human behaviors, experimentation on changing human behavior on the basis of group norms rather than individual reasoning has become paramount. If, in persuasion, there were more concern for the integrity of the individual, there might be less need for truth in lending laws, truth in advertising laws and fairness in campaign practices legislation.

In speech criticism, our research and publications reflect a near obsession with tracing the development of images in political campaigns, resulting in an abrogation of our responsibility to students and the public. We no longer demand accuracy of statement, and too often train our students to be experts in the art of plotting the creation of deceptive practices rather than unmasking and



indicting those practices. The loss of respect for the spoken word, an inevitable product of image making, has led former Attorney General John Mitchell, referring to the Nixon Administration, to assert, "You will be better advised to watch what we do instead of what we say." This statement led Richard Harris, in his book *Justice*, to remark that the statement was "the most astonishing admission of high level duplicity in government history."

A third practice of teachers and researchers in communication that has contributed to the lack of concern for ethical and moral responsibility on the part of American leadership is our growing preoccupation with the superficial dimensions of non-rational discourse, body rhetoric, the rhetoric of the streets, the rhetoric of numbers. Wayne Booth, recognizing both the rhetorical validity of such acts of persuasion and their inherent dangers asserts: "... a case could be made for the claim that we live in the most rhetorical age of all time, if by rhetoric we mean whatever men do to change each others minds without giving good reasons for change." Booth's extension of what constitutes rhetoric demands a return to an ethical consciousness.

An integral part of a new rhetorical theory must be a renewed consideration of ethics in public discourse. This consideration must of necessity revert to a discussion of Aristotle's determinants of a moral act. Father Lawrence Flynn succinctly describes the Aristotelian Determinants of a moral act in a 1957 article in the "Speech Teacher." He reasons first that a moral act is dependent upon the establishment of a human act. He writes, "A truly human act proceeds from a rational agent who knows what he does and chooses freely to do it. The power to reason, which distinguishes men from brutes, underlies man's recognition of a means-to-end relationship. So, before we choose means-to-end we must know the end, the means, and the relation between them. To perform human acts we need knowledge and human choice. . . ."

To determine the goodness or badness of a human act, however, requires an analysis of the object, the act, the intent of the agent, and the circumstances surrounding the act. Consequently, in determining the ethics of a public statement, it is necessary to analyze what the speaker does, why he does it and the circumstances under which he does it. The measurement of effects of a public utterance may offer historical fact, but reveals nothing of the utterance's ethical structure. Even though the speaker's purpose or ultimate end is good, Aristotle would require that the rhetorical devices, techniques, methods, or fact pass the test of morality according to the three determinants. If the end sought by the speaker is good, the act of achieving that end is unethical if the speaker selects unethical means. Likewise, even though means-to-achieve an end are ethical or good, the end itself may be bad. Consequently, to judge the goodness or badness of a speech or other communicative act, all of the determinants must be satisfied. Deliberate falsification is morally faulty because it frustrates the natural purpose of speech in a democratic society which is to transmit judgments to auditors, and because it interferes with the auditors' judgment capabilities.

Since the human act, to be judged morally, must be deliberate and free, one might suppose that an unconscious misrepresentation or falsification that may result in a partial distortion or complete misrepresentation through ignorance would be excused. However, a speaker must assume the responsibility for his statements and, consequently, do all that is possible to remove his ignorance before making the statement. Ignorance cannot be claimed as an excuse unless it can also be shown that the speaker did what was within his power to remove that ignorance. Father Flynn would have us ask the question, "Did he use care proportionate to the importance and gravity of the situation?"

It has been, and can be argued that the logical and emotional aspects or rhetoric are amoral, that they derive their morality from the good or bad intent of the speaker or agent. The use of logic in a particular discourse may be bad, but it is not morally bad unless the intent of the user is bad. The problem, then, is to determine the intent of the communicator or agent.

Often it is possible to determine the intent of the agent by the arguments assembled in the message. For instance, most rhetorical critics would consider Nixon's 1952 "Checkers Speech" logically unacceptable as a defense for misusing campaign funds. Few, however, have questioned the ethical base of the speech or the morality of the act. The general public response to the speech then, as now, lauded it as a monumental rhetorical effort. This kind of critical acceptance justifiably places the term rhetoric in dubious quarters.

Much to his credit, Barnet Baskerville wrote in his analysis of the Vice-Presidential candidate speaking in the 1952 campaign that the "Nixon affair" served to unify a divided Republican party and elevated Richard Nixon to a prominence seldom enjoyed by a Vice-Presidential candidate. He also observed, "It seems to this observer that the phenomenal public reaction to the original charge to the speech itself and to subsequent counter charges, revealed an alarming preference to appearances rather than realities, a widespread preoccupation with legality rather than morality, and a subordination (by Democrats and Republicans alike) of ethical considerations to political expediency." The period of the early 1950's might well serve as the reference point for the beginning of the deterioration of responsible public discourse in the high levels of government. Hal Gulley wrote in "Today's Speech" in 1970, that "... America's public statement-making is less dependable, reliable, and candid than it was two decades ago; that we are witnessing a national drift toward irresponsibility toward public utterance. In some areas of our national life, we cannot now be certain that we believe what some people are saying."

Gulley's report contained an alarming exposure of the cavalier attitude with which government officials view high level duplicity. He quoted former Assistant Secretary of Defense for Public Affairs, Arthur Sylvester, as saying "It is the government's inherent right to lie if necessary to save itself when faced with nuclear disaster; this is basic."

We as a nation in 1973 have been brought to the brink of moral and ethical deterioration in our government. No one in this audience needs be reminded of the general and pervasive political debauchery associated with the amorphous term "Watergate." Testimony of men respected for their place in government has revealed the exalted place of the lie and deceit. James Reston wrote in the New York Times "Future testimony from Messrs. Mitchell, Erlichman, Haldeman, and Dean may throw more light on who is lying and who is telling the truth. Meanwhile, it is probably better to follow Paul Porter's skeptical advice: 'I don't say these men are liars, . . . it's just that they have such respect for the truth that they use it sparingly.'"

In this time of national despair and uncertainty, we should not neglect to celebrate the system of justice that has revealed the unethical conduct of some of our more respected leaders. Our system of justice may be slow in its process, but it offers assurance of ethical certainty in its results.

The real question, however, is not whether the guilty will vindicate the innocent. The question is, rather, "Where lies the culpability for having arrived at this near disastrous condition?"

Every man, a president included, must be accountable for his acts and responsible for his statements. But if the President acts or speaks irresponsibly, those who elected him to office are not free of guilt if the evidence of irresponsibility was available at the time of election. Richard Nixon's questionable ethics have been observable for over two decades. But in those two decades, academic critics and scholars in communication have been more concerned with the technologies of communication than with its ethics. Richard Nixon was and continues to be a "technician" in manipulating public attitudes for self-aggrandizement. Our own publications reflect a preoccupation with Nixon's predictability, his appeals to audiences, his mastery of the television medium, and so on. Few articles, however, have analyzed the ethics or morality of his statements. It is a sad commentary on the state of rhetoric in the academy when we admit that ethical studies of the Nixon rhetoric are more readily available in the press than in scholarly journals. Traditionally, rhetorical critics have, in fact, recognized and accepted their charge as analysts and reporters of ethical conduct. The Fourth Estate, however, and not rhetorical scholars, first alerted the American public to Nixon's special brand of Administrative Rhetoric. Kenneth Burke has used the term "Administrative Rhetoric" to explore the ethical dimensions of Machiavelli's "The Prince." He contends that:

"Machiavelli's 'The Prince' can be treated as a rhetoric in so far as it deals with a producing of effects upon an audience. Sometimes the Prince's subjects are his audience, sometimes the rulers or inhabitants of foreign states are the audience, sometimes particular factions within the State. If you have a political public in mind, Machiavelli says in effect, here's the sort of thing you must do to move them for your purposes. And he considers such principles of persuasion as these: either treat well or crush; defend weak neighbors and weaken the strong; where you foresee trouble, provoke war; don't make others powerful; be like the prince who appointed a harsh governor to establish order . . . ; do necessary evils at one stroke, pay out benefits little by little; sometimes assure the citizens that the evil days will soon be over, at other times goad them to fear the cruelties of the enemy; be sparing of your own and your subjects' wealth, but be liberal with the wealth of others; be a combination of strength and stealth (the lion and fox); appear merciful, dependable, humane, devout, upright, but be the opposite in actuality, whenever the circumstances require it, . . . in order that you may get the advantage of good advice without losing people's respect, give experts permission to speak frankly, but only when asked to speak; have a few instances who are encouraged to be completely frank, and who are well-payed with rewards."

Each of us can find specific instances of the Nixon speeches. They are identifiable as these administrative rhetorical strategies in early as 1948 when, in his senatorial campaign, he goaded the public to fear the cruelties of the enemy and assured the voters that the fear would end with his election. The strategies are even more identifiable today with the crumbling of popular respect for the man and his rhetoric.

As communication critics and educators, we failed in our responsibilities to officially oppose those practices when they became so blatantly evident. We persist in that failure today. In the ten hours of deliberations of

the Legislative Council at this convention, not a single resolution was introduced to condemn the unethical practices of the Nixon administration for withholding information from the public for political and private purposes; for deliberately deceiving the public with false statements as in the denial of bombing in Cambodia when, in fact, it occurred; for refusing to supply tapes, notes and correspondence relating to possible criminal activities; for taping private conversations without the knowledge of the parties being taped; for other acts relating specifically to the free flow of information and privacy of communication that should be the central concerns of teachers and scholars in speech communication.

This temerity in speaking to the corrupt communication practices of the present national administration reveals an abrogation of our role as protectors of ethical communication. If there is one thread that binds together all of the varied interests in our association, it is a decision to free and responsible speech. Yet, when that freedom and responsibility is abridged or threatened, we fail to act. In this case, the excuse that we must act only in areas of professional competence cannot be claimed as a defense by those who would oppose censure resolutions by this association.

Last year, at this convention, the Legislative Council passed a resolution declaring that "it is the role of the Speech Communication Association, defining itself as a humanistic organization, to be concerned with the communication process and how that process affects human beings; that since those in political power make decisions affecting millions of people, those people have a right both to know those decisions and to offer information and well-considered opinions on them; that in the past it has been apparent that government plays a substantial role in determining the limitations of freedom of speech and the amount of information made available to the public; and that there is a need to study government use of communication, whether it involves abridgment of free speech, failure to communicate to the electorate, or responsible use of communication channels." With this expression of concern for government's use of communication controls, our purpose should be to monitor it and to condemn or praise as the case may warrant.

It may well be true that the moral and ethical permissiveness of the present administration has, as Russell Baker wrote, so accustomed us "to accepting mendacity as a normal condition of life that we assume it is natural for everybody to lie to us, even our best men." But ethical permissiveness, even in a just cause, corrodes the soul; and condoning it can corrode a nation. As Adlai Stevenson once asserted, "Those who corrupt the public mind are just as evil as those who steal from the public purse."

As teachers and scholars in communication, our purpose should be to develop respect for ethical communication and a healthy disdain for deception in and corruption of public discourse. Henry Wieman and Otis Walter wrote in 1957, "... Ethical Rhetoric has the promise of creating those kinds of communication which can help save the human being from disintegration, nourish him in his growth toward uniquely human goals, and eventually transform him into the best that he can become." That should be our paramount goal as teachers and scholars in communication.

HON. WILLIAM S. MAILLIARD

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. ROBISON of New York. Mr. Speaker, it has been a high honor and a privilege, these past 17 years, to have been enabled to call William S. Mailliard, of California, both colleague and friend.

My lasting impression of Bill Mailliard will be, first and foremost, that he so perfectly fit the old, time-honored description of a man who was, at one and the same time, a "gentleman and a scholar."

Gentlemanly, in his approach to his congressional colleagues—always respectful of their right to disagree with him, and of his equal right to disagree with them—and scholarly, in his careful approach to his legislative duties and congressional responsibilities. As we all know, his special forté became that of foreign affairs, and he further became a tower of strength for both Democratic and Republican Presidents, alike, in aiding them to advance legislated responses—however domestically unpopular at the moment—designed to further the cause of peace, abroad, and American foreign policy initiatives in support thereof.

It is probable that, in large measure, his understanding of the need for such a bipartisan approach to foreign policy stemmed from his own truly distinguished military record, as well as from his early-on designation as U.S. delegate to the United Nations 18th session. But, to such understanding, he added his own, natural tendencies to provide both a sense of balance and of basic common-sense to his committee responsibilities; and, Mr. Speaker, it seems to me that it is, precisely, for his projection of and faithfulness to such characteristics, that he will be most missed.

Nevertheless, we who will now so badly note his absence from our ranks—along with his calm and steadying influence—can take pride in the fact that these special characteristics I have mentioned, along with his accumulated years of expertise in this area, have been sufficiently recognized by the President as to result in his deserved appointment as Permanent Representative of the United States to the important Organization of American States. This is an organization that, it has seemed to me, has not received the degree of attention—at all times in the recent past—its own importance to us, in the relative scheme of such things, deserved. Bill Mailliard's appointment thereto will help remedy that situation, and his presence will give needed stature to our Nation's participation in its essential work.

It is with regret, therefore, Mr. Speaker, that we see Bill Mailliard leave our midst—but it is also with pride and confidence that we see him take on new duties, for which he so well has qualified. We know he will do well therein,

and Mrs. Robison joins me in wishing both he and his wife, Millie, much success and happiness in their years ahead.

TRIBUTE TO O. I. "CAP" CLAMPITT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. ANDERSON of California. Mr. Speaker, on January 1, 1974, Mr. O. I. "Cap" Clampitt retired after 38 years of dedicated service to the labor movement, and thus, to improving the quality of life for all of humanity.

Born and raised in Missouri, he had to go to work at age 6 to help support his mother and two brothers. This experience of working 12-hour days, first in a brewery and later in a shoe factory, instilled in him a burning desire to eliminate the hardships of life and improve the conditions of working men and women.

Denied a formal education in his early years due to financial restraints, "Cap" hired a tutor and educated himself to the extent that he was allowed to enroll in William Jewell College at age 16. Through college he supported himself by singing with an evangelistic group, and was ordained a minister when he was 18. While still a college student, he was a pastor of a church.

Later, Mr. Clampitt entered the military as a chaplain and held the rank of captain in the Army, serving as a morale officer and athletic director for the Hawaiian Division and later for the Seventh Division. On the general's staff, he coached the division's basketball, football, and baseball teams.

As an Army officer, he was entitled to own two horses—one of which became a sensational jumper, establishing a still unbroken world record broadjump of 32 feet 4 inches. And, as the trainer and rider, "Cap" was nicknamed "the flying chaplain."

He was later offered a movie contract with Metro Goldwyn Mayer, and moved to California where he worked for several years with such stars as Greta Garbo.

Then, in 1936, "Cap" Clampitt entered the labor movement where he organized the Retail Clerks Local 1442 in Santa Monica and negotiated some of the first contracts in southern California. Due to his dedication and outstanding ability, he soon served as vice president of the State council. During these years, he was awarded citations from medical groups and other unions for his aid in pioneering the prepaid medical and dental programs.

He served as the first president of the first sheltered workshop and was recognized by President Roosevelt who appointed him to serve on the Ration Board.

Active in civic affairs, "Cap" served on the board of directors of the Commu-



nity Chest, the Red Cross and the Boys Club and as part of his community service, he belonged to a group of clergymen in Santa Monica.

In recognition of the humanitarian efforts of his local, the Catholic Institute Award, and awards from the NAACP, were presented to the members of local 1442.

Mr. Clampitt is married to Ilse, who is known to all as Billie, and they are the proud parents of six children—Susanne, Nora, Carroll, Billie, Jackie, and Kent.

Mr. Speaker, on March 28, in Los Angeles, "Cap" Clampitt will be honored by his colleagues, his coworkers, and his many friends for his years of unparalleled service and outstanding accomplishments as secretary-treasurer of the Retail Clerks Union.

I am pleased to call this tribute to the attention of the Congress, as I join in saluting this rare individual who has dedicated his life to improving the conditions of our society through his work in the ministry, in the community, and in the labor movement.

#### BYELORUSSIAN INDEPENDENCE DAY

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. BIAGGI. Mr. Speaker, on Monday, March 25 marks the 56th anniversary of the proclamation of freedom by the people of Byelorussia. As I have done in the past, it is my pleasure to join with my colleagues in paying tribute to the brave people of Byelorussia.

The history of Byelorussian statehood goes back to the ninth century when several Slav tribes founded independent principalities on the territory of what today is Byelorussia. The Byelorussians were forced to live under czarist rule for several centuries until they seized the opportunity afforded by the Bolshevik Revolution of 1917, and subsequently proclaimed their independence on March 25, 1918.

The newly formed democratic state immediately showed great vitality, and was successful in rebuilding their war-ravaged land. Yet, this era of freedom and relative prosperity was short lived. In December of 1918, in a brutal onslaught which stunned the free world, the Red Army overran Byelorussia, annexed it to the Soviet Union and all Byelorussians became the Soviet Union's helpless pawns.

Since that time for five long decades, the Byelorussians have been forced to endure life under the oppressive regime of the Soviet Union. To this day Moscow-Byelorussian relations are strictly colonial in nature and have two distinct aims. One is to exploit the Byelorussian natural resources for the benefit of Russian imperial expansion and the other is to eradicate Byelorussian nationalism in

the hope of fostering a homogeneous Soviet empire.

Today, more than ever as it appears that the Soviet Union is not quite the partner in détente that we had hoped, we must renew our commitment to the cause of freedom for all the peoples of the world. Unlike the Russians we can achieve our ends through peaceful means, and it is our fervent hope as a nation that the brave people of Byelorussia can again join with us in tasting the fruits of liberty.

#### AMENDMENTS TO H.R. 69

#### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. PEYSER. Mr. Speaker, I am placing four amendments in the RECORD today which have already been printed, and hence, I do not require any additional computer runs by the Library of Congress. I have merely made a technical and conforming change to these amendments. The amendments follow:

#### AMENDMENT NO. 7

Page 28, beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a) (1) (A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 (one) per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(ii) the amount necessary to make payments pursuant to subparagraph (B); and

(iii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clauses (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special

educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of section 131 (a) and 133(a) (3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive, and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does

assume such responsibility shall be eligible to receive such portion of the allocation.

(3) (A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditure for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be \$4,000 for each fiscal year of this Act, except that no county shall receive less than 100% of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data

shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the case-load data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made, (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6) (A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Remember all the following sections accordingly, and on page 48, line 10, strike "85" and insert in lieu thereof "100".

#### AMENDMENT NO. 15 TO H.R. 69, AS REPORTED, OFFERED BY MR. PEYSER

Page 28, beginning with line 10, strike out everything down through line 11, page 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of title I of the Act is amended to read as follows:

SEC. 103. (a) (1) (A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot for such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with the Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of Section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a) (3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State except that if the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, such amount shall be 80 per centum of the average per pupil expenditure in the United States, or if the average per pupil expenditure in the State is more than 130 per centum of the average per pupil expenditure in the United States, such amount shall be 130 per centum of the average per pupil expenditure in the United States, multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive, and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for



any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3) (A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 80 per centum of (1) the average per pupil expenditure in Puerto Rico or (11) in the case where such average per pupil expenditure is more than 130 per centum of the average per pupil expenditure in the United States, 130 per centum of the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (c) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local

educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be \$3,750 for each fiscal year of this Act, except that no county shall receive less than 100 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6) (A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average

daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly, and on page 48, line 10, strike "85" and insert in lieu thereof "100".

AMENDMENT No. 16 to H.R. 69, AS REPORTED,  
OFFERED BY MR. PEYSER

Page 28, beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a) (1) (A) There is hereby authorized, to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 per centum of the amount appropriated for such year for payments to States under section 134(a) other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B) and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 3(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 3(a) and 133(a) (3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pur-

suant to subsection (c)) of the average per pupil expenditure in that State except that if the average per pupil expenditure in the State is less than the average per pupil expenditure in the United States, such amount shall be the average per pupil expenditure in the United States, or if the average per pupil expenditure in the State is more than 130 per centum of the average per pupil expenditure in the United States, such amount shall be 130 per centum of the average per pupil expenditure in the United States, multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentences, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3) (A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditure for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(D) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by (1) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than 130 per centum of the average per pupil expenditure in the United States, 130 per centum of the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be \$3,750 for each fiscal year of this Act, except that no county shall receive less than 100 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such

ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) or all local educational agencies as declined in section 303(6) (A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly, and on page 48, line 10, strike "85" and insert in lieu thereof "100".

#### AMENDMENT NO. 17 TO H.R. 69, AS REPORTED, OFFERED BY MR. PEYSER

Page 28, beginning with line 10, strike out everything down through line 11, page 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of title I of the Act is amended to read as follows:

SEC. 103. (a) (1) (A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 per centum, of the amount appropriated for such year for payments to States under section 134 (a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and  
(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for



payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs or deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 13(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State except that if the average per pupil expenditure in the State is less than the average per pupil expenditure in the United States, such amount shall be the average per pupil expenditure in the United States, or if the average per pupil expenditure in the State is more than 130 per centum of the average per pupil expenditure in the United States, such amount shall be 130 per centum of the average per pupil expenditure in the United States, multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive, and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected

or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3) (A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than 130 per centum of the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 40 per centum and the "low-income factor" shall be \$3,750 for each fiscal year of this Act, except that no county shall receive less than 100 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the

Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the programs of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income of less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6) (A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly, and on page 48, line 10, strike "85" and insert in lieu thereof "100".

#### THE GREAT PROTEIN ROBBERY NO. 20: THE STUDDS-MAGNUSON 200-MILE BILL

**HON. GERRY E. STUDDS**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. STUDDS. Mr. Speaker, I am very happy to announce to my colleagues that field hearings on the Studts/Magnuson 200-mile fish conservation zone bill have

been scheduled for May 2 and 3 in Maine and New Bedford, Mass.

The gentlewoman from Missouri (Mrs. SULLIVAN) chairman of the Committee on Merchant Marine and Fisheries, and the gentleman from Michigan (Mr. DINGELL) chairman of the Subcommittee on Fisheries, Wildlife Conservation, and the Environment, have approved holding these hearings where the fishermen are and where the problem of foreign overfishing is seriously jeopardizing our American fishing industry.

By taking the subcommittee to Maine, May 2, and to New Bedford, May 3, the subcommittee members can hear, firsthand, the problems our domestic fishermen face from the giant, government-subsidized foreign fishing fleets that are literally sweeping the ocean floor clean of all marine life. These foreign fleets are operating sometimes within sight of our coastline with no regard for conservation measures or the continuation of any given marine species.

Since introducing this legislation on the House floor on June 13 of last year I have the cosponsorship of 73 of my colleagues. Senator WARREN MAGNUSON of Washington, chairman of the Senate Commerce Committee, who filed companion legislation in the Senate the same day, now has 18 cosponsors. I hope that by holding these hearings in the field where the problem exists and by talking with the fishermen whose very livelihood is threatened, the subcommittee will focus the attention of the entire Congress on the serious plight of our domestic fishermen and a remedy that could save this industry.

#### A BILL TO HELP AVERT FUTURE SHORTAGES

### HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. LITTON. Mr. Speaker, in the past few years as shortages of various raw, agricultural, and manufactured products have begun to appear in our economy, one continuing question has remained in my mind: Why, since our society is so sophisticated and advanced, could not our Government foresee and resolve most of these shortages before their economic impacts were felt?

The energy shortage has brought greater focus to this question and leads me to one conclusion: That the Government is a "now" type of system capable primarily of providing for the short-term problems of the American people.

Mr. Speaker, I have today introduced a bill which would create one central, broad, long-range planning agency responsible solely for projecting future social, economic, and natural resource requirements of our Nation. This agency would assume the long-range planning functions currently within existing departments and would provide a greater and more thorough nature of planning throughout all those agencies which deal with social programs and natural re-

sources. In addition, the agency will be responsible for projecting the economic impacts of current and projected needs and recommendations, and will be required to report annually to the President, to Congress, and to each instrumentality of Government.

The intent of my bill will be to direct all of the long-range planning, which currently is or should be within the framework of the Federal Government, to the responsibility of one Federal agency. I would expect this agency to undertake and conduct a study of long-range needs of the American people and to make recommendations according to the scope of existing and projected resources which are or will be available, and with emphasis on the impacts upon the economy of those studies and recommendations.

#### ARLIE EWING OF RETAIL CLERKS TO RETIRE

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. ANDERSON of California. Mr. Speaker, on March 28, 1974, the many friends of Arlie O. Ewing will be honoring this fine American upon his retirement as president of Retail Clerks Union, Local 1442 of Santa Monica, Calif.

I am honored that I might be able to share in this tribute befitting a man who has given so much of himself for the benefit of his fellow man.

Settling 40 years ago in the San Joaquin Valley, Arlie Ewing worked for DiGorgio Winery as a refrigeration engineer. Here he became very concerned for the welfare of his fellow workers and became very much involved in the organized labor movement. Through his tireless efforts as an avid organizer, he helped membership grow through contract development. In fact, as was brought out in a meeting of the State Federation of Labor in 1957, Arlie was responsible for getting the first contract with DiGorgio Winery in 1937.

Later, Arlie O. Ewing and his family moved to Redondo Beach where he applied his time and talent in numerous civic activities.

He has been an active member of the retail clerks since 1950. In addition to serving for the past 10 years as president of local 1442, Arlie Ewing has also served for many years on the State council of the retail clerks.

He has also been a very active member of the Democratic Party serving as president of the North Redondo Democratic Club for many years, chairman of the 67th Assembly District for four terms, and chairman of the 17th Congressional Democratic Council for four terms. In addition, he has served as a member of the Los Angeles County Democratic Central Committee for 15 years, and has for four terms been a member of the State committee.

A true civic leader, Arlie Ewing has been involved in numerous community affairs. He has served for several years

as chairman of the budget and finance committee of the city of Redondo Beach; has held the office of vice president of the Food and Drug Council; and has served on State committees. Currently, Arlie is serving as a member of the harbor commission in Redondo Beach.

Mr. Speaker, we are fortunate in southern California that we have individuals like Arlie O. Ewing who are willing to give of themselves for the benefit of their community and fellow man. I know that his wife Jessie and his children—Glen, Wayne, and Margaret—share in the pride we have for this great humanitarian.

ARCHER FULLINGIM RETIRES;  
TEXAS POLITICIANS BREATHE  
EASIER

### HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. CHARLES WILSON of Texas. Mr. Speaker, I do not guess it is very often that a Member will rise in these chambers to pay homage to someone who has slandered him. We are all accustomed to having our egos trampled, of course, but that does not mean we should do honor to the trampers. Archer Fullingim, though, is a far cry from your standard, run-of-the-mill ego-trampler.

For 22 years now, Archer has been putting out a little weekly paper in a little town named Kountze, and there probably has not been a year when he could not count almost as many libel suits as paid advertisers. That does not mean he is irresponsible or unfriendly or anything; he just believes in getting things off his chest and letting you know whose newspaper it is you are reading.

That the Kountze News belongs to Archer is a fact nobody has ever seen fit to challenge. He turns it out every Tuesday on a cranky, wheezy old flatbed press that looks like something Gutenberg improved on, talking to it and tinkering with it till it agrees to meet him halfway. In the process, that old press gets two things from Archer that no Texas politician in the last 22 years has been able to get: flattery and compromise.

In between his various cantankerous campaigns and crusades, Archer has found time for his other interests as well. He is a yarn-spinner and shirt-cuff raconteur without par, and he makes something called Mayhaw Jelly that you would swear was a collaborative effort between Mother Nature and Sardi's.

Archer has also fallen in love with the pine bogs and backwoods of the Big Thicket Wilderness, and he will tell you with a straight face that he can talk to the trees. And you cannot help but believe him. He looks like he probably can, tall and angular and all, about as gnarled and ageless as some king cypress hidden off in a timeless corner of the thicket wilds.

At any rate, Archer has decided to quit the newspaper business. That is probably going to make the world safer for a lot



of us politicians, but it is sure going to make newspaper reading a lot duller, too. I remember when Archer got so exasperated at Lyndon Johnson that he cut off Lyndon's subscription, and the White House was not sure if it should be angry or thankful.

Just because he is giving up the paper, though, does not mean Archer is going to retire. What he says he wants to do now is search full time for the ivory bill woodpecker, something he is been doing part-time for a quarter century. Next to Archer, the ivory bill is probably the strangest constituent I have got: a huge, solitary bird, ornithologists say it is possibly the rarest creature in North America and they doubt if any of them live anywhere outside the Big Thicket. And even there, if they still exist, the ivory bill is hidden away back in places even the Indians could not get to.

Godspeed, Archer, it sounds like an even match.

#### THE WAR ON POVERTY MUST NOT BE ABANDONED

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. SEIBERLING. Mr. Speaker, on March 16, 1964, when President Johnson called for "a national war on poverty," he said our objective in that war was "total victory."

In a spirit of hope and enthusiasm, Congress passed the Economic Opportunity Act of 1964, establishing the Office of Economic Opportunity. With an \$800 million appropriation, the war on poverty was launched.

Now, 10 years and \$13 billion later, the Nixon administration is pushing to abandon the war on poverty by abolishing OEO and eliminating all funds for Community Action Agencies—the heart of the antipoverty program.

Their public rationale for killing OEO is that the programs have not succeeded in eradicating poverty in America. Yet they offer nothing in its place. The only conclusion one can draw is that the long-overdue Federal commitment to "total victory" over poverty, enunciated by President Johnson in 1964, is no longer a goal of this administration.

With the benefit of 10 years of experience, we now know that some of our expectations for OEO programs were naive. For example, it seems clear today, now that we know more about the nature of urban poverty, that the key to braking the poverty cycle lies not only in providing social services to the poor, but in providing decent paying jobs to those who can work and adequate income maintenance to those who cannot.

But it is precisely because we have had the benefit of learning from OEO programs for the last 10 years that our knowledge about what is effective in eradicating poverty has become more sophisticated. Just because OEO cannot make poor people unpoor does not mean

that it has not and cannot continue to perform a valuable function.

In addition to serving as a national laboratory for poverty experiments, OEO has, through the local Community Action Agencies, been able to provide many services to the poor which make a difference, however small, in the quality of their lives. And perhaps most important of all, the Community Action Agencies have given the poor a voice in their community and in their government. For the first time in our history, millions of poor people have developed a sense of belonging to and participating in their government and in making policy which affects their lives. There is no better investment in the future of democracy than this kind of involvement at the local level of government.

For example, in Summit County, Ohio, the Community Action Council has established seven neighborhood centers throughout the area which provide important social services including emergency assistance, credit unions, food co-operatives, referral to other agencies, transportation, emergency housing and recreation to poor people living in the area.

According to Don Ellis, executive director of the Summit County Community Action Council, these neighborhood centers are "the most important part of what we are doing" not only because they provide important services which would otherwise not be available, but because they involve the people being served in their government.

Like other CAC's, the Summit County program has had some failures along with some successes. And it has not decreased the number of poor people in Summit County. But as Akron City Council President Ed Davis put it recently—

CAC has presented an opportunity for the release of the anxieties and frustrations of a people who had no outlet before.

Davis predicts:

If CAC's lose their funding, the rising expectations in the poor areas will be cut off. There could very well be a social holocaust if we don't see that this program continues.

I ask unanimous consent that three articles from the Akron Beacon Journal of March 17 describing the Summit County Community Action Council program be printed in the RECORD at the conclusion of my remarks. These articles illustrate in graphic terms the great range of the council's antipoverty programs and the devastating effect the administration's cuts will have on these programs.

I am pleased that the administration is talking of supporting a negative income tax-type program to replace the current hodge-podge of welfare payments. I support this concept and look forward to reviewing the administration's proposal as soon as it is sent to Congress. But income maintenance alone will not end poverty. It will keep people alive. It will not help them to become self-supporting.

The war on poverty must be multifaceted: it must contain an adequate income maintenance program; it must contain a massive public works job program;

it must contain substantial manpower training programs; it must contain quality educational opportunities for all; and it must contain some kind of Federal antipoverty office, such as OEO, which can focus national attention on the need to eliminate poverty and continue to fund local and national antipoverty efforts.

In 1964, when the poverty war was launched, there were 36.1 million people living below the official Government poverty line. Today, there are some 25 million. Although the number of officially "poor" people has decreased in the last 10 years, the gap between what poor people have and what the rest of us enjoy has actually widened in that time. Clearly we are a long way from meeting our goal of abolishing poverty in America.

Since the administration has left no doubt about their intention to kill the poverty program, it now falls to Congress to maintain the pledge made 10 years ago with the passage of the Economic Opportunity Act. I understand that the Equal Opportunities Subcommittee of the House Education and Labor Committee is now working on a bill (H.R. 12464) to extend the Office of Economic Opportunity for an additional 3 years. That bill deserves the full support of every Member of Congress who believes that poverty has no place in American society today.

Th above-mentioned newspaper articles follow:

[From the Akron Beacon Journal, Mar. 17, 1974]

#### PROGRAMS FOR SUMMIT'S POOR NEAR COLLAPSE (By Bruce Larrick)

The Summit County-Greater Akron Community Action Council (CAC) story over its 9½ years has been one of successes, failures, internal bickering, rising hopes and, now imminent collapse.

Formed in late 1964 to handle War on Poverty funds meted out by the U.S. Office of Economic Opportunity (OEO), CAC has brought about \$17 million in Federal funds Summit County's poverty pockets in Akron, Barberton, Springfield Twp. and Twinsburg Heights.

The war is far from won. Only about a fourth of the county's poor have been touched by the program—and the bulk of the money has not been funneled directly to the poor who have been involved.

But now it appears on June 30, CAC will lose \$826,000 of its \$2.4 million annual budget.

Less than \$1.6 million will remain for programs that will essentially be leaderless and without input from the poor people they are to serve.

Included in the money to be lost is support for what CAC Executive-Director Donald J. Ellis describes as the "head" and "heart" of CAC. The "head" is the CAC central administration, which oversees CAC's 13 programs; the "heart" is the Neighborhood Centers.

There are seven CAC neighborhood centers—east, west, north and south Akron, and Springfield, Barberton and Twinsburg Heights.

"Those centers are the most important part of what we're doing," Ellis said. "They're dealing with poor people on a grass roots level. They provide emergency assistance, credit unions, food cooperatives, referral to other agencies, transportation, emergency housing and recreation. You name it, they do it."

"They're also the very foundation of our democratic structure. We formed neighborhood councils at each center. They elect representatives to our governing board and ad-

vise in the operation of the centers and the other programs.

"You know how everybody these days is talking about citizen participation in government and community organizations? CAC has had that since 1965 because we realized that programs aren't worth anything without input from the people you are supposed to help."

Included among the 48 members of CAC's Governing Board are 16 representatives of the poor, 16 representatives of community interest groups and 16 public officials.

The poor is what CAC is supposed to be about. Ellis admits frustration at being able to reach 25 pct. of Summit County's poor at the most. But he said he can tick off the names of 100 persons CAC "has lifted out of poverty."

Among them are Diane Hill and Lois Bailey.

Mrs. Hill, 26, of 1246 Laffer av. came to Akron in 1968 from Tennessee, where she dropped out of school at age 14. She enrolled in the STRIDE program for high school drop-outs.

"I started as a clerical aide in the north Akron center," she said, "I was trained as a clerk-typist and got my high school equivalency diploma."

Mrs. Hill, then began full-time work as a receptionist for the Akron City Demonstration program.

She is now switchboard operator for the Summit County Red Cross.

The mother of six said, "Things are much better now. I'm certainly not rich, but I have some training, a job and a future."

Mrs. Bailey, 43, of 1002 Pitkin av., worked for CAC for five years before becoming a bookkeeper for the United Rubber Workers International office.

"I started as a neighborhood aide at the Lane Wooster Center," Mrs. Bailey said. "From there, I went to the central office, where I ran the Xerox machine. Then I became secretary for the Foster Grandparents Program and eventually went to the house-keeping department."

"The training I got definitely helped me. I was able to buy a home and my daughter Margo is now in her fourth year of college, the mother of three said."

Such success stories were hard to come by when CAC was in its infancy. The governing board meetings would last hours as arguments flared—primarily between representatives of the poor and public officials.

Directors went in and out of CAC as if the agency were a revolving door. Programs were begun and discarded with regularity.

Ellis has been executive director since July of 1969. In the previous four years he was preceded by Mrs. Lois Scherer, William Fowler, Alan Jackson and Blanford Fuller.

"For too long, the executive director was considered the 'enemy' by the poor people on the Board," Ellis said. "It's impossible to have such turmoil at the top and have an effective program."

Mrs. Ann Gates, the Akron Board of Education's representative on the Governing Board for six years, said the early years of CAC were hampered by an "anti-establishment" attitude.

"We had our money and thumbed our noses at everybody else," Mrs. Gates said. "We alienated people by telling them they blew their chance to help the poor. That was the wrong way to go about it."

"We should have sat down with other agencies and asked how we could combine our efforts. We didn't. Now that attitude is gone, but it's still hurting us in terms of community relations."

Ellis agrees with Mrs. Gates.

"Only recently have we begun to mend some fences," he said. "We've matured, and other organizations are now beginning to respect us."

"You have to realize that in those early years, the poor people had never before been given an opportunity for participating and having a say in anything. So they stepped on a few toes when they had a chance to get a piece of the action."

"Along with that problem was the fear of CAC in the minds of many, who saw CAC as something that would take money away from other programs."

Although poor people do participate in CAC, the bulk of the \$17 million has not gone directly to the 10,000 poor people CAC serves, Ellis admits. And he estimates there are 45,000 poor people in the county.

"The real beneficiaries of this money have been area businessmen from whom we buy or lease things," Ellis said.

"It's shameful, but we deal with no black businesses."

The 290 CAC employees spend their salaries which comprise the majority of CAC expenditures, with merchants and landlords. Ellis said he is "saddened with the lack of support we get from local businessmen."

Of CAC's 290 employees, 85 pct., or 247, are classified as former poor persons. They take home 58 pct., or about \$1.39 million, of CAC's \$2.4 million annual budget.

Ellis also admits that CAC's money has not brought about a decrease in Summit County's poor population.

"Truthfully, there were fewer disadvantaged people in the county in 1965 than there are now," he said. "It's a vicious cycle of people being lifted out of poverty and others being born into it."

"We feel we've had an impact, but the money has gone to hire staff to provide services with little left over to operate on. Had there been adequate funding, say \$50 or \$60 million over these nine years, then we would have made a significant dent in the area's poverty."

Ellis lists three other major failures of CAC:

Lack of involvement of "a substantial portion of the poor white population. The percentage of blacks that are poor is higher, but the total number of poor whites is higher. We've tried, but haven't been able to establish a greater balance." Ellis estimates that 70 pct. of those served by CAC are black.

No effective public relations activity. "For too many years we've had no means of telling our side of the story," Ellis said.

Lack of documentation of the positive effects of CAC's programs. "I can't pull out a document that tells you how many people CAC has taken off the welfare rolls," he said.

The lack of documentation and poor relations with the rest of the community could hurt CAC badly after June 30, when it will have to depend on local funding sources if it is to survive.

If Congress does not act to extend the life of OEO, Ellis said, City Council will be asked to pick up a large chunk of CAC's \$826,000 shortfall.

CAC officials will appear before City Council's Finance Committee at 5 p.m. Monday to present a request for \$500,000 in Federal revenue sharing money. Akron's revenue share is about \$4.1 million a year.

"The poor are entitled to some of that money," Ellis said. "We'll also be asking Barberton, Springfield Twp. and Twinsburg Twp. for some money."

Akron Mayor Ballard said Wednesday that CAC would have to prove to him the value of its programs before he could recommend giving it money.

"Before I would be inclined to use City funds to perpetuate these programs, I want to see the benefits," Ballard said.

"I want to see who is winning the war on poverty and where the battle is being waged. I know the costs. What I need now is to see the results and find out the track record of CAC."

Council President Ed Davis (D-3) predicts that if the City fails to come to CAC's rescue, "Attitudes will be worse in the poor areas than before CAC began. The rising expectations will be cut off. There could very well be a social holocaust if we don't see that this program continues."

Davis added that CAC "has not only provided services for the poor. It has presented an opportunity for the release of the anxieties and frustrations of a people who had no outlet before."

The CAC Governing Board last year vowed not to close up shop and go home after June 30.

"We're a private, non-profit corporation and will continue to exist after June 30," Ellis said. "The only way we'll lose our other program is if it's obvious no more money is coming in. Then we'll have to cooperate with other agencies who may take them over."

"But if that happens, the poor people will lose their voice in control over the programs."

#### SUMMIT PROGRAMS FACING PHASEOUT

The CAS programs and funding the Nixon Administration is proposing to eliminate are in the "local initiative" category. Those programs and their OEO funding for this year are:

Central Administration—\$158,781 to coordinate, direct and evaluate all other CAC programs.

Neighborhood Centers—\$386,755 for seven centers to provide manpower, housing, education, welfare, consumer education, transportation, food cooperative and health services. The centers are in north, south, east and west Akron, Barberton, Springfield Twp. and Twinsburg Heights.

Economic Development Program—\$70,200 for business management training for poor people.

Youth Economic Development Program—\$159,916 for job training and placement for poor youth.

Akron-Summit Tutorial Program—\$51,248 for cross-age teaching, in which high school students teach younger student to read.

The total of the "local initiative" funds scheduled for cut-off on June 30 is \$826,000.

Two other OEO-funded programs are scheduled for transfer to other agencies. They are:

Senior Workers Action Program—\$35,000 for work on the problems of the elderly poor.

Legal Services—\$94,978 for the Summit County Legal Aid Society, which provides legal advice and representation for those who cannot afford it. Congress has already passed a bill transferring the administration of this program to a quasi-governmental agency.

The rest of the CAC programs are funded by other agencies and are not threatened with immediate cut-off of funds. They are:

Project STRIDE—\$265,042 from the U.S. Department of Labor for hiring, education and counseling of high-school drop-outs.

Head Start Program—\$740,000 from the U.S. Department of Health, Education and Welfare (HEW) to provide pre-school training and health services for disadvantaged children. The program is run by the Akron, Barberton and Twinsburg school systems.

CAC-CARES—\$35,000 from HEW for an alcoholic rehabilitation program.

CAC-SCENE—\$30,000 from HEW for a drug rehabilitation and crisis center.

Foster Grandparents Program—\$72,088 from ACTION, a Federal agency that also handles such programs as the Peace Corps, to employ senior citizens in hospitals, day care centers and nursing homes.

Barberton Child Development Center—\$51,785 from the Ohio Welfare Department for pre-school training and health services for disadvantaged children in Barberton.

Model Cities Transportation Service—\$243,374 from the U.S. Department of Housing and Urban Development to operate a mini-bus service for senior citizens in the



Model Cities neighborhood southwest of downtown Akron.

The Nixon Administration also has proposed a June 30 cut-off of the Model Cities program, but adds that funds may still be available through special revenue sharing.

If funds are available, Akron's City Demonstration Agency will decide whether to continue this program.

#### AREA OEO PROGRAMS SUFFER BUDGET CUTS

When Federal funding for the War on Poverty expires June 30, the Summit County-Greater Akron Community Action Council (CAC) will not be the only such agency in the Akron area in dire straits.

Community action agencies in Stark, Portage and Wayne counties also will lose more than a third of their budgets.

In Carlton, the Stark County Human Development Council has brought in more than \$7 million in Federal funds over the past 10 years.

Council Director Charles L. Currence said his agency, formerly known as the Stark County Council for Economic Opportunity, "does not intend to lay down and be killed by some administration in Washington. We've started a job and we're not quitting until it's done."

Currence said the Stark County Council this year is spending \$340,000 in U.S. Office of Economic Opportunity (OEO) funds to help more than 10,000 of Stark's 28,000 poor.

The Portage County Community Action Council has concentrated its effort on improving conditions in the black ghettos of McElrath Park and Skeels allotment.

Aside from the \$250,000 annual budget, Portage CAC has worked to bring a \$1.6 million sewer and water project to Skeels and McElrath. The Federal government gave \$900,000 for the project, and CAC is trying to raise another \$100,000 for those unable to pay assessments.

The Ashland-Wayne County Community Action Commission operates on an annual budget of \$4,036 which goes to help rural poor in the primarily agricultural counties.

#### THE QUESTION OF FEDERAL LAND USE PLANNING IS VERY MUCH ALIVE

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. RARICK. Mr. Speaker, the Federal land use legislation question continues very much alive. Discussions of the subject by various "land-use experts" suggests that they are more interested in influencing public opinion toward acceptance of a revolutionary new Federal program, than in analyzing its effect and determining how it would operate.

Characteristic of these one-sided discussions of land use is the soft sell technique to convince the public that the land use program would be completely controlled and operated by the States, that the program is "voluntary," and that land use planning is not a "no-growth program."

The "land use experts" often refer to the bill H.R. 10294 when illustrating their position, however, few care to mention the report of the Interior and Insular Affairs Committee which accompanied the bill, explaining the proposed law.

So that our colleagues may have a better understanding of the intent of the law, with respect to State control, voluntary participation and no-growth policy, I insert related excerpts of the committee report with my remarks.

#### STATE CONTROL

Beginning at page 44 of the report, under section 103 State land use planning grants, we read:

The Secretary of the Interior here is authorized to make annual grants to a State having an "eligible State land use planning agency" and an "intergovernmental advisory council" to assist in development and administration of a "comprehensive land use planning process."

An eligible State land use planning agency is defined as one having primary authority and responsibility for development and administration of a comprehensive land use planning process and having a "competent and adequate interdisciplinary professional and technical staff as well as special consultants" available to it throughout the planning process.

In so describing the character of this agency, the Committee seeks to make clear that something more than a "State Planning Department", common in many States in the past, is required to retain eligibility under the Land Use Planning Act. The emphasis is on *land use* planning rather than *program* planning; also the elements of competence and varied disciplines on the agency staff are of particular significance.

Further, at page 47, under section 108, we find the following language:

Prior to making any land use planning grant, the Secretary is required to consider the views and recommendations of the Interagency Land Use Policy and Planning Board and of all Federal agencies involved in programs significantly affecting land use but not represented on the Board. He must then determine eligibility of a State not later than three months after its application is received.

Prior to making a grant during the first three years after the Act goes into effect, the Secretary must be satisfied that the grant will be used to develop a comprehensive land use planning process; or, if developed within the three-year period, the State is proceeding to administer it.

At page 51 of the report, section 401 tells us which Federal agencies, commissions and bureaus will head the program:

This section establishes an Interagency Land Use Policy and Planning Board composed of an appointee of the Secretary of the Interior as Chairman, and representatives of 12 agencies—the Departments of Agriculture; Commerce; Defense; Health, Education, and Welfare; Housing and Urban Development; Transportation; and Treasury; the Atomic Energy Commission, Federal Power Commission, Environmental Protection Agency, General Services Administration, and the Council on Environmental Quality. Other agency participation is provided for when matters affecting their responsibilities are under consideration. State and local governments and regional entities having land use planning and management responsibilities also would participate.

The Board is to meet regularly and is directed to provide information and advice concerning the relationship of land use planning to programs of agencies represented on the Board, to assist CEQ and the Secretary of the Interior in promulgation of guidelines and rules and regulations, assist in the development of consistent public land use plans, provide advice on such land use policy matters as are referred to it by the Secretary, and submit reports to the Secretary on land

use policy matters referred through agency representatives on the Board.

As examples of how the Board will function, it is here that the Coastal Zone Management Act program can be coordinated with land use planning; and that HUD will be able to assure that State land use planning processes are more effectively coordinated with the Nation's housing goals.

#### VOLUNTARY PARTICIPATION

At section 110, the report reveals:

Where a State is found ineligible for grants, this section requires any Federal agency proposing "any major Federal action significantly affecting the use of non-Federal lands" after five years from the date of enactment to hold a public hearing, make findings, and submit them to the Secretary for review and comment.

The purpose of this section is to provide a form of suasion short of sanctions to persuade a State to take advantage of the provisions of this Act. The findings and comments would be made part of the detailed statement required under the National Environmental Policy Act. If the President were to determine that the interests of the United States so require, this section would be subject to exception.

#### NO-GROWTH POLICY

At page 43 of the report, we find:

In summary, the Committee has no objection to identification of the Land Use Planning Act as environmental legislation, and in fact believes it to be an accurate characterization. But every effort has been made to take a balanced approach to the concept of land use planning and to recognize that we are considering the *use of land* for various purposes that must be achieved, and are *not* proposing a no-growth policy. Individual States well may decide there shall be no growth or development in certain areas as a part of its comprehensive land use planning process, but this bill does not contemplate adoption of such a National policy. Balanced with the ecological considerations we believe to be important are the broader environmental concepts that will promote a wise use of land for all the purposes required by mankind.

Special attention should be given part B—Comprehensive Land Use Planning Process, found on page 45. It gives a graphic description of how far the Federal Government is planning to go in dictating what Americans can and cannot do with their private land and buildings.

#### PART B—COMPREHENSIVE LAND USE PLANNING PROCESS

The four sections in this part of title I provide for the development of a comprehensive land use planning process and the subsequent administration or implementation of the process. These sections also set forth certain requirements as to use and development in accordance with the comprehensive land use planning process. Where the term "development" is used in this latter sense it means, in the context of the American Law Institute Model Code, the dividing of land into two or more parcels, the carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land. Development includes, but is not limited to erection construction, redevelopment, alteration or repair. When appropriate to the context, development refers to the act of developing or to the result of development.

By looking beyond the mere title of the Land Use Planning Act, we can see the bill for what it is, a blueprint for all land in the United States controlled by the Interagency Land Use Policy and Planning Board of the Federal Government.

This board is composed of an appointee of the Secretary of the Interior as chairman and representatives of 12 Federal agencies.

State acceptance of this latest Federal program would be "voluntary" provided the State could afford to turn down the Federal seed money, and after 5 years, could battle against Federal "suasion short of sanctions to persuade a State to take advantage of the provisions of this act."

Despite assurances by the committee that the bill does not contemplate "no-growth" as a national policy, many American citizens are gravely concerned. When we look at the intent and scope of this bill, we learn that their concerns that the use of their private property will be taken away by the Federal Government without regard for the constitutional prohibition against seizure of private property, "without just compensation," are justified.

I, as one Congressman, share their concern, and hope that our colleagues will, also.

**"THE SKY IS GETTING BLACK, MY THROAT AND LUNGS HURT, AND THE AIR STINKS—WHY, IT MUST BE SPRING"**

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. BROWN of California. Mr. Speaker, as you walk about Washington over the next few weeks and months, enjoying the blooming of the cherry blossoms and the other beautiful indicators of the arrival of spring, I would like you and our colleagues here in the Congress to spend a few moments every now and

then thinking of the residents of southern California and the environment we are currently enjoying—no, enjoying is not appropriate, let me say the environment we are currently undergoing. Let me read you an article which appeared in the Riverside Press-Enterprise of last Saturday, March 16:

**YEAR'S FIRST SMOG ALERT CALLED IN RIVERSIDE AREA**

(By Mark Gladstone)

The first smog alert of the year was called in Riverside County Friday, as temperatures continued in the 80s and 90s.

The first-stage alert was called by the Air Pollution Control District in Rubidoux at 4:15 p.m. when the oxidant level reached .27 parts per million parts of air (ppm).

At 4:23 p.m., a high of .28 ppm was reached in the Riverside area. The alert was called off at 4:30 p.m.

An alert is called by the Riverside County APCD when oxidants reach .27 ppm.

The APCD said a first-stage alert means that people with respiratory problems should stay indoors and refrain from strenuous activity.

When the alert level is reached, the APCD contacts the news media, schools, and hospitals.

Press-Enterprise weather records show that Friday's alert is as early in the year as an alert has been called in the Riverside area. On March 15, 1972, an alert was called when the oxidant level reached .27 ppm.

Oxidant highs in other Riverside County communities as of 5 p.m. were: .21, Prado Park; .16, Perris; .09, Hemet; .06, Indio.

Outside the county, the high oxidant reading San Bernardino was .13 ppm; central Los Angeles .21 ppm; and Anaheim .15 ppm.

By 6:30 p.m. the oxidant reading in the Riverside area was .12 ppm. The oxidant level first went above .10 ppm at 11:38 a.m., according to the APCD. The state Air Resources Board has said that conditions adverse to health exist when the level is above .10 ppm for more than one hour.

The APCD expects the level to be .30 ppm or less in the Riverside area today and Sunday; .20 ppm or less in Prado Park; and .10 ppm or less in Hemet and .15 ppm or less in Palm Springs and Indio.

Temperatures in the western county remained in the 80s for the second day in a row. Riverside had a high of 83—the high for the year.

In the desert, the high for the year, 98, was recorded in Thousand Palms.

The National Weather Service expects the warm temperatures to continue today and Sunday.

Crop protection should not be needed in the western county Saturday night, according to the weather service.

Mr. Speaker, I intend to say a great deal more about this situation during this session of the 93d Congress, particularly as legislation which could have some effect on the pollution situation reaches the floor of the House for debate, but for now I will close with this brief reminder that the people of my district are having years taken off their lives by the man-made poison they are forced to breathe. Happy spring.

**AMENDMENT TO H.R. 69**

**HON. CARL D. PERKINS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 21, 1974

Mr. PERKINS. Mr. Speaker, pursuant to the provisions of House Resolution 963 regarding amendments to title I of H.R. 69, I am inserting in the Record the following amendment on behalf of Congressman AL QUIE and myself:

On page 46 in line 3 insert after "that" the following: "notwithstanding the provisions of section 425 of the General Education Provisions Act,"; strike in the same line the word "has" and insert in lieu thereof the word "may"; and in line 4 before "an" insert the following: "an advisory council for the entire school district and must establish".

**HOUSE OF REPRESENTATIVES—Monday, March 25, 1974**

The House met at 12 o'clock noon.

Rev. Cecil LeRoy Morris, retired minister, United Methodist Church, Springfield, Ill., offered the following prayer:

Dear Lord and Father of mankind, amid the turmoil and tension of our times, may we be still and know with confidence that Thou art God. Let us be so attuned to the infinite that our finite selves may hear the still small voice, and may Thy spirit bear witness with our spirits that we are Thy children.

This day, we pray for the nations of the Earth, and for all who hold places of responsibility. Give wisdom that good will prevail. Especially, let Thy benediction be upon this House of Representatives, and let Thy grace reach out to the last individual in the farthest district.

Help us, O Lord, to have a deeper sense of gratitude for our goodly heritage. May "In God We Trust" be a true affirmation of our faith. And let us be reassured that righteousness does exalt a nation.

In the name of Jesus Christ. Amen.

**THE JOURNAL**

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

Without objection, the Journal stands approved.

There was no objection.

**MESSAGE FROM THE SENATE**

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9492. An act to amend the Wild and Scenic Rivers Act by designating the Chattooga River, North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate

to a bill of the Senate of the following title:

H.R. 13025. An act to increase the period during which benefits may be paid under title XVI of the Social Security Act on the basis of presumptive disability to certain individuals who received aid, on the basis of disability, for December 1973, under a State plan approved under title XIV or XVI of that act.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7130) entitled "An act to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over impoundment of funds by the executive branch, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ERVIN, Mr. MUSKIE, Mr. RIBICOFF, Mr. METCALF, Mr. CANNON, Mr. PELL, Mr. ROBERT C. BYRD, Mr. ALLEN, Mr. PERCY, Mr. ROTH, Mr. BROCK, Mr. COOK, Mr.