the distinguished acting Republican leader, the Senator from Michigan (Mr. GRIFFIN), in the morning.

Following disposition of the Hathaway amendment, the second Allen amendment will be laid before the Senate. On that amendment, there will likewise be a 30-minute time limitation, to be equally divided, as on the first Allen amendment.

So there will be votes tomorrow.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. ABOUREZK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT TO 9:30 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and, at 5:06 p.m., the Senate adjourned until tomorrow, Thursday, March 28, 1974, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate on March 27, 1974:

FEDERAL COUNCIL ON THE AGING

The following-named persons to be Members of the Federal Council on the Aging for the terms indicated, new positions:

For a term of 1 year

Bertha S. Adkins, of Maryland.
Dorothy Louise Devereux, of Hawaii.
Carl Eisdorfer, of Washington.
Charles J. Fahey, of New York.
John B. Martin, of Maryland.

For a term of 2 years

Frank B. Henderson, of Pennsylvania.
Frell M. Owl, of North Carolina.
Lennie-Marie P. Tolliver, of Oklahoma.
Charles J. Turrisi, of Virginia.

For a term of 3 years

Nelson Hale Cruikshank, of the District of Columbia.
Sharon Masaye Fujii, of Washington.
Hobart C. Jackson, of Pennsylvania.
Garson Meyer, of New York.
Bernard E. Nash, of Maryland.

HOUSE OF REPRESENTATIVES—*Tuesday, March 27, 1974*

The House met at 12 o'clock noon.

The Reverend Monsignor John J. Karpinski, St. Stanislaus B & M Church, New York, N.Y., offered the following prayer:

Our Father, as we walk in these trying times, give us Your hand, for it is better than a light, or a known way.

Where we usually tread over beaten paths, give us the courage to make new trails.

While we wade along the shore, challenge us to launch out into the deep waters.

Whenever we are tempted to do what everyone else is doing, give us the morality to stand up for what is right.

Help us seek the grace to endure all trials and problems ourselves—as well as understanding of those in need.

As we consecrate our talents help us find the true reason for serving.

Heavenly Father, since we are always asking for something in our prayers, help us try and count for something in Your plan. Teach us our faith works when we do. 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 without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 78. Concurrent resolution to authorize the printing of a veterans' benefits calculator; and

H. Con. Res. 397. Concurrent resolution providing for the printing of additional copies of hearings before the Subcommittee on Foreign Economic Policy entitled "Foreign Policy Implications of the Energy Crisis."

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

S. 939. An act to amend the Admission Act for the State of Idaho to permit that State to exchange public lands, and for other purposes;

S. 2446. An act for the relief of Charles William Thomas, deceased;

S. 2893. An act to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years;

S. 3052. An act to amend the act of October 13, 1972; and

S. Con. Res. 73. Concurrent resolution authorizing the printing of additional copies of a committee print of the Senate Select Committee on Nutrition and Human Needs.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. HRUSKA to attend the Interparliamentary Union Meeting to be held in Bucharest, Romania, April 15 to 20, 1974.

THE RIGHT REVEREND MONSIGNOR JOHN J. KARPINSKI

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

Mr. WOLFF. Mr. Speaker, this morning our legislative day began with an opening prayer by a dear friend of mine, Monsignor John Karpinski of New York. For 10 years, since October 3, 1964, Monsignor Karpinski has been the much respected and beloved pastor of St. Stanislaus Church in New York City. St. Stanislaus, the oldest parish serving the Polish community on the east coast, has served the Polish population well for some 102 years, and continues its fine record for service to the community.

Monsignor Karpinski has earned the trust and respect of his flock and he has been both active and effective as a Polish leader, as well as a religious leader. Evidence of this can be noted in this sampling of his offices and awards: Monsignor Karpinski is the president of the Polish Immigration and Relief Committee; the chaplain of the Sons of Poland; grand counsel of the Pulaski Association of New York and New Jersey, and the monsignor was the grand marshal of the 1970 Pulaski Day Parade in New York City.

Monsignor Karpinski, with his record of achievements, comes to the House of Representatives today as a man following the great traditions of service set by those honored Polish leaders, Pulaski and Kosciusko, who contributed so much to this Nation.

ANOTHER CHAMPIONSHIP, ANOTHER RECORD

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

Mr. CLANCY. Mr. Speaker, Elder High School has just won another State championship and set another record for Cincinnati area high schools which is of tremendous pride to all Cincinnati sports fans and of special personal pride to me.

Elder won the AAA Ohio basketball crown last year, the first time that a Cincinnati high school had accomplished that feat. Last Saturday, they won the AAA championship again; another record for Cincinnati schools and the first time that an Ohio high school had repeated State championship play in two successive seasons since 1968 and 1969.

What is even more remarkable is that Elder High School athletes have now won four State athletic championships in 12 months. Last summer, they won the baseball championship. Last fall, their cross-country runners carried home the State meet trophy.

While all Cincinnati fans are enormously pleased with this record, I take extra pleasure in it because Elder is my alma mater.

The members of the 1974 AAA basketball championship team are cocaptains, Rick Apke and Bill Early, Kenny Brown, Tony Apro, Paul Niemeyer, Phil Bloemker, Jim Stenger, Terry McCarthy, Mike

Dwyer, Tom Dinkelacker, Mark Freese, Bill Kemper and Art Watson.

The varsity coach is Paul J. Frey; the reserve coach, Ray Bachus; the frosh coach, Tom Bushman; athletic director, Rev. Edward L. Rudemiller, and the principal is Rev. Lawrence R. Strittmatter. The scorer is Charles Kaufhold and the team chaplain is Rev. Ralph A. Westerhoff.

Student managers for the Purple Gang from Price Hill are Bob Wolfram, Mike Keyes, Terry Bryant, Nick Duennes, Barry Ellison and Steve Fessel.

Elder High School basketball record for the season just completed was 23 wins and 3 losses—an indication of the high quality of competition in the Cincinnati area. I might also point out that only four other high schools in Ohio have won consecutive championships in 52 years of play.

I am very pleased to extend hearty congratulations to all of those named above and the entire faculty and student body.

CONGRESSIONAL PAY RAISES

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

Mr. DENNIS. Mr. Speaker, the argument about congressional pay raises is apparently over for this session, but the problem of automatic raises without a congressional vote remains.

Mr. Speaker, I would like to remind my colleagues that H.R. 2154, which will solve that problem by giving every Member of the House a chance to request and demand a vote on the subject of a raise in the future, is still before us here with a discharge petition now bearing 113 names.

Mr. Speaker, I urge those who are serious about this question and believe we should have a vote on this important matter to join their names to the 113 already there subscribed.

TRIBUTE TO JOSEPH P. McNAMARA

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

Mr. DEL CLAWSON. Mr. Speaker, I would like to take a few minutes to pay tribute to one of this country's space pioneers. On April 1, Joseph P. McNamara, president of Rockwell International's Space Division will retire. Not only his company but America will miss his contributions to the national space program.

The organization he leaves developed and built all of the command and service modules for our lunar-landing program. It also developed and made the Saturn S–11—second stage of the Saturn V launch vehicle, which sent nine Apollo crews to the Moon, six of which landed. Earlier, as vice president and general manager of Rocketdyne's Liquid-Rocket Division, he directed development and production of the Saturn V's J–2 and F–1 engines. For this work, NASA awarded him the Distinguished Public Service Medal, the highest honor bestowed on a nongovernment employee.

I am proud of this native Californian and wish him and his lovely wife, Elizabeth, a long and enjoyable retirement.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE VETERANS' ADMINISTRATION

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Thursday, March 21, 1974, I call up the joint resolution (H.J. Res. 941), making an urgent supplemental appropriation for the fiscal year ending June 30, 1974, for the Veterans' Administration, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 941

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1974, namely:

VETERANS' ADMINISTRATION

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $750,000,000, to remain available until expended.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, we are here today with an urgent supplemental appropriation bill for the Veterans' Administration.

This item is lifted from a large number of pending supplemental budget requests being considered in connection with the second supplemental appropriation bill, 1974, scheduled to be considered by the House the week before Easter. Final congressional action on that bill will probably not occur before mid-May and will not be timely enough to meet the pressing needs represented by this joint resolution because certain payments must be made to veterans in early April.

I will speak just briefly on this measure and then I will yield to the gentleman from Massachusetts (Mr. BOLAND) who is the chairman of the subcommittee which has jurisdiction in this area and to the gentleman from California (Mr. TALCOTT), the ranking minority member of the subcommittee.

The Committee on Appropriations is recommending the entire supplemental budget request for an additional $750 million for veterans readjustment benefits. We appropriated the full budget amount requested for fiscal year 1974 in the amount of $2,256,000,000 in the regular bill. This amount, however, has not been sufficient due to a larger number of veterans participating in the program than originally anticipated and to a lesser extent due to the increased cost of training.

The enactment in October of 1972 of the Vietnam Era Veteran's Readjustment Assistance Act provided for payment of educational allowances in advance and for personally contacting each educationally disadvantaged veteran. These outreach activities have encouraged more veterans to utilize their educational opportunities.

Insofar as I know there is no opposition to this appropriation. It behooves us to handle this matter expeditiously so that it might become law as soon as possible.

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

Mr. MAHON. I yield to the gentleman from Massachusetts (Mr. BOLAND), the chairman of the subcommittee. The gentleman from California (Mr. TALCOTT) is also on the floor. Mr. BOLAND, Mr. TALCOTT, and the members of the subcommittee are the most knowledgeable Members with respect to this joint resolution.

Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, this resolution is essential legislation. Without these funds the Veterans' Administration cannot make the next major payments of educational benefits to Vietnam veterans. This urgent supplemental bill will insure that these veterans will get their April checks.

When the committee considered the regular 1974 appropriation for readjustment benefits, the Veterans' Administration anticipated that about 1,860,000 veterans would take advantage of educational training. The Congress provided the full $2,526 million requested in 1974 to meet these benefit payments.

But new legislation providing for educational allowances in advance—and broader outreach activities encouraged a substantially higher number of veterans to take advantage of these important educational opportunities. The current estimate of the number of veterans in training has now increased to 2,450,000—up 584,000 above the original estimate.

Mr. Speaker, the committee has worked as quickly and expeditiously as possible to insure that these benefits will continue to flow uninterrupted to deserving veterans.

Because this legislation is urgently required, the committee lifted the $750-000,000 request from the much larger and more complex second supplemental appropriation bill. This action again demonstrates that the committee is ready to act when action is required. No veteran will miss a benefit check because this Congress has been slow to act. This resolution is needed and it is needed now.

I urge its favorable passage.

Mr. MAHON. Mr. Speaker, I yield to

the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Speaker, I thank the gentleman from Texas for yielding.

I take this time only to concur with the gentleman from Texas and the gentleman from Massachusetts. This is really an essential joint resolution. There is no alternative. This is one of the most popular bills we have ever passed. The Vietnam veterans are in school, and their April checks will be stopped if we do not pass this legislation. We will be doing a disservice not only to the veterans, but to the Veterans' Administration and the Congress as well, if we do not pass this joint resolution promptly. The subcommittee and the committee have both unanimously approved it.

Mr. TIERNAN. Mr. Speaker, I rise in support of House Joint Resolution 941, the Urgent Supplemental Appropriation for Veterans Benefits Act. This is an important appropriation that will enable the Veterans' Administration to continue to pay educational benefits in fiscal year 1974 to enrolled veterans.

As you know, Congress previously approved the full amount originally requested by the Administration. However, the VA did not anticipate fully the demand for benefits that are now being utilized and has now come back to Congress for an additional appropriation.

Personally, I am very pleased by the results of Project Outreach in that it has encouraged more veterans to take advantage of their educational benefits. I am hopeful that even more veterans will do so in the future.

This is one appropriation no one can argue with. I am happy to give it my wholehearted support.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

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

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

The SPEAKER. The question is on the passage of the joint resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 0, answered "present" 1, not voting 33, as follows:

[Roll No. 116]

YEAS—398

Abdnor	Archer	Beard
Abzug	Arends	Bell
Adams	Armstrong	Bennett
Addabbo	Ashbrook	Bergland
Anderson, Calif.	Ashley	Biester
	Aspin	Bingham
Anderson, Ill.	Badillo	Blackburn
Andrews, N.C.	Bafalis	Boggs
Andrews, N. Dak.	Baker	Boland
	Barrett	Bolling
Annunzio	Bauman	Bowen
Brademas	Goldwater	Mink
Brasco	Gonzalez	Minshall, Ohio
Bray	Goodling	Mitchell, N.Y.
Breaux	Grasso	Mizell
Breckinridge	Green, Oreg.	Moakley
Brinkley	Green, Pa.	Mollohan
Brooks	Griffiths	Montgomery
Broomfield	Gross	Moorhead, Calif.
Brotzman	Grover	
Brown, Calif.	Gude	Moorhead, Pa.
Brown, Mich.	Gunter	Morgan
Brown, Ohio	Guyer	Mosher
Broyhill, N.C.	Haley	Moss
Broyhill, Va.	Hamilton	Murphy, Ill.
Buchanan	Hammer-schmidt	Murphy, N.Y.
Burgener		Murtha
Burke, Calif.	Hanley	Myers
Burke, Fla.	Hansen, Idaho	Natcher
Burke, Mass.	Hansen, Wash.	Nedzi
Burleson, Tex.	Harrington	Nelsen
Burlison, Mo.	Harsha	Nix
Burton	Hastings	Obey
Butler	Hawkins	O'Brien
Byron	Hays	O'Hara
Camp	Hébert	O'Neill
Carney, Ohio	Hechler, W. Va.	Owens
Carter	Heinz	Parris
Casey, Tex.	Helstoski	Passman
Chamberlain	Henderson	Patten
Chappell	Hicks	Pepper
Chisholm	Hillis	Perkins
Clancy	Hinshaw	Pettis
Clark	Hogan	Peyser
Clawson, Del	Holifield	Pickle
Clay	Holt	Pike
Cleveland	Holtzman	Poage
Cochran	Horton	Podell
Cohen	Hosmer	Powell, Ohio
Collier	Howard	Preyer
Collins, Ill.	Huber	Price, Ill.
Collins, Tex.	Hudnut	Price, Tex.
Conable	Hungate	Pritchard
Conlan	Hunt	Quie
Conte	Hutchinson	Quillen
Corman	Ichord	Randall
Cotter	Johnson, Calif.	Rangel
Coughlin	Johnson, Colo.	Rarick
Crane	Johnson, Pa.	Rees
Cronin	Jones, Ala.	Regula
Culver	Jones, N.C.	Reuss
Daniel, Dan	Jones, Okla.	Rhodes
Daniel, Robert W., Jr.	Jones, Tenn.	Riegle
	Jordan	Rinaldo
Daniels, Dominick V.	Karth	Roberts
	Kastenmeier	Robinson, Va.
Danielson	Kazen	Robison, N.Y.
Davis, Ga.	Kemp	Rodino
Davis, S.C.	Ketchum	Roe
Davis, Wis.	King	Rogers
de la Garza	Koch	Roncalio, Wyo.
Delaney	Kyros	Roncallo, N.Y.
Dellenback	Lagomarsino	Rooney, Pa.
Dellums	Landgrebe	Rose
Denholm	Landrum	Rosenthal
Dennis	Latta	Rostenkowski
Dent	Leggett	Roush
Derwinski	Lehman	Rousselot
Devine	Lent	Roy
Dickinson	Litton	Roybal
Diggs	Long, La.	Runnels
Dingell	Long, Md.	Ruppe
Donohue	Lott	Ruth
Downing	Lujan	Ryan
Drinan	Luken	St Germain
Dulski	McClory	Sandman
Duncan	McCloskey	Sarasin
du Pont	McCollister	Sarbanes
Eckhardt	McCormack	Satterfield
Edwards, Ala.	McDade	Scherle
Edwards, Calif.	McEwen	Schneebeli
Eilberg	McFall	Schroeder
Esch	McKay	Sebelius
Eshleman	McKinney	Seiberling
Evans, Colo.	McSpadden	Shipley
Evins, Tenn.	Madden	Shoup
Fascell	Madigan	Shuster
Findley	Mahon	Sikes
Fish	Mallary	Sisk
Flood	Mann	Slack
Flowers	Maraziti	Smith, Iowa
Flynt	Martin, Nebr.	Smith, N.Y.
Foley	Martin, N.C.	Snyder
Ford	Mathias, Calif.	Spence
Fountain	Mathis, Ga.	Staggers
Fraser	Matsunaga	Stanton, J. William
Frelinghuysen	Mayne	
Frey	Mazzoli	Stanton, James V.
Froehlich	Meeds	
Fulton	Melcher	Stark
Fuqua	Metcalfe	Steed
Gaydos	Mezvinsky	Steele
Gettys	Michel	Steelman
Giaimo	Milford	Steiger, Ariz.
Gibbons	Miller	Steiger, Wis.
Gilman	Mills	Stokes
Ginn	Minish	Stratton
Stubblefield	Vanik	Winn
Studds	Veysey	Wolff
Sullivan	Vigorito	Wright
Symington	Waggonner	Wyatt
Symms	Waldie	Wydler
Talcott	Walsh	Wylie
Taylor, Mo.	Wampler	Wyman
Taylor, N.C.	Ware	Yates
Thompson, N.J.	Whalen	Yatron
Thomson, Wis.	White	Young, Alaska
Thone	Whitehurst	Young, Fla.
Thornton	Whitten	Young, Ga.
Tiernan	Widnall	Young, Ill.
Towell, Nev.	Wiggins	Young, S.C.
Treen	Wilson, Bob	Young, Tex.
Udall	Wilson, Charles H., Calif.	Zablocki
Ullman		Zion
Van Deerlin		Zwach
Vander Jagt	Wilson, Charles, Tex.	
Vander Veen		

NAYS—0

ANSWERED "PRESENT"—1

Fisher

NOT VOTING—33

Alexander	Frenzel	Patman
Bevill	Gray	Railsback
Biaggi	Gubser	Reid
Blatnik	Hanna	Rooney, N.Y.
Carey, N.Y.	Hanrahan	Shriver
Cederberg	Heckler, Mass.	Skubitz
Clausen, Don H.	Jarman	Stephens
	Kluczynski	Stuckey
Conyers	Kuykendall	Teague
Dorn	Macdonald	Williams
Erlenborn	Mitchell, Md.	
Forsythe	Nichols	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Teague with Mr. Bevill.
Mr. Rooney of New York with Mr. Skubitz.
Mr. Biaggi with Mr. Kuykendall.
Mr. Carey of New York with Mrs. Heckler of Massachusetts.
Mr. Kluczynski with Mr. Erlenborn.
Mr. Stephens with Mr. Frenzel.
Mr. Nichols with Mr. Gubser.
Mr. Reid with Mr. Conyers.
Mr. Macdonald with Mr. Don H. Clausen.
Mr. Mitchell of Maryland with Mr. Gray.
Mr. Alexander with Mr. Hanrahan.
Mr. Hanna with Mr. Cederberg.
Mr. Jarman with Mr. Forsythe.
Mr. Stuckey with Mr. Railsback.
Mr. Blatnik with Mr. Shriver.
Mr. Dorn with Mr. Williams.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the joint resolution (H.J. Res. 941) just passed, and include tables and extraneous matter.

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

There was no objection.

CONGRESSIONAL COMMITMENT ON PRIVACY

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

Mr. GOLDWATER. Mr. Speaker, I want to take this minute of my colleagues' time to remind them of the special orders taken by myself and Congressman ED KOCH for this coming Tuesday, April 2, 1974, the purpose of the

special orders is to provide the Members of the House the opportunity to discuss the evergrowing invasion of personal privacy resulting from uncontrolled and unmonitored collection, use, and dissemination of personal information by the Government and private enterprise. Quite frankly, the time has come for the Congress to develop and demonstrate a firm commitment to the protection of personal privacy, and I am confident that the discussion that is to come next Tuesday will serve to initiate just such a commitment. I urge all of my colleagues to participate in this worthy effort and discussion.

LONG-OVERDUE INCREASE IN RETIREMENT INCOME CREDIT NEEDED

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

Mr. BOB WILSON. Mr. Speaker, there has been much talk of tax reform in Congress but, regardless of the final outcome of an "omnibus tax reform package," several items demand congressional attention this year. One of these is a long overdue increase in the retirement income credit.

Social security payments are not taxable, and the purpose of the retirement income credit was to provide comparable tax relief to other retirees. I have supported the substantial increase in social security benefits in recent years, a critical legislative action to assist the elderly in coping with our inflationary economy of the past decade. The retirement income credit has failed to keep pace, however.

The current base limit for individuals is $1,524, unchanged since 1962, and $2,286 for elderly couples, with no update since 1964. During that time social security benefits have doubled.

The legislation I am introducing today would increase the computation base from $1,524 to $2,500 for single persons and from $2,286 to $3,750 for couples. In terms of dollars and cents, this would mean a tax saving of up to $146 for single people and $220 for couples.

The elderly living on fixed incomes have been severely affected by the Government's inability to control inflation. While we debate the blame for inflation, it is paramount that we provide relief for those who have suffered most greatly.

My bill will provide tax equity for retired teachers, policemen, firemen, and Government annuitants by giving them a tax benefit comparable to that now afforded social security recipients. The Senate approved an amendment similar to this legislation last year, as a rider to another bill, but the measure bogged down because of several other controversial amendments.

As another April 15 rolls around, it is imperative that Congress give prompt attention to an immediate increase in the retirement income credit and I hope that we will be able to act favorably on this matter in the near future.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1974

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

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday an amendment adding a new title following title I had been agreed to. Further amendments under title I are not in order.

The Clerk will now read title II of the substitute committee amendment beginning on page 58, line 19.

The Clerk read as follows:

TITLE II—CONSOLIDATION OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS

CONSOLIDATION OF PROGRAMS

SEC. 201. (a) The Act is amended (1) by striking out title IX and sections 809 and 811, (2) by redesignating title VIII (and all cross-references thereto) as title X, redesignating sections 801 through 808 (and all cross-references thereto) as sections 1001 through 1008, respectively, and redesignating section 810 (and any cross-reference thereto) as section 1109 and (3) by inserting after title VII the following new title:

"TITLE VIII—LIBRARIES, LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT

"PART A—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 801. (a) Subject to subsection (c), there is authorized to be appropriated the sum of $395,000,000 for obligation by the Commissioner during the fiscal year ending June 30, 1975, and such sums as may be necessary for obligation by the Commissioner during each of the two succeeding fiscal years, for the purpose of making grants under part B (Libraries and Learning Resources) of this title.

"(b) Subject to subsection (c), there is authorized to be appropriated the sum of $350,000,000 for obligation by the Commissioner during the fiscal year ending June 30, 1975, and such sums as may be necessary for obligation by the Commissioner during each of the two succeeding fiscal years, for the purpose of making grants under part C (Educational Innovation and Support) of this title.

(c) Except in the case of the first appropriation made under subsections (a) and (b), no funds are authorized to be appropriated under either subsection (a) or subsection (b) for obligation by the Commissioner during a fiscal year unless the aggregate amount which would be so appropriated is at least equal to the aggregate amount appropriated for obligation by the Commissioner during the fiscal year preceding such fiscal year under such subsections. No funds are authorized to be appropriated in the first bill or resolution proposing to make an appropriation under subsections (a) and (b) unless the aggregate amount which would be so appropriated is at least equal to the aggregate amount appropriated for obligation by the Commissioner during the preceding fiscal year for programs authorized by titles II, III, and V and sections 807 and 808 of the Elementary and Secondary Education Act of 1965, and title III (except for section 305 thereof) of the National Defense Education Act of 1958.

"ALLOTMENT TO THE STATES

"SEC. 802. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph amounts equal to not more than 1 per centum of each of the amounts appropriated for such year under subsections (a) and (b) of section 801. The Commissioner shall allot each of the amounts appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under part B and part C of this title. In addition, for each fiscal year he shall allot from each of such amounts to (A) the Secretary of the Interior the amounts necessary for the programs authorized by each such part for children and teachers in elementary and secondary school operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amounts necessary for the programs authorized by each such part for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payment for such purposes shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the amounts appropriated to carry out part B and part C of this title for any fiscal year pursuant to subsections (a) and (b) of section 801, the Commissioner shall allot to each State from each such amount an amount which bears the same ratio to such amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States. For the purposes of this subsection, the term 'State' shall not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The number of children aged five to seventeen, inclusive, in a State and in all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out part B or C which the Commissioner determines will not be required for such fiscal year to carry out such part shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 801 shall be deemed a part of its allotment under subsection (a) for such year.

"STATE PLANS

"SEC. 803. (a) Any State which desires to receive grants under this title shall establish an advisory council as provided by subsection (b) and shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

"(1) designates the State educational agency as the State agency which shall, either

directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the State plan;

"(2) sets forth a program under which funds paid to the State from its allotments under section 802 will be expended solely for (A) the programs and purposes authorized by parts B and C of this title, and (B) administration of the State plan;

"(3) provides assurances that the requirements of section 807 (relating to the participation of pupils and teachers in nonpublic elementary and secondary schools) will be met, or certifies that such requirements cannot legally be met in such State;

"(4) provides assurances that (A) funds it receives from appropriations made under section 801(a) will be distributed among local educational agencies according to the enrollments in public and nonpublic schools within the school districts of such agencies: *Provided, however,* That substantial funds will be provided to (i) those local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure (excluding payments made under title I of this Act) is no greater than the average per pupil expenditure in the State, and (ii) those local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language; and (B) funds it receives from appropriations made under section 801(b) will be distributed among local educational agencies on an equitable basis recognizing the competitive nature of the grantmaking: *Provided, further, however,* That the State educational agency must provide assistance in formulating proposals and in operating programs to those local educational agencies which are less able to compete due to small size or lack of local financial resources; and the State plan shall set out the specific criteria the State educational agency has developed and will apply to meet the requirement of this paragraph;

"(5) provides that each local educational agency will be given complete discretion (subject to the provisions of section 807) in determining how the funds it receives from appropriations made under section 801(a) will be divided among the various programs described in section 821;

"(6) provides for the adoption of effective procedures (A) for an evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects supported under the State plan, (B) for the appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through innovative programs supported under part C;

"(7) provides that local educational agencies applying for funds under any or all programs authorized by this title shall be required to submit only one application for such funds for any one fiscal year for all of the funds so applied for;

"(8) provides—

"(A) that, of the funds the State receives under section 801 for the first fiscal year for which such funds are available, it will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 831(a)(3), or (ii) the amount it received for the fiscal year ending June 30, 1973, for administration of the programs referred to in sections 821(b) and 831(b), and that the remainder of such funds shall be made available to local educational agencies to be used for the purposes of parts B and C; and that, of the funds the State receives under section 801 for fiscal years thereafter, it will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 831(a)(3), or (ii) $225,000, and that the remainder of such funds shall be made available to local educational agencies to be used for purposes of parts B and C,

"(B) that not less than 15 per centum of the amount received pursuant to section 801(b) in any fiscal year (not including any amount used for purposes of section 831(a)(3)) shall be used for special programs or projects for the education of children with specific learning disabilities and handicapped children, and

"(C) that not more than the greater of (i) 15 per centum of the amount which such State receives pursuant to section 801(b) in any fiscal year, or (ii) the amount available by appropriation to such State in the fiscal year ending June 30, 1973, for purposes covered by section 831(a)(3), shall be used for purposes of section 831(a)(3) (strengthening State and local educational agencies);

"(9) provides assurances that in the case of any project for the repair, remodeling, or construction of facilities, that the facilities shall be accessible to and usable by handicapped persons, and that the requirements of section 433 of the General Education Provisions Act (relating to labor standards) shall be complied with on all such projects;

"(10) provides that final action with respect to the application of any local educational agency or agencies for assistance under this title shall not be taken without first affording such agency or agencies reasonable notice and opportunity for a hearing;

"(11) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with regulations of the Commissioner) that would, in the absence of Federal funds, be made by the applicant for educational purposes, and (C) are subject to such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for them;

"(12) gives satisfactory assurance that the aggregate amount to be expended by the State and its local educational agencies from funds derived from non-Federal sources for programs described in section 821(a) for a fiscal year will not be less than the amount so expended for the preceding fiscal year; and

"(13) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the effectiveness of programs and projects funded under this title, and for keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness of such reports.

"(b)(1) The State advisory council, established pursuant to subsection (a), shall—

"(A) be appointed by the State educational agency or as otherwise provided by State law and be broadly representative of the cultural and educational resources of the State (as defined in section 832) and of the public, including persons representative of—

"(i) public and private elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantage, and limited English-speaking ability or because they are gifted or talented, and of professional competence in guidance and counseling;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under this title;

"(C) evaluate all programs and projects funded under this title; and

"(D) prepare at least annually and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner.

"(2) Not less than ninety days prior to the beginning of any fiscal year which begins after June 30, 1974, or thirty days after the enactment of the Elementary and Secondary Education Amendments of 1974, whichever occurs later, in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of (including the name of the person designated as Chairman), its State advisory council to the Commissioner.

"(3) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and establish the time, place, and manner of its future meetings, except that such council shall have not less than one public meeting each year at which the public is given an opportunity to express views concerning the administration and operation of this title.

"(4) State advisory councils shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for these purposes are made available to each council from funds available for administration of the State plan.

"(c) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsections (a) and (b).

"ADMINISTRATION OF STATE PLANS

"SEC. 804. (a) The Commissioner shall not fully disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State educational agency, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 803, or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provisions,

the Commissioner shall notify such State educational agency that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"SEC. 805. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 803 or with his final action under section 804(b), such State may, within sixty days after notice of such action,

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

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

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

"PAYMENTS TO STATES

"SEC. 806. From the amounts allotted to each State under section 802 for carrying out the programs authorized by parts B and C, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan (after withholding any amount necessary pursuant to section 807(f)). Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

"SEC. 807. (a) To the extent consistent with the number of children in the school district of a local educational agency (which is a recipient of funds under this title or which serves the area in which a program or project funded under this title is located) who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the repair, minor remodeling, or construction of public school facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

"(b) Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to those for programs for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors (pursuant to criteria supplied by the Commissioner) which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance areas, or grade and age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c)(1) The control of funds provided under this title and title to materials, equipment, and property repaired, remodeled, or constructed therewith shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

"(d) If a State is prohibited by law from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, he shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(f) When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allotment of the State under this title.

"PART B—LIBRARIES AND LEARNING RESOURCES

"PROGRAMS AUTHORIZED

"SEC. 821. (a) The Commissioner shall carry out a program for making grants to the State (pursuant to State plans approved under section 803)—

"(1) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools;

"(2) for the acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, or reading in public and private elementary and secondary schools, or both, and of testgrading equipment for use in such schools, and such equipment may, if there exists a critical need therefor in the judgment of the local educational agency, be used when available and suitable in providing education in other subject matter taught in the public schools, and for minor remodeling of laboratory or other space used by the public schools for such materials or equipment; and

"(3) for (A) a program of testing students in the elementary and secondary schools, (B) programs of counseling and guidance services for students at the appropriate levels in elementary and secondary schools designed (i) to advise students of courses of study best suited to their ability, aptitude, and skills, (ii) to advise students in their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (iii) to encourage students to complete their secondary school education, take the necessary courses for admission to postsecondary institutions suitable for their occupational or academic needs, and enter such institutions, and such programs may include short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, and (C) programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools.

"(b) It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by titles II and so much of title III as relates to testing, counseling, and guidance, of the Elementary and Secondary Education Act of 1965, and title III (except for section 305 thereof) of the National Defense Education Act of 1958, and funds appropriated to carry out this part must be used only for the same purposes and for the funding of the same types of programs authorized under those provisions.

"PART C—EDUCATIONAL INNOVATION AND SUPPORT

"PROGRAMS AUTHORIZED

"SEC. 831. (a) The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under section 803)—

"(1) for supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services (including preschool education, special education, compensatory education, vocational education, education of gifted and talented children, and dual enrollment programs) not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school programs (including the remodeling, lease, or construction of necessary facilities) to serve as models for regular school programs;

"(2) for the support of demonstration projects by local educational agencies or private educational organizations designed to improve nutrition and health services in public and private elementary and secondary schools serving areas with high concentrations of children from low-income families and such projects may include payment of the cost of (A) coordinating nutrition and health service resources in the areas to be served by a project, (B) providing supplemental health, mental health, nutritional, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (C) nutrition and health programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (D) the evaluation of projects assisted with respect to their effectiveness in improving school nutrition and health services for such children;

"(3) for strengthening the leadership resources of State and local educational agencies, and for assisting those agencies in the establishment and improvement of programs to identify and meet educational needs of States and of local school districts; and

"(4) for making arrangements with local educational agencies for the carrying out by such agencies in schools which (A) are located in urban or rural areas, (B) have a high percentage of children from low-income families, and (C) have a high percentage of such children who do not complete their secondary school education, of demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of such children who do not complete their secondary school education.

"(b) It is the purpose of this part to combine within a single authorization, subject

to the modifications imposed by the provisions and requirements of this title, the programs authorized by title III (except for programs of testing, counseling, and guidance) and title V, and sections 807 and 808 of the Elementary and Secondary Education Act of 1965, and funds appropriated to carry out this part must be used only for the same purposes and for the funding of the same types of programs authorized under those provisions.

"UTILIZATION OF RESOURCES

"SEC. 832. Programs or projects supported pursuant to this part (other than those described in section 831(a)(3)) shall involve in the planning and carrying out thereof the participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, local educational agencies, private nonprofit elementary and secondary schools, institutions of higher education, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources."

(b)(1) Sections 305(d) and 306 of the Act shall not apply with respect to programs and projects initially approved during any year for which funds are available for obligation by the Commissioner for carrying out title VIII of the Act (as redesignated by subsection (a)).

(2) The amendments made by this section shall not apply with respect to programs and projects initially approved during any year for which funds are not available for obligation by the Commissioner for carrying out title VIII of the Act (as redesignated by subsection (a)).

EXTENSION OF EXISTING LAW AFFECTED BY CONSOLIDATION

SEC. 202. (a) Section 201(b) of the Act is amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out title VIII".

(b)(1) The first and second sentences of section 301(b) of the Act are each amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out title VIII".

(2) The third sentence of section 302(a)(1) of the Act is amended by striking out "for each fiscal year ending prior to July 1, 1973,".

(3) The first sentence of section 305(c) of the Act is amended by striking out "1973" and inserting in lieu thereof "1977".

(c)(1) Section 501(b) of the Act is amended by inserting before the period at the end thereof the following: "and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out title VIII".

(2) Section 521(b) of the Act is amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out title VIII".

(3) Section 531(b) of the Act is amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out title VIII".

(d) Section 1007(c) of the Act (as redesignated by section 201 of this Act) is amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out title VIII".

(e) Section 1008(d) of the Act (as redesignated by section 201 of this Act) is amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years, except that no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out title VIII".

(f) Section 301 of the National Defense Education Act of 1958 is amended by striking out "1975" both times it appears and inserting "1977" in lieu thereof, by striking out "for the fiscal year ending" after $130,500,000" in the first sentence, and by inserting in lieu thereof "for each of the fiscal years ending prior to", and by adding at the end thereof the following new sentence: "Notwithstanding the preceding two sentences, no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out title VIII of the Elementary and Secondary Education Act of 1965."

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. PERKINS TO THE COMMITTEE SUBSTITUTE

Mr. PERKINS. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. PERKINS to the committee substitute: Page 81 line 18, insert "(1)" after "(a)".

Page 81, after line 24, insert the following:

(2) The third sentence of section 202(a)(1) of the Act is amended by striking out "for the fiscal year ending June 30, 1968, and each of the succeeding fiscal years ending prior to July 1, 1973,".

Mr. PERKINS. Mr. Chairman, this amendment will just take 1 minute. This is to correct an error, an omission by the Printing Office of the setaside of funds under title II of the Elementary and Secondary Education Act for the Bureau of Indian Affairs. The committee certainly intended to have this setaside included and this amendment corrects a clerical error omitting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS) to the committee substitute.

The amendment to the committee substitute was agreed to.

The CHAIRMAN. Are there further amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—AMENDMENT AND EXTENSION OF PROGRAMS OF ASSISTANCE TO FEDERALLY IMPACTED SCHOOL DISTRICTS

EXTENSION OF PROGRAMS

SEC. 301. (a) Sections 2(a), 3(b), 4(a), and 7(a)(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are amended by striking out "1973" each time it appears and inserting in lieu thereof "1975". Section 413(c) of the General Education Provisions Act shall not apply to the authorization for appropriations under such sections for the fiscal year ending June 30, 1975.

(b)(1) Sections 3 and 16(a)(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), are amended by striking out "1973" and inserting in lieu thereof "1975". Section 413(c) of the General Education Provisions Act shall not apply to the authorization for appropriations under such sections for the fiscal year ending June 30, 1975.

(2) Section 15(15) of such Act of September 23, 1950 is amended by striking out "1968–1969" and inserting in lieu thereof "1969–1970".

COUNTING ALL CHILDREN LIVING ON FEDERAL PROPERTY

SEC. 302. (a) Section 3(a) of such Act of September 30, 1950, is amended by striking out "and (1) did so with a parent employed on Federal property situated in whole or in part in the same State as the school district of such agency or situated within reasonable commuting distance from the school district of such agency, or (2) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code)" and inserting in lieu thereof the following: "(other than children living on Federal property described in section 403(1)(C))".

(b) Section 3(b) of such Act is amended by striking out "resided on Federal property, or (2)" and by striking out "(3)" and inserting "(2)" in lieu thereof.

(c) Section 5(a)(1) of such Act of September 23, 1950, is amended by striking out "(A) who so resided with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district), or (B) who had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949),".

(d) Section 5(a)(2) of such Act is amended by striking out "residing on Federal property, or (B)".

COUNTING HANDICAPPED CHILDREN

SEC. 303. Section 3 of such Act of September 30, 1950, is amended by redesignating subsections (c), (d), and (e) (and all references thereto) as subsections (d), (e), and (f), respectively, and by inserting a new subsection as follows:

"(c)(1) In determining the number of children counted under subsections (a) and (b) for the purpose of computing the amount to which a local educational system is entitled for any fiscal year (but not for the purpose of determining eligibility under paragraph (2) of subsection (d)) the Commissioner shall count as 1½ children any child counted under such subsections who is a handicapped child as defined by section 602(1) of the Education of the Handicapped Act or who is a child with specific learning disabilities as defined by section 602(15) of such Act, and for whom such local educational agency is providing a program designed to meet the special educational and related needs of such children.

"(2) The Commissioner shall by regulation establish criteria for assuring that programs (including preschool programs) provided by local educational agencies for chil-

dren counted pursuant to paragraph (1) are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and in the implementation of such regulations the Commissioner shall consult with persons in charge of special education programs for handicapped children in the education agency of the State in which such local educational agency is located."

ADJUSTMENTS FOR REDUCTION IN STATE AID

SEC. 304. (a) Section 5(d)(2) of such Act of September 30, 1950, is amended by striking out "No" and inserting in lieu thereof "Except as provided in paragraph (3), no".

(b) Section 5(d) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding paragraph (2) of this subsection, payments under this title to local educational agencies in any State may be considered as local resources of such agencies in computations under a State equalization formula for State aid to local educational agencies if, as determined by the Secretary, such formula provides appropriate recognition of the relative tax resources per child to be educated which are available to the local educational agencies."

COUNTING OF CERTAIN INDIAN CHILDREN

SEC. 305. (a) Effective from July 1, 1973, section 403(1) of such Act of September 30, 1950, is amended by adding at the end thereof the following: "Real property which qualifies as Federal property under clause (A) of this paragraph shall not lose such qualification because it is used for a low-rent housing project.".

(b) Effective from July 1, 1973, clause (A) of section 5(c)(1) of such Act of September 30, 1950, is amended by inserting after "Economic Opportunity Act of 1964" the following: "(other than any such property which is Federal property described in section 403(1)(A))".

EFFECTIVE DATE

SEC. 306. Except as provided in section 305, the amendments made by this title shall become effective July 1, 1974, except that for purposes of computing payments under such Act of September 15, 1950, for periods after June 30, 1974, such amendments shall be deemed to have been in effect since June 30, 1972.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENTS OFFERED BY MRS. MINK TO THE COMMITTEE SUBSTITUTE

Mrs. MINK. Mr. Chairman, I offer amendments to the committee substitute.

The Clerk read as follows:

Amendments offered by Mrs. MINK to the committee substitute: On page 84, line 14, strike out "1975" and insert in lieu thereof "1977". On page 84, strike out lines 14 through 16 beginning with the word "Section" on line 14.

On page 84, line 20, strike out "1975" and insert in lieu thereof "1977". On page 84, strike out lines 20 through 23 beginning with the word "Section" on line 20.

Mrs. MINK. Mr. Chairman, I ask unanimous consent that all the amendments as read be considered en bloc, since they refer to a single subject.

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

There was no objection.

Mrs. MINK. Mr. Chairman, the amendments which I have offered simply will conform the expiration date of the two programs which are commonly referred to as the impact aid programs to the rest of the bill. Under the bill as recommended by the committee, both the operational, Public Law 874, and the construction program, Public Law 815, were extended only for 1 year; that is, it would go to the end of fiscal year 1975.

The balance of the legislation, which deals with a number of other substantive acts in addition to the Elementary and Secondary Education Act, the original Public Law 89–10, are all extended to the end of fiscal year 1977. It would appear to me that the orderly consideration of not only impact aid but all the other matters attendant thereto should be treated in connection with further discussions with regard to the Elementary and Secondary Education Act. I would hope that the House would concur with my amendments, which would permit these laws, 874 and 815, to continue until the fiscal year 1977.

One further provision which my amendments would delete from the bill relates to the automatic extension provision, which has been made applicable in this legislation to all other parts which are affected by this bill, except for impact aid, 874 and 815.

Therefore, my amendments would delete the last sentences of both paragraphs 301(a) and 301(b)(1).

The impact aid program has been criticized often by Members of this body as well as by the administration and persons on the Committee on Education and Labor. It is not my intention by requesting that this legislation be extended to 1977 that we totally discount the necessity for further review, but I submit to this House that if we are under the gun, having only a 1-year extension, substantive detailed analysis such as I have myself recommended to the Committee on Education and Labor could not be pursued.

One of the recommendations I made entailed the necessity of the department gathering information which they did not have available, relating to only civilian "B" children who do not live on base but whose parents work for the military. My new formula required an accurate headcount of these children in order to understand the effect of the change I proposed. So, it seems to me that in order for the Committee on Education and Labor to pursue the entire question of bringing equity to some of the areas of impact aid, we will need to have adequate time to consider in depth all suggested changes and therefore these programs should be extended to 1977.

So I would urge the House to agree to my amendments, with the assurance that even the author of the amendments would be most willing and anxious to pursue the study that is implicit in the recommendations of the committee and follow through very carefully some of the suggestions which I have made earlier to the Subcommittee on Education.

Mr. BELL. Mr. Chairman, I rise in opposition to the amendments offered by the gentlewoman from Hawaii. I support without reservation the 1-year extension of impact aid that is contained in the committee bill.

Two years ago a court case in California entitled Serrano against Priest brought to the attention of the Nation the vast inequities that exist in the financing of our public schools. As a result of that case, the California Supreme Court ruled that the education of a child under the State constitution cannot be linked to the wealth of the school district where that child lives. As a result of that case and similar cases in Minnesota, New Jersey, and elsewhere, the State laws which govern the financing of schools have undergone rapid change. That change alone and the effects impact aid have on those changes is a sufficient reason to force our committee to continue its examination of this program in the next year.

Second, as a result of a number of letters sent to the Comptroller General, the General Accounting Office is undertaking a full-scale audit of the impact aid program in an effort to see if abuses do exist and to determine what effect Federal impact has on a given community. The results of that audit will be available by late December 1974. If we extend this program through 1977, then the results of the fine work which GAO is doing will be old and stale by the time the law again comes before us for revision. I might add that the request for the GAO audit was initiated by Democrats and Republicans alike, including Chairman PERKINS and Representative MEEDS.

Finally, I should note that those who fear that a full-scale review of the program will lead to its destruction are raising a fear that I feel is groundless. During subcommittee deliberations on H.R. 69, we became convinced that the payment rate for A students should be doubled and made that recommendation to the full committee. The committee decided to defer any changes and instead decided to seek a 1-year extension which will guarantee that all elements of the program will be reviewed. It is interesting to note that under the amendments accepted by the subcommittee the most heavily impacted school districts in the Nation would have received substantially more money.

In concluding, Mr. Chairman, I ask Members to vote against the Mink amendments in the interests of fairness and of sound educational policy.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendments offered by the gentlewoman from Hawaii (Mrs. MINK). I do so reluctantly, and I do so not because I do not believe the impact aid program is not a good program. Indeed, I think it is a good program. I think it is an essential program.

However, there are at present inequities in the impact aid program, inequities which, if not cured, may result in our losing the entire program. There are instances where the Federal Government is not paying its fair share toward the education of federally impacted children.

There are school districts in this country where we are not even paying one-half of what it actually costs to educate children in heavily impacted districts where the parents of those children live on military bases and where they buy their food in ship stores or PX's and they do not pay any real estate tax or any sales tax and, because they are in the military, they are exempt in those States from income tax. Not one of the portions of the funding which should go into the payment of taxes for schools in those areas is being paid by the parents of those children. I think the Federal Government is far from meeting its obligation to the children and to the educational systems where that prevails, and it prevails in a number of places in the United States. We need to be paying more money in those instances.

There are other instances where the Federal Government is paying money where we ought not to be paying it. We ought not to be paying money in those instances because the school districts which are receiving those funds are not in any way impacted because the parents of the children in those districts are paying all of the costs of education.

A typical example is Montgomery County, Md.—the students go to school in Montgomery County and the parent works for the Federal Government in Washington, D.C. The parent pays real estate taxes in Montgomery County and pays sales taxes in Montgomery County and pays income taxes in the State of Maryland. In that instance that parent is paying all of the costs of education in the State of Maryland, and yet because that parent is working in Washington, D.C., those children are being compensated for half the cost of education in comparable districts. In other words, these are "B-out children."

Montgomery County is not the only instance. While I have used this as an illustration, there are numerous instances of this type of thing across the United States where school districts are receiving funds for children's presence when they ought not to be doing this sort of thing. I do not mean to point the accusing finger just at Montgomery County, because there are many instances where this is happening. In all probability, somewhere in the area of over $200 million is being paid in various school districts where it ought not to be paid.

The defense is made that we get good funding of, in effect, general aid to education in these districts. If that is what we want to do, let us do it straightaway and call it what it is instead of leaving ourselves subject to the charge by the administration and by every other critic of the impact aid program. Let us not leave ourselves subject to the charge that funds are being paid when they ought not to be. Let us make this program work and pay what we should pay in those instances of aid to children, and thereafter let us not pay when we should not be paying in the instances of B-out children.

Mr. ROUSSELOT. Will the gentleman yield to me?

Mr. MEEDS. I am delighted to yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

I could not agree more with my colleague that we need to discontinue impacted aid where it is no longer justified. However, it is still difficult to answer the complaint by school administrators that constantly occurs where Federal installations and other Federal activities have a decisive impact on a school district pupil population and the school district is not able to recover the costs through property taxes.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. ROUSSELOT, Mr. MEEDS was allowed to proceed for 1 additional minute.)

Mr. ROUSSELOT. Mr. Chairman, I might say that it becomes extremely difficult to answer the charge when the school district is trying to be responsible, and they cannot recoup through the property tax, how do we answer?

Mr. MEEDS. In no instance does a B-out child, a nonmilitary, B-out child impact the district in the instance that I pointed out because they live in one district where they go to school, and yet the military installation or the Federal installation is located in another area. The withdrawal of the property tax in that instance is really one that occurs in the area where they work, and not in the area where they live, and yet the money is going where they live. That is the answer to that.

One cannot contend that the impact is occurring at some Federal installation in Washington when the people live in Montgomery County.

Mr. ROUSSELOT. I understand the point the gentleman has made, but I still do not believe we have adequately answered the problem that does exist, for many school districts who try to operate responsibly but are not able to recoup for all category B students that create an undue burden on that school district.

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

Mr. MEEDS. I am happy to yield to the gentleman from Washington, who has a number of impact aid children in his district.

Mr. HICKS. Mr. Chairman, many school districts all across our Nation could be faced with severe financial problems—should we refuse to extend Federal impact aid to schools serving areas heavily populated with Federal employees—both civilian and military. More than 420 Members on this floor today receive some impact aid money in their respective districts.

With this in mind, I would like to add my support to the amendments introduced by Congresswoman PATSY MINK of Hawaii that would extend Federal impact aid to these areas—not for 1 year as proposed—but for 3 years.

To extend impact aid only 1 year under the guise of "studying the program for possible revisions," is like holding a gun to its head and saying "change or else." That is hardly a fair trial for a program which has stood the test of time.

Kitsap County, in my district, is one of the most dramatic examples of the need for a strong partnership between the Federal Government and the local school district through impact aid. I am sure many of my colleagues can point to similar situations.

Already heavily impacted by Federal activity—including the Puget Sound Naval Shipyard in Bremerton, the Keyport Torpedo Station and the Bangor Annex—Kitsap County has also been selected as the home of the new Trident Submarine Base. It is a selection we are all proud of, but with the base will come many problems which must be tackled immediately.

For example, the environmental impact statement for the Trident project, released last week, indicates that the county school systems are in for an even greater influx of children from families of Federal employees. According to the report, Kitsap County can expect an increase of some 5,000 students by 1984—all directly attributable to the Trident base. This represents a 20-percent enrollment jump in federally connected pupils alone, without even considering natural growth by non-Federal families.

As you know, this figure becoms even more significant in light of the fact that our schools depend heavily on local property taxes for support. And, with a low assessed valuation per pupil because of extensive Federal property holdings in Kitsap County, these taxes have risen 73 percent since 1969. That followed a previous 3-year boost of almost 70 percent.

It is obvious that the people of this area are bearing more than their fair share of local taxes. The Federal Government can no longer continue to shirk its responsibility.

Impact aid has proven itself through the years. For every so-called abuse of the program, I can show you a hundred communities, such as Kitsap County, that count on and need these funds.

Therefore, Mr. Chairman, today I would like to urge my colleagues to give their full support to the amendments of the gentlewoman from Hawaii (Mrs. MINK) to extend impact aid for 3 years. As a former schoolteacher, I feel we can do no less if we are sincere about maintaining quality education in the affected school districts.

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

Mr. Chairman, I rise in support of the amendments offered by the gentlewoman from Hawaii, providing for extending aid to federally impacted school districts for a full 3-year period.

While I recognize the reasons for opposition to impact aid by many Members, I ask those Members to look closely at the historical prospective and the current need for continuing Federal aid to local school districts housing Federal installations.

Impact aid was initiated as a program to relieve local school districts from the burden placed on their tax base as a result of the federally owned lands within the school districts. Federal lands are tax exempt, not only creating an untaxable block but also preventing any future growth and access to taxable lands.

We rely principally on the property tax as a source for funding education.

While this may not be the best method for providing funds for our schools—since there are inequities—it is, nonetheless, the method most commonly used.

Since the Federal Government owns lands tax free within many communities throughout our country, it is only just that the Federal Government assists in helping to fund the school systems in lieu of the untaxable Federal lands.

I do not mean to imply that the impact aid program could not stand on own merits if it were returned to us in a separate authorization next year. The probability of congressional consideration of such an authorization measure is slim. We are all aware of the enormous legislative tasks facing the House Education and Labor Committee. Impact aid programs have been discussed, debated, and researched thoroughly in the past. There is no need, therefore, at this time, for the committee to burden its heavy calendar with further consideration of the impact aid program.

By supporting the amendment before us, we will be insuring the preservation of impact aid to our school districts for 3 years—until the time when the committee will be coming forward with new proposals for aid to elementary and secondary schools. We will be eliminating the possibility of funding impact aid programs on the basis of a continuing resolution, the bain of a school administrator's existance, or the least favorable possibility of not funding the program at all, which would create havoc in many of the severely impacted school districts.

Accordingly, I urge my colleagues to join in this effort to support the extension of impact aid for the full 3 years as proposed by the gentlewoman from Hawaii so that we might insure the continuation of this program necessary to so many of our school districts.

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

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

Mr. PEYSER. I thank the gentleman for yielding.

I should like to compliment the gentleman from New York on his statement. I also should like to raise in support of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

My area of New York, which we discussed very well in the past day, has gained practically nothing out of this impact aid program. However, this is money for education, and there is little enough money going from this Congress to the areas of education throughout this country. I am therefore going to continue to support any program that is going to put money into education. There may be inequities in the impact aid; there may be things that should be straightened out; but, nevertheless, this is money that is helping children. It is helping education, and I strongly rise in support of it and urge my colleagues to join me.

Mr. GILMAN. I thank the gentleman from New York for his supporting remarks.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Mink amendments to H.R. 69, elementary and secondary education amendments of 1974, which will extend impact aid for 3 years through fiscal year 1977 and would delete provisions in the bill which excludes impact aid from the automatic 1-year extension under the General Education Provision Act. To limit impact aid programs for only 1 year while Congress reviews this program as currently provided for in H.R. 69 while all other programs are extended for 3 years, can only indicate a strong presumption that the misunderstandings about the true purpose of this program still persist. Almost every year since 1953 it has been necessary for me to join the majority of my colleagues in defending the impact aid program against active opposition, and I find the language of H.R. 69 in this respect extremely threatening, particularly since an expiration date has been established even before the review of these programs commenced.

Impact aid represents an acknowledgment on the part of Congress that the Federal Government has an obligation to the communities in which it operates just as any private industry would which operated in a similar manner. The impact aid program enables the Federal Government to pay part of the cost of educating children of employees who work or live on tax-free property. But even if we were able to obtain full funding of the program, which we have not for many years, they would still fall far short of meeting the full obligation the Federal Government, as an employer and property owner, would have to assume were it privately owned and operated.

Many districts have suffered great economic losses from Federal acquisition of land within their boundaries. In many other districts, Federal activities causing a large influx of population have created educational burdens which would financially prostrate these communities without Federal assistance. Many of these districts have not actively sought nor do they desire Federal projects established in their midst. In many instances, the Federal Government has merely taken real estate which it found desirable for its own purpose. The educational needs of the children in many of these affected districts arise from no fault of their own. These children were simply drawn into these districts by Federal activities with their educational needs necessarily absorbed by local communities. The nontaxable activities of the Federal Government carried out in these local communities should pay their fair share of operating the local schools.

Mr. Chairman, if a review of impact aid programs must be made, it should not be done under the threat of an expiration date, nor should we intentionally jeopardize the programs by extending it for such a short time, but rather the impact aid program should be extended for the same period of time as all the other programs covered in H.R. 69. In this way, any review undertaken can receive fair and impartial treatment with adequate time devoted by the Congress to assure that the Federal Government meets its obligation to the communities in which it operates. In this regard, I have recognized for some time that the misunderstanding and confusion surrounding impact aid programs with general aid to education must be eliminated once and for all and introduced H.R. 4505 on February 21, 1973, which spells out the obligation of the Federal Government for exactly what it is, a payment in lieu of taxes with respect to real property owned by the Federal Government. Our responsibility in this Congress is quite clear in that we must provide stability and not confusion, trust and not misunderstanding, to those communities which are victims of Federal impact, without the off-again, on-again threat of a loss of revenue by extending impact aid programs through fiscal year 1977 pending an overall review. I strongly urge that these amendments be adopted.

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

Mr. GILMAN. I yield to the gentleman from Colorado.

Mr. BROTZMAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment introduced by the gentlewoman from Hawaii. May I just say that in my district this approach to impact aid does a tremendous amount of good.

While I hear there may be some deficiencies in the formula, yet this is a payment in-lieu of the taxes that would be collected by a school district if the Federal property were not taken off the rolls, and I find that the payment does not fully compensate the school districts for that tax loss. Accordingly, I certainly support this particular amendment enthusiastically.

Mr. GILMAN. I thank the gentleman from Colorado for his remarks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRANE. Mr. Chairman, I rise in support of the amendments offered by our colleague from Hawaii to extend the authorization for impact aid from one to 3 years.

To extend this program at the present time for only 1 year would be an unjust threat to the many school districts which must, through no fault of their own, depend on impact aid moneys for their very survival.

But my support of these amendments does not indicate support of the impact aid program as it now exists. In fact, I believe it would be appropriate for the Education and Labor Committee to make a thorough review of this program in the coming year, as indicated in Committee Report No. 93–805.

I am sure the committee would find, as I have on numerous occasions in my own district this past year, that impact aid funds do not help the school systems they are designed to help, and the inequities of the program have resulted in increasing hostility toward the Federal Government.

I would like to mention three incidents, all somewhat related, which have dramatized the plight of local school sys-

tems under the current impact aid formulas.

In mid-1973, the Department of the Navy announced plans to construct 350 housing units of property once used as a Nike base in Vernon Township, Ill. The housing units are needed for Navy personnel stationed at Great Lakes Naval Base and Glenview Naval Air Station.

The Navy had estimated that the housing units would add as many as 700 students to the small school system serving the area. Although school officials and local residents would not mind the additional students, they did mind, in fact they were furious, that Federal funds under the impact aid program would not meet the added costs to educate these students.

Since the school district does not have any industry to bolster its tax base, two options would have been available to the local community: Either increase the local tax substantially to meet the added costs or lower the quality of the education offered the students.

Obviously, neither of these solutions were satisfactory to a school district that prided itself on the quality of its education, but also was at the limit as far as the taxes citizens could reasonably be expected to bear.

The result was an angry outpouring of citizen protest, directed primarily at the Navy, which did not necessarily deserve the ire of the community, but with an underlying resentment toward Washington, where decisions regarding impact aid are made.

In the face of this anger, the Navy reviewed its plan and decided to relocate the housing units, with a portion to be constructed at Great Lakes and a smaller portion to be located at Fort Sheridan, following an agreement reached by the Navy and the U.S. Army.

Although the problem was thus resolved for School District 103 in Vernon Township, the relocation of these housing units has caused exactly the same kind of problems for the school districts serving Fort Sheridan, which is in my district, and Great Lakes, which is not in my district.

At this point, I would like to include with my remarks a letter from Mr. Lester Harman, superintendent of North Chicago Community High School District 123, which serves Great Lakes, and a newspaper clipping to which he refers:

BOARD OF EDUCATION, NORTH CHICAGO COMMUNITY HIGH SCHOOL,
DISTRICT NO. 123,
North Chicago, Ill., January 8, 1974.

Representative PHILIP M. CRANE,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CRANE: I am enclosing an article which I believe makes the best case for impact aid that I have seen to date. Evidently, it was such that Federal housing was not the financial boon to the district so often argued by opponents of impact aid.

We think school districts should provide the services for these youngsters and also believe good educational opportunities for dependents will affect the holding power and the recruitment of high quality career military personnel.

The arithmetic used by the Lincolnshire-Prairie View District when applied to North Chicago High School District 123 shows that the local citizens pay $204.45 for each 3A student in this school. Under P.L. 874, we receive $1,070.44 per child in ADA and $227.11 from State Aid to meet a $1,502.00 per capita cost.

In addition to the above quoted figures, as I have pointed out before, we have received less than ten per cent of our building costs. Thirty per cent of our enrollment is made up of 3A students and another thirty per cent of 3B students.

The suggestion that the government property be placed on the tax roles as all other businesses would be most welcome and would eliminate all of the controversy over P.L. 874 and 815.

The enclosure takes advantage of arguments used by a community and a Congressman to halt housing before it occurs and not to support claims for funding after the students are present. I believe it makes the best argument for funding of P.L. 874 of 100 per cent for 3A students and the full 100 per cent of the 50 per cent originally allowed for 3B students.

The next few days are critical for impact aid schools. We in North Chicago need your help to see that we can offer quality education for all pupils in our district with Federal government assuming their full responsibility.

Sincerely,

LESTER J. HARMAN,
Superintendent.

SOME "NIKE" HOUSING RELOCATED

(By Bill Choyke)

Residents in the Half Day-Lincolnshire area have won at least half a battle with the U.S. Navy.

The office of U.S. Rep. Philip Crane, R-Arlington Heights, announced Thursday morning that the Secretary of Navy's office in Washington, D.C. has decided to relocate 210 of the 350 units proposed for the "Libertyville Nike" site in the Lincolnshire-Prairie View School District.

In making the announcement, Ed Murname, staff assistant to Crane, said a brief communication from the Pentagon only stated the shift and noted the bulk of the units will be targeted for Great Lakes Naval Base.

"Congressman Crane is delighted that at least the first step has been made," said Murname from his Washington office. "Hopefully now the Navy can find a location for the other 140 units."

The shift in plans by the Navy climaxes a five-week wait which followed a public session at which nearly 300 aroused, angry residents chastised Navy officials and attempted an eleventh hour blockade of the proposed housing project.

"In view of the concern and interests of a lot of the citizens the result are certainly gratifying," said school board president Frank Watt after learning of the latest development. "While it's not completely done yet, certainly this is an excellent step."

Watt praised Crane's concern and work through governmental channels. "He did a lot of work," said the school board president, "and certainly the present results are due to much of his work too."

School officials and residents became upset this fall when the Navy announced it would proceed with the project at the site, south of Rte. 60 near Vernon Hills. From 500 to 700 students were projected to be generated from the 350-unit development, planned for personnel from Great Lakes and Glenview Naval Air Station.

Murname said the message from Navy officials was the first received in several weeks and left unanswered any questions regarding the remaining 140 units and the specifics of the Great Lawes relocation.

"The (school) impact will certainly be a lot less and we can handle it a lot better," said Watt. "There will still be some impact. Surely the problem with us goes back to the original concept that the money is not guaranteed. With 500 kids or 200 kids, you simply don't have the guarantee that the money will be available."

The school's chief concern was that it now costs $1,100 a year to educate each of the 1,100 students in the district. Federal money for students living on military installations of ($600 each) and state aid of $298 each would leave the school district absorbing the additional $300 cost.

"What I'd like to see done is to put the government itself on a tax payment basis along the lines of other property taxes," said Watt. "They should be paying a proportionate share."

Watt, School Supt. James McCallum and citizen representative George Nicklaus met with U.S. Navy and U.S. Department of Health, Education and Welfare (HEW) representatives in Washington in mid-October in an attempt to convince the federal departments to either abandon the Nike site or help additionally with student costs.

Shortly after the session, Crane's office announced that a public hearing would be held but offered little hope that the plan would be overturned.

"It is very difficult to change the Navy's mind in this because they are so close to getting the project under way," said Murname in early November. "You just don't stop the project that close to initiation that easily."

I believe Mr. Harman's letter points out the problem which I have described.

The third incident involves the school district which serves Fort Sheridan and which now faces the same difficulty.

A press release from School District 111 describing this situation is included:

HIGHWOOD-HIGHLAND PARK
SCHOOL DISTRICT 111,
Highwood, Ill.

NEW FORT HOUSING MOVE THREATENS DISTRICT EDUCATIONAL STANDARDS

Discussion at a March 19 committee meeting of the Highwood-Highland Park District 111 School Board of Education centered on the impact of the proposed 140 four bedroom housing units to be built by the Navy at Ft. Sheridan. The Navy's move to construct the housing at the Fort came quickly and without notice after strong public opposition forced withdrawal of its original plan to build the units in Lincolnshire Prairie View District No. 103.

Board members pointed out that this housing project would generate 235 additional children to be educated in District 111 schools—an increase of 47% in the military enrollment. "The most immediate and serious problem," said Board President Steven Amdur, "is the impact this move would have on class size. It would result in the placing of children in every nook and cranny of our present buildings—an intolerable situation that could only lead to a lowering of the educational standards we have labored to build." Board members estimate the additional student influx would lead to class sizes well above the present average of 25.

Board President Amdur went on to say that he could see no way in which the District could benefit from the sudden addition of these students. "On the contrary, the project will impose a heavy financial burden on the District and penalize the students now in the District schools," said Amdur.

One alternative mentioned was to go to the people of the District for funds to build a new building, but Board member Armand Amidei said that would be "a heavy burden for the taxpayers and they should not be asked to build classrooms for students who have been suddenly forced upon the District by an arm of the Government." Board members agreed with Amidei that it would be unfair to ask the taxpayers to shoulder this

burden being imposed upon them by the Navy.

Board members expressed their displeasure with the Navy's "high-handed" attempt to make the entire project an accomplished fact before consulting with the School District. Donald Jenkins, District Superintendent, said "the Navy made the decision to build the 140 units, announced it would seek bids in April, and then came to the District to ask how it would affect the schools."

Terming the situation "grave," the Board has called an April 10 community meeting for residents to express their views on the matter. The community meeting will be held at 8:00 P.M. in the Margaret Sweeney Learning Center of the Oak Terrace School.

DONALD R. JENKINS,
Superintendent and Secretary,
Board of Education.

MARCH 21, 1974.

Mr. Chairman, the problems which local school officials in Illinois describe are certainly not unique to my district or to my State. It is, stated simply, unjust for the Federal Government to impose hardships on local communities—and the local taxpayers.

Contrast the situations which I have described in Illinois with the fact that the public school system in Fairfax County, Va., received $11,739,996 in fiscal year 1972 Public Law 81–874 funds, and Montgomery County, Md., received $6,289,767 in fiscal year 1972.

We who have temporary residences in either Fairfax or Montgomery counties may appreciate these blessings which are bestowed upon our schools but the fact remains that Federal employees in the Washington area are living on taxable property, they are paying taxes to their local schools and they are not really a burden to the local community. The truth is that Federal employees have provided the suburban Washington area with a thriving economy and the local school systems are considered among the finest in the Nation.

The inequities are obvious, Mr. Chairman. I believe it is essential for the Education and Labor Committee to review this situation and study the problems of impact aid away from the Washington area. Public hearings in adversely affected areas, the Illinois area included, could prove most informative to committee members. I hope the commitee will consider this request.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Chairman, ever since the popular Federal impact aid to education program was established, the executive branch has been trying to phase out the program and Congress has steadfastly said "No."

The impact aid program, authorized under Public Law 815 and Public Law 874, is by far the most effective general aid to education program operated by the Federal Government. Yet, today we have before us a bill, H.R. 69, which threatens its very existence. Its provisions would continue impact aid for 1 more year through fiscal 1975, while extending the life of all other Federal educational aid programs for 3 years, through fiscal 1977. Presumably, the reason for granting only a 1-year extension to impact aid is to cause Congress to make a serious study of the program's worthiness. I, for one, would welcome such an indepth study of impact aid and its effectiveness, for I have seen it work with great success in my own area of San Diego during these past 21 years and am confident that Congress in its final analysis will determine that it should be continued. However, such an important review should not be made under the threat of a 1-year death notice hanging over the impact aid program.

Therefore, I am pleased to join in support of the amendments offered by our colleague, the gentlewoman from Hawaii (Mrs. MINK), to extend the impact aid program through fiscal 1977 to correspond with the 3-year extension of other educational aid programs.

As I mentioned before, impact aid is extremely important to public schools in San Diego County where 43 of the county's 48 school districts receive some form of impact aid, ranging from funds for a few students to more than 50 percent of the enrollments.

San Diego City schools, representing our biggest district, have 25,200 impact-aid students for which they have been receiving between $5 and $6 million annually in impact aid funds. Yet, this support covers less than half of the $966 per pupil cost of education and would have to be made up by as much as a 30-cent local tax override should impact aid be allowed to die. The other alternative would be to cut programs drastically which would be like nailing the doors of our school houses shut not only in San Diego but all other areas where impact aid flows because of heavy concentrations of Federal activities.

We must not put these local educational systems into such a precarious situation. I strongly urge adoption of the Mink amendments.

Mr. BURGENER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by the gentlewoman from Hawaii.

Mr. Chairman, regardless of how many of us feel about impact aid, I think we would all like to see a permanent solution and I rise in favor of the amendment because I think the 3-year period offers a much greater chance for a permanent solution than does 1 year. I think that is really the issue here. Are our chances greater of achieving a long-range solution in 3 years or will we be back next year and the year after that and the year after that with another crisis situation each time in the event we reject this amendment?

In our counties, and my principal one, San Diego, this has had an immense impact on the children and on the taxpayers. There are approximately 20 percent of the children in the San Diego Unified School District totaling some 25,000 who are military connected, either under category A or category B, and yet only 6 percent of the total budget is provided by these funds. This illustrates the magnitude of the problem in some areas.

It is extremely difficult for a school district or its governing board to plan ahead. Perhaps 3 years is too long a period, but we do not have to wait 3 years to find the solution, although most certainly one year is too short.

I respectfully submit we would be better served by adopting this amendment than by rejecting it.

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

Mr. CRANE. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Hawaii (Mrs. MINK), to extend the renewal of impact aid programs for the Nation's school districts from 1 to 3 years.

It is only fair, since all other provisions of the Elementary and Secondary Education Act are extended for 3 more years under this bill, that impact aid be extended for a similar period. In doing so, we will be sparing local school districts the difficulties involved in trying to prepare a budget without knowing for sure how much aid they will be receiving during the next fiscal year.

For many of the school districts in the areas which I represent, this weighs very heavily. Harford County, Md., the home of Aberdeen Proving Ground and Edgewood Arsenal, is heavily impacted by the presence of the military and receives over $1.7 million in impact aid. In Cecil County, the school system receives more than $400,000 in impact aid. In southern Maryland, where Patuxent Naval Air Station and Indian Head Naval Ordnance Station are located, impact aid funds make up a large portion of school budgets. Charles County received $683,000 this year, St. Mary's County received $734,000, and Calvert County received $151,000 in impact aid assistance.

Surely, we should not subject school districts such as these to the impossible task of drawing up a yearly budget without knowing whether they will be hundreds of thousands or even millions of dollars short during the coming year.

I know there are many in the House, and I am among them, who would like to see a complete review of the utility and fairness of the manner in which impact aid funds are distributed. But while we make this review, we ought to do the school systems which depend upon these funds the courtesy of assuring that the aid will continue for a reasonable period in the meanwhile, to enable them to plan their budgets with a degree of certainty.

In behalf of the many citizens of my district whose children will be greatly affected by this act, I urge the Members to vote for the amendment extending impact aid for 3 years.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. BURGENER. I yield to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii.

I would like to suggest in some areas the matter needs further study. In my district we have an installation of some 25,000 acres, which acreage, would otherwise lie within three different school districts. The particular acreage, if not

Government-owned, would be extremely valuable as an industrial park and hence, a good tax producer. I find in my area the Army is leasing for a substantial return a large portion of that acreage to farmers who are growing crops and feeding cattle on it. I think in some areas we should think of a payment in lieu of taxes, perhaps in place of impact aid, where the Government is using the land as a moneymaker, rather than for an active and continuing military purpose.

I thank the gentleman for yielding.

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

Mr. Chairman, I may be one of the very few opposed to extending this program for 3 years and I am probably a voice crying out in the wilderness but I am going to say what I think anyway. I think a number of the Members are overlooking a number of important things. One is that any money that goes to some school district that is under an unfair formula is being taken away from some other school district and it may be a school district in the Members' districts, too. Most Members can point to a few school districts, the congressional district they represent, that are getting impact aid money but any time one receives some money under category B that should not be going to that school district, we must remember it is money that is coming from some other district.

I assume all Members now know there is not an unlimited amount of money for Federal aid to education. There is a limit. Whenever the budget comes up here year after year after year without money in it for category B, one way or another we squeeze the other programs to get the money for category B, so what we are doing is taking it out of title I of this same bill or title II or title VII or supplementary education or one of the other programs.

What should correct this program. During the past 7 or 8 years, we have been talking about correcting this program, but this committee just never gets around to doing it. The best way to get this program corrected and a more fair formula for only one year when the rest of the bill is for 3 years and then this program will not expire at the same time, and that will be the thing they can work on next year. I suggest if we are ever going to correct this program we had better keep it down to one year. I am amazed at the people who say we know it is not fair but let us give them three more years without change. The amendment gives impact aid the same expiration date as title I and when they come back in 3 years working on title I and with the same old impact program. I do not think this administration has not been right about many things, but when they are right about something we ought to stand with them. One thing they are right on is that category B contains an unfair formula and ought to be changed. I hope we stay with the 1 year in the bill.

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

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I compliment the gentleman on his statement and would like to associate myself with his remarks.

Mr. SMITH of Iowa. We have a class C that is even worse.

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

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I join with the gentleman in opposition to this amendment.

Three years is a long time. How much work can we do in a 3-year period of extension. The only way we will get cooperation is to go with a 1-year extension. Three more years means we will do as we did in this bill. We will put all the pieces together and put in another extension of aid and say there are inequities. I concur with the gentleman's statement and congratulate him.

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

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I would like to associate myself with his remarks. The gentleman did not mention this, but the GAO report comes up in December. That is another reason why we should not make the 3-year extension on the impact aid program. We should first study this report which will be available next December 1974 and then make our decision.

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

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I commend the gentleman for his statement in opposition to this amendment. I happen to represent part of a district which is receiving a considerable amount of funds under impact aid. Nevertheless, I do think it is important that we accept only a 1-year bill so that pressure remains on this House to correct the defects and inequities in the impact aid bill. I think that the only way any Member of Congress or member of a committee will grapple with this thorny subject is under the pressure of a 1-year life—a 1-year extension of the bill.

Mr. SMITH of Iowa. Mr. Chairman, I want to add this to those with school districts receiving money under category A; they had better watch out, because under the bill they are supposed to receive the same percentage of maximum authorization as category B. Category A has been held down to less than they deserve in order to get money for category B; so if you have an A category school district in your congressional district, they may be paying part of the bill for those who receive too much under the unfair formula in category B.

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

It is interesting to see the gentleman from Michigan and others who do not receive impact aid in their districts, as I do not under the present distribution of impact aid funds, joining here to talk about how we have to correct the program. A good many of us would be receiving impact aid funds that are very badly needed by our school districts, but for the fact that when the same tactics that are now before the House were being used in the past, nobody stood up to the people who were talking in the name of reform for reducing the program.

When we were impacted in the district I represent in the suburbs of Detroit by the tremendous influx of war workers during the war when this program was originally put into effect, the tremendous pressure that was put on the assessments of our school system was met at a time when this program made the difference between keeping the schools open or closing them down.

Over the years the distribution formula in this program has in the name of reform been watered down constantly from one category to another to the point where that kind of problem that is created by action of the Federal Government is no longer adequately reached. For instance, according to the 22d annual report of the commissioner of Education or the Administration of Public Laws 81–874 and 81–815, the average enrollment of federally connected children for the first 17 years of this program was approximately 15 percent of the total enrollment but Federal payments only 5 percent of the operating costs of the eligible districts. However, by fiscal year 1972 the average enrollment of federally connected students was about 10 percent while the percentage of the Federal contribution to the cost of educating these children dropped to 2.4 percent. We have not been able in several years to get the gentleman from Iowa who just preceded me in the well to support the funding of part C of this bill that would give to cities that are impacted by large numbers of people living in public housing some money to support the schools that have to absorb the impact of that new burden.

The gentleman acknowledged that there is a part C, but he did not tell us that as a Member of the Appropriations Committee he opposes the funding of part C in anything except a kind of a nominal sum.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORD. Mr. Chairman, I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, the gentleman is incorrect. I do not propose to fund it with a nominal sum.

Mr. FORD. How much does the gentleman propose to fund it with?

Mr. SMITH of Iowa. Zero. A nominal sum is too much because there is no difference in the educational needs of children of poor people who do not live in public housing and those who do.

Mr. FORD. Mr. Chairman, that is the position of a number of Members who come to us only in the name of making it equitable. That is the equitable way. It treats every district equally, because it takes everything away from all of them. There is no way we can argue about it, we would certainly be treating them equally, but if we are going to stand on the floor and tell the Members of this House that what we are doing is making it more equitable through reform, we are kidding ourselves—because that is not what we are doing.

There are three groups on the committee who voted to put this program in

the position it is in with a 1-year extension. There are those who, like myself, are bothered by the fact that the committee has not had hearings addressed to the impact aid program alone since 1966. I am confident as a member of the subcommittee that the gentleman's promise will be kept and we will be holding hearings and we will get time, if the program is extended for 3 years like all the other programs in the bill.

There are many people on the committee who genuinely want to correct a situation such as the one which exists in Montgomery County, Maryland, which is constantly brought up to embarrass this program, but at the same time there are gentlemen sitting over here, smiling with canary feathers on their chins, who are happy to join with the reformers to put the impact aid program in a position where it is a straggler and move to slaughter this program, piece by piece.

The one thing about this program which puts it head and shoulders above all others is that the formula has never been attacked on the basis of real reasons. Members have been here in the last 2 days speaking of people being unable to understand it. The impact aid program has two virtues which none of our other programs are able to reach. One is that the formula is equitable and easy to understand for the administrators who have to work with it. Two, it in fact puts money in the schools where the kids are in the year they are there, and spends the money on them when they are in school and only if they are attending school.

Mr. Chairman, try to find those two characteristics across the board in all the other programs. These people who are talking about improving the formula are talking about improving it out of existence.

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

Mr. Chairman, I rise in opposition to the Mink amendment. For many years we have been hearing that we should not just extend this act; we ought to change it. Those who support impact aid say that when we come to the appropriations, why do we not correct the inequities, because all of us agree that there are some parts of impact aid that are justified?

It is interesting to hear Members come down here and plead for extension of category A when that is permanent law. That is not involved here at all, so all those Members who are making speeches in order that category A may continue can save their breath. They do not have to make speeches about that. That is already extended permanently.

What we are talking about is category B. Category B needs to be corrected. I think there are some parts of category B which we can justify, but certainly not all of it, and especially what we call the "B outs." There is no loss of local tax funds if a person lives in a district but works in a Federal job located outside the district.

Someone mentioned that we ought to have a payment in lieu of taxes. How could there be a payment in lieu of taxes to assist a school district if none of the Federal installation is in that school district? They are not being hurt at all. If anyone in any school district works for some industry such as IBM or General Electric or what have you, and that establishment is not in the school district, they say "Oh, we do not want those people to live there; they are an impact on us."

No. It seems to me we find communities wanting individuals to live in their communities, and that is really what a Federal installation provides. When we try to close a Federal installation, do we hear people say, "We are glad to see them go, because they are such an impact on us"?

No. They are out doing everything they can to keep that installation there.

Now, what I think we should do is put our ideas to the test. All the advocates of impact aid have admitted there are some inequities in it. So we have said to them that we will extend the law for a year.

We say to them, "You do not have any pressure this year about getting the appropriation, but come on in and sit down with us in the committee during this coming fiscal year, and work out the amendments on which there is agreement."

Does anybody have any concern that impact aid which is justified will not be continued? Why, just look at these votes throughout the years. We even continue impact aid that is not justified. So we should not have any fear at all on that score.

I do not know why there are school superintendents who are sitting back there so worried. One of the reasons why they are worried is because the appropriations have been held up because there is disagreement on whether "A" should be fully funded, and if it is not cut back and fully funded, will some portion of that come from "B"?

We can eliminate that if in this next year we work out details as to what is justified and what is not justified, and write the language accordingly. Unless we do, we run the risk of phasing it out. So we would not be hit in one year with a sudden reduction of money.

We should take some time in order to reduce it. As the gentleman from Iowa indicated, under current law we are really taking the money from somebody else. They should use the money where it is needed in other parts of the country. They should only use the money which they are justified in having and let the money belonging to somebody else go to some other kids and educate them.

Mr. Chairman, I think that is what the whole argument is about here. I do not see at all why we should not be permitted to extend the act for 1 year.

Now, the committee, as the Members have noticed, did not extend title I of the act for the full period of time, as provided in the rest of the act. We limited that to 3 years, because we felt in that period of time that we could make a correction if it was needed.

However, in title I we did make a correction from the old law. We went through that yesterday. We recognized by overwhelming votes that the old law under which we are operating now is inequitable, and we made some changes. They were not the complete changes, to the point where I think we ought to have gone, but we made some changes that we can live with in the next 3 years. At the end of that time we are going to make further change.

So, Mr. Chairman, I urge that the Members who are strongly supporting continuation of impact aid permit this kind of pressure to be put on in order that those who strongly advocate it will come in and work with us in adopting amendments that will enable us to make this a program that we can all justify rather than one that is filled with inequities.

Mr. ANDREWS of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the distinguished gentlewoman.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii. I would like to make several points to explain my support.

First of all, we have heard a number of Members say there is really no reason to extend impact aid for 3 years. I think when we say that, we are forgetting about the tremendous difficulties our school administrators are faced with from year to year as they try to plan without knowing whether certain funds will be available. How can they plan without knowing whether an impact program will be refunded? Planning is so critical to education and we impair it by going on a year-to-year basis.

We are not taking into account administrators' needs, and we are looking at this bill only from our own narrow interests. We should look at Federal aid from the viewpoint of the people who will be implementing educational programs and working with these programs.

So I think the program is very, very essential, insofar as planning is concerned.

Second, we have heard a lot about instances where impact funds are misused. This is not true with regard to all or even most impact aid money. Impact aid is not unique among Federal programs. For many are abused by some. But when we find a very small portion of the impact aid money misused or Federal funds in other programs misused we should not throw out the entire program but correct the imperfections.

The committee should have oversight hearings and make administrative changes in the program. Voting for a 3-year extension does not prevent the committee from doing this.

Finally, I think we should talk about the benign neglect of funding in subsection (c). Those of us in the city who have large public housing areas that contribute no property taxes also have an impacted area that has been neglected for a long time. Our urban property owners are bearing more than their fair share of taxes because of the lack of funding in subsection (c).

This amendment deals with two of the most beneficial and far-reaching of our elementary and secondary school programs. Public Law 874 moneys reach nearly 5,000 school districts enrolling more than 2 million students. The rec-

ord of accomplishments under Public Law 815—the construction program—is equally impressive. From 1951 to 1972 76,000 classrooms and other school facilities benefiting over 2,200,000 pupils, have been provided through Public Law 815.

The impacted aid programs are among the oldest Federal elementary and secondary school programs and congressional debates over the last 25 years clearly demonstrate not only the absolute need for these programs but also their proven effectiveness. There is no necessity, therefore, for me to further justify the extension of these programs—the record speaks for itself.

What is of concern to me, however—and I know it concerns many of my colleagues—is the uncertainties which have plagued these programs in recent years. Annual appropriations battles delays in funding and short authorization periods obviously have had adverse results. We all know of the great troubles brought about at State and local levels when appropriations and authorizations are tardy. And we know from our school people that one of the great goals is to achieve continuity and stability for Federal education programs—which leads in turn to more thorough planning and careful management of the Federal investment.

The committee bill, in that it extends the impacted aid programs for only 1 year, adds to the uncertainty rather than contributing to stability. I stand with my local school people who desperately want assurances of stability with respect to these programs. And I recognize that the gentlelady's amendment providing a 3-year extension of the programs, rather than a 1-year extension, offers an opportunity for this House to take the appropriate action which will provide this needed stability and reassurance.

Mr. Chairman, it seems to me that anyone who is at all interested in seeing more effective utilization, implementation and administration of Federal education programs, will support this amendment. To do otherwise will surely perpetuate and probably heighten the uncertainties and instabilities that we are all trying to avoid.

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

Mr. Chairman, my first question to someone conversant with this bill is the 3-year cost of this gravy train? I think we ought to have some information as to what you are proposing to do with the taxpayers' money.

Mr. BELL. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BELL. It is $16 billion.

Mr. GROSS. How much?

Mr. BELL. $16 billion.

Mr. GROSS. The 3-year cost?

Mr. BELL. Over a 3-year period.

Mr. GROSS. Again, how many billions of dollars?

Mr. BELL. $16 billion. Are you talking about just impacted aid? Is that correct?

Mr. GROSS. Yes. I am talking about just that. What else are we discussing right now? Well, perhaps a little later you will be able to come up with a figure, but it is rather strange that we do not know the 3-year cost of this handout.

Mr. BELL. I am sorry. There is a little confusion. It is $1.3 billion for 1 year.

Mr. GROSS. How much?

Mr. BELL. $1.3 billion for 1 year authorization.

Mr. GROSS. Then, the figure for 3 years would be about $4 billion. Is that right?

Mr. BELL. That is right.

Mr. GROSS. $4 b-i-l-l-i-o-n. Well, that ought to shock everyone. Who in the House today can tell me what the financial situation of this country will be 3 years from now, or the second year, or even next year? Can anybody tell me what the dollar will be worth and whether there will be a depression or a recession? Can somebody tell me? You are projecting $4 billion to operate this gravy train for the next 3 years, yet you do not have the slightest knowledge with what the country will be confronted, for example, in 6 months much less next year or the year after that or the third year.

I agree with my colleague from Iowa (Mr. SMITH) that this ought to be extended for only 1 year, and I will go further to say that then it ought to be killed out of hand.

As I understand it, there is a school district at a base in Missouri that has been closed for years, and impacted school aid is still being handed out.

Mr. FORD. That is impossible.

Mr. GROSS. Did the gentleman wish to respond to that?

Mr. FORD. I will ask the gentleman the name of the school, because the money is allocated on an annual basis and an actual survey is made with a sheet of paper signed by the parent attesting to the place of employment of the parent and the fact that he is employed by the Federal Government.

Mr. GROSS. I do not know about that.

Mr. FORD. If the gentleman will tell us what district he is talking about, we will seen that the responsible people are prosecuted. That is a terrible accusation to make. That is fraud. We do not hear about accusations like that.

Mr. GROSS. I will tell the gentleman that I understand the former base is Camp Crowder and it has been closed for several years.

Mr. FORD. Will the gentleman yield?

Mr. GROSS. No. I do not yield to the gentleman at this time. Why do you not look into these situations?

Mr. FORD. Do you want an answer from me?

Mr. GROSS. Let me tell you why. It is because every time the Defense Department seeks to close a military base or cut off defense contracts to areas which are the beneficiaries of impacted school aid, a squeal goes up louder than that of a stuck pig.

Former Deputy Secretary of Defense Packard tried to close a number of bases and other military installations. All of you remember the wails, the howls that went up. Try to take one of these bases or installations away from Hawaii, and you will hear the squeals all the way to this country.

What we need to do is end this program and give the taxpayers of the country a break.

If for no other reason than the expenditure of $4 billion for aid to allegedly impacted schools—millions upon millions of dollars of which I am convinced is totally unjustified—I will vote against this bill.

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

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK). Insofar as my own district is concerned, this money is very, very vital to several school districts, and if it were not for this money I dare say that several of them would be closed today.

So, Mr. Chairman, in the interest of better education for our children, I urge the adoption of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

Mr. Chairman, let me say to the gentleman from Iowa (Mr. GROSS) that I do not know what the dollar will be worth 3 years from now, but I recently heard of someone who said that he had heard all of his life that nothing could ever replace the American dollar, and he had come to the conclusion that it almost already had. So I state that to the gentleman from Iowa if it is of any value to the gentleman.

Mr. Chairman, let me say that during the 15 months that I have served on this committee I have learned that most of the bills appearing before our committee, just as is this one, are very complicated matters, and that most of the formulas involved and amendments that are proposed are likewise very complicated, but in my opinion this one is not. I think that most of what has been said today is beside the point.

What is being proposed by those who would oppose this amendment is this, as I understand it, that the GAO would conduct an investigation of the impact aid program and then report back by next December. Then the others propose that the committee should conduct hearings over the country as an addition to the report, and put these all together so as to try to improve the program. And I am for that. But the practical consequences that we are faced with is that these school districts must make up their budgets during the spring for any program that is of value to them. Knowing this, every program provided for in this bill is on a 3-year basis except this one. So what we are doing is trying to cripple this program, and if we want to cripple this program then we should do as the gentleman from Iowa (Mr. GROSS) says, and simply stop it.

I do not know if I would object to that as much as some of my friends, but if we are going to do that then let us do it.

But what we are doing here by coming back with a report means that we do not know what it will be, and the first thing you know spring will be here, and then a lot of the school districts will be suffering as under title I because of uncertainty and inability to plan and to

successfully utilize these funds, and we will be wasting the money.

So if we cannot plan any better than that—and we cannot do this in a year—if we are going to let this program live, then let us let it live for the entire 3 year period. And then when the report comes, why then we could make whatever changes need to be made, even within the 3 years. We are really threatening ourselves, I am certain.

I as one member on the committee would like to see the program improved, and would work for its improvement if the improvements or proposed improvements can be brought before the committee. We can hold hearings, and if necessary offer amendments, and then, as a result of that, let us come back in here and amend the bill and approve it, but let us not in effect waste the money by putting in a 1-year termination and therefore not permitting anybody to have any idea as to what is going to happen.

So, Mr. Chairman, I think that definitely in this body we should support the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

Miss JORDAN. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentlewoman from Texas.

Miss JORDAN. Mr. Chairman, I support the Mink amendments to H.R. 69—amendments which would extend impact aid for 3 years, instead of the 1-year extension now in the bill.

We all are familiar with the justification for the impact aid program—we all are familiar with its benefits—just benefits. When the Federal Government goes into an area, and takes property off the tax rolls, but also brings in families with schoolchildren to educate, then the Federal Government has an obligation to help pay for the education of those children.

Mr. Chairman, there is another reason for supporting the Mink amendments, in addition to helping school districts which have many service children to educate.

It is important to extend the programs of the Elementary and Secondary Education Act for like periods of time—and not jumble the act up, with some extended for 3 years and impact aid for 1 year. These programs work in conjunction—they have links—and to fracture them will hamper education, and the administration of education, all over the country.

Our educators have been living with uncertainly for too many years now—and uncertainty breeds inefficiency.

All of the evidence is in favor of the Mink amendments, and I would like to urge the House to support them.

Mr. McCORMACK. Mr. Chairman, I wish to stress my strong support for the amendments offered by the gentlewoman from Hawaii.

Mr. KAZEN. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendments offered by the gentlewoman from Hawaii (Mrs. MINK) to extend the impact aid to schools for the next 3 years. Speaking for the First District which I represent, I can say without qualification, these funds are the difference between the kind of education South Carolinians need and the kind they can pay for. These funds mean the difference between a well-balanced, meaningful program and one that has to just make do. In all reality, Mr. Chairman, these funds are the difference between night and day.

Currently, the Charleston County impact aid program has been in decline. The tendency in the district is a downgrading of the "A" students to the category of "B" students. Now there seems to be an attempt to phase out the "B" student program. In fiscal year 1974 there were 2,094 "A" classification students in Charleston County being paid at the rate of $463.28 per pupil. At the same time there were 10,853 "B" classification students being paid at the rate of $231.64. This is a decrease over past years and consequently a growing burden on the budget of the Charleston Consolidated School District. A burden that cannot be overcome with bond issues and/or other forms of revenue raising.

Charleston County residents recently consolidated the school system and have already been hit in some areas with staggering tax increases. Speaking figuratively, there are only so many straws that can be placed on the back of the camel before drastic action occurs.

In the first district the basis for funding relies upon a formula of "A" students whose parents live and work on Federal property. As the district does not have 25 percent or more of schoolchildren classified as "A" students, the First Congressional District receives 90 percent funding. Over the past 4 years, the total of "A" students has diminished and the amount of impact aid has kept a parallel.

I urge the membership to extend this measure for 3 years rather than have a sword of 1 year hanging over it. A worthwhile study cannot be undertaken, and completed to the satisfaction of this body. Nor can justice be done to the States who must rely on this money to make ends meet.

Currently, impact aid accounts for only 8 percent of a districtwide total school budget of $52,090,000. The entire first district, which by the way is very heavy in Federal employment, got only a supplemental $4.4 million from the Government last year. This $4.4 million compares with $4,380,786 in fiscal year 1972. I need not remind the Members of this House how fast inflation has eroded the dollar value. The impact aid program has not kept the pace it should have to aid the States as it could have. Therefore, I support the measure and urge all of my colleagues to do the same.

Mr. KAZEN. Mr. Chairman, I yield back the remainder of my time.

Mr. KETCHUM. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The area that I represent in the State of California is largely rural in nature, and it is quite interesting—quite interesting—that every time someone wants to lay down a Federal installation, they pick a rural area to do it. How many of my colleagues would like to have a prison right next to their cities? They do not put them there; they put them in my district, or they put them in some other rural district.

When Congress wants to put down an Army base, a Navy base, or a Marine base, we put it down in the rural areas, and then the people move in on us.

There is absolutely no reason—absolutely no reason—for extending this Public Law 874 for only 1 year and further complicating those things that our school administrators in those areas are going through. I have no objection to having a complete and thorough hearing on Public Law 874, but the primary reason that we never get that opportunity is because the committee will not consider that single aspect. We could, perhaps, have some interesting dialog and find out exactly where we are.

Let me just give the Members a little example of my congressional district in California: Vandenberg Air Force Base, Lemoore Naval Air Station, Edwards Air Force Test Station, and China Lake Naval Weapons Test Center, with over 11,000 civilian employees that were brought to Kern County, put down in an area where there was no city, and now you want to take their Public Law 874 money away from them.

I am not saying that we cannot make some revisions in Public Law 874, but we cannot do it on the basis of 1 year.

I strongly support the amendment offered by the gentlewoman from Hawaii and urge my colleagues to do the same.

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

Mr. KETCHUM. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

I want to congratulate my colleague, the gentleman from California, for the fine statement he has made on the many points that affect rural America. I think my colleague has hit the nail on the head when he pointed out the tremendous impact that we will have on the school districts of this country if we extend this for just 1 year.

Mr. Chairman, I rise in support of the Mink amendment to H.R. 69. That amendment would extend for 3 years the impact aid program instead of the 1-year extension provided in the committee bill.

I support this amendment because I believe that the Federal Government has an obligation to help local school districts when it imposes a burden upon them. When the Federal Government decides to build an Air Force base or an Army installation in a particular school district, it removes that land from the tax rolls of that school district and at the same time it forces that school district to

educate hundreds and sometimes thousands of children of military parents who are brought into that area. In effect, the local schools are told to educate more children with less tax funds.

I also support the Mink amendment because I believe that all elementary and secondary Federal education programs should be extended for the same period of time. Under H.R. 69 all other programs, except those for the handicapped, are extended for 3 fiscal years. If we only extend impact aid for 1 year as provided in the committee bill and extend all these other programs 3 years, the Congress will not have an opportunity to review all programs affecting elementary and secondary education at the same time. We must have the concurrent review in order to have Congress take as broad a look as possible at the effects of Federal aid on our elementary and secondary schools.

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

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

Mr. McCLORY. I thank the gentleman for yielding.

I want to express my support for the Mink amendment. I have the Great Lakes Naval Training Center in my district, and it has a tremendous impact on the entire area. We receive about half of the impact aid funds for the entire State of Illinois, which is both necessary and useful to the education of the children whose parents live on—or work at this and other Federal installations. The base itself is not on the tax rolls. If it were, of course, we certainly would not need any impact aid funds. But under the existing circumstances I urge the adoption of the amendment for a 3-year extension of the provisions granting section A and B impact school aid funds.

Mr. Chairman, I have spoken before on the floor of this House in support of impact school aid—and have outlined its many benefits to the children of the area which I am privileged to serve in the Congress. The presence of Great Lakes Naval Training Center covering hundreds of acres of the most valuable land in my district, coupled with the related facilities of Downey Veterans Hospital and other Federal properties, as well as nearby Fort Sheridan—contribute substantially to the taxpayers' burden in educating the sons and daughters of those who work at these Federal facilities—and many of whom live on the properties themselves.

Mr. Chairman, I would like to point out that the young students of north Chicago and Waukegan who are the principal beneficiaries of impact school aid are at the same time the most deserving—and receive the principal benefits from this highly desirable program.

Mr. Chairman, if instead of impact school aid, it were possible to restore these properties to the tax rolls, the school districts in the area comprising the 13th Congressional District would reap far greater amounts in tax revenues.

The situation as it is today excludes these valuable properties from our tax rolls and burdens the school districts with the costs of educating these school age children of families who live on and who work at these installations.

Mr. Chairman, it seems appropriate in extending the general law in behalf of elementary and secondary education that the program of impact aid should be extended for a similar 3-year period.

Mr. Chairman, I support adoption of the Mink amendment and I urge my colleagues to give this amendment their overwhelming approval.

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

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

Mr. LANDGREBE. I thank the gentleman for yielding.

What is the gentleman's feeling about the reports that military personnel are now being paid higher wages than people receive in the private sector?

If this is true is it not possible that people in military service could pay their fair share of the community activities where they reside?

Mr. KETCHUM. I certainly believe that the military personnel are paying their fair share in more ways than one. If one wants to put it down in terms of the dollar amount that they are being paid and the benefits that they are being paid, those are benefits that were voted by this Congress. I certainly do not object to that, particularly in view of the fact that the Congress has indicated that they want an all-volunteer military service. If they want an all-volunteer military service, they are certainly going to have to pay for it.

Mr. LANDGREBE. If the gentleman will yield further, the gentleman still has not answered my question.

If they are receiving higher pay than the private citizens in that community and there are other services that are being purchased and paid for, it would seem they would have a healthy effect on the economy rather than a drag as the gentleman might have implied.

Mr. KETCHUM. I certainly would agree with the gentleman in that respect. The individuals he is talking about work on this base and maybe they get higher pay or maybe they get lower pay, but the fact is that the U.S. Government does not pay anything in taxes on the land on which the base is located. They have impacted the schools in the area and what we are doing with impact aid is assisting the local schools to maintain the quality of education to which they are entitled.

Mr. VAN DEERLIN. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendments.

Mr. Chairman, it will surprise no one that I heartily support the Mink amendment. My home county of San Diego receives more support from impact aid than any other county in the Nation. In the San Diego City Schools District alone, local taxpayers would have to underwrite a 37.7-cents increase in property taxes to make up for the loss of this assistance. Slightly more than 20 percent of our schoolchildren are "federally connected."

At the south end of my area, along the Mexican border, is one of the most heavily impacted school districts of all—the South Bay Union School District. Its superintendent, Bob Burress, would hate to contemplate the added burden of making do without Public Law 874 funds. About 2,900 of his 5,600 pupils are from families who live or work—or both—on Government property. Impact aid represents 12 percent of the South Bay budget, and would require more than a dollar increase in property tax rate to replace.

The whole question of continuing this program is highlighted for my constituents by present Navy plans to erect 2,700 new units of housing in the hills behind Chula Vista. Because Navy families are young, they can be expected to send more than the normal share of children to our schools. The Navy itself has estimated that Chula Vista will probably have to provide two additional elementary schools to serve the new housing project—for which Federal impact aid must provide a primary source of funds.

At the very least, school administrators and citizen boards are entitled to know that they can depend on impact aid more than 1 year into the future. To reduce this program alone to 1 year in the present 3-year bill seems unacceptable.

Once again, we who represent impacted districts are indebted to the determination and skill of our colleague PATSY MINK for so strongly representing our interests, both in committee and on the House floor.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Hawaii.

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

RECORDED VOTE

Mr. MEEDS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 129, not voting 27, as follows:

[Roll No. 117]

AYES—276

Abdnor	Burgener	Davis, S.C.
Abzug	Burke, Calif.	de la Garza
Adams	Burke, Mass.	Delaney
Addabbo	Burleson, Tex.	Dellums
Anderson, Calif.	Burton	Denholm
	Byron	Dent
Andrews, N.C.	Camp	Dickinson
Andrews, N. Dak.	Carney, Ohio	Diggs
	Carter	Dingell
Armstrong	Casey, Tex.	Donohue
Ashbrook	Chappell	Downing
Badillo	Chisholm	Drinan
Baker	Clark	Dulski
Barrett	Clausen,	Duncan
Bauman	Don H.	Eckhardt
Beard	Clay	Edwards, Calif.
Bennett	Cleveland	Eilberg
Biester	Cochran	Evans, Colo.
Bingham	Cohen	Evins, Tenn.
Boggs	Conlan	Fascell
Boland	Conte	Fisher
Bowen	Conyers	Flood
Brademas	Corman	Flowers
Brasco	Coughlin	Flynt
Bray	Crane	Foley
Breaux	Cronin	Ford
Breckinridge	Daniel, Robert	Fraser
Brinkley	W., Jr.	Frey
Brotzman	Daniels,	Froehlich
Brown, Calif.	Dominick V.	Fuqua
Brown, Ohio	Danielson	Gaydos
Broyhill, Va.	Davis, Ga.	Gettys

Gibbons	McDade	Roush
Gilman	McFall	Rousselot
Ginn	McKay	Roy
Goldwater	McSpadden	Roybal
Gonzalez	Macdonald	Runnels
Grasso	Madden	Ruppe
Green, Pa.	Madigan	St Germain
Griffiths	Mahon	Sarbanes
Grover	Maraziti	Schroeder
Gubser	Mathias, Calif.	Shipley
Gude	Mathis, Ga.	Shoup
Gunter	Matsunaga	Shuster
Guyer	Melcher	Sikes
Hamilton	Mezvinsky	Sisk
Hammer-schmidt	Milford	Skubitz
	Mills	Snyder
Hanley	Minish	Spence
Hanna	Mink	Staggers
Hansen, Wash.	Mitchell, N.Y.	Stanton, J. William
Harrington	Moakley	
Harsha	Mollohan	Stark
Hawkins	Montgomery	Steed
Hays	Moorhead, Calif.	Steele
Hébert		Steiger, Ariz.
Helstoski	Morgan	Stokes
Henderson	Mosher	Stratton
Hicks	Moss	Stubblefield
Hillis	Murphy, N.Y.	Studds
Hinshaw	Murtha	Symington
Hogan	Myers	Symms
Holifield	Natcher	Talcott
Holt	Nedzi	Thompson, N.J.
Hosmer	Nichols	Thone
Howard	Nix	Thornton
Hudnut	O'Brien	Tiernan
Hungate	O'Hara	Towell, Nev.
Hunt	O'Neill	Udall
Ichord	Owens	Van Deerlin
Jarman	Parris	Vander Veen
Johnson, Calif.	Passman	Veysey
Johnson, Colo.	Pepper	Waggonner
Johnson, Pa.	Perkins	Waldie
Jones, Ala.	Pettis	Walsh
Jones, N.C.	Peyser	Wampler
Jones, Okla.	Pickle	Whalen
Jones, Tenn.	Pike	White
Jordan	Poage	Whitehurst
Karth	Podell	Whitten
Kastenmeier	Preyer	Wilson, Bob
Kazen	Price, Ill.	Wilson, Charles H., Calif.
Ketchum	Price, Tex.	
King	Pritchard	
Koch	Quillen	Wright
Kuykendall	Randall	Wylie
Kyros	Rangel	Wyman
Lagomarsino	Reid	Yatron
Leggett	Riegle	Young, Alaska
Lehman	Rinaldo	Young, Fla.
Litton	Rodino	Young, Ga.
Long, La.	Roe	Young, S.C.
Lott	Roncalio, Wyo.	Young, Tex.
McClory	Roncallo, N.Y.	Zion
McCollister	Rooney, Pa.	
McCormack	Rose	

NOES—129

Anderson, Ill.	Fountain	Quie
Annunzio	Frelinghuysen	Rarick
Archer	Giaimo	Rees
Arends	Goodling	Regula
Ashley	Green, Oreg.	Reuss
Aspin	Gross	Rhodes
Bafalis	Haley	Roberts
Bell	Hansen, Idaho	Robinson, Va.
Bergland	Hechler, W. Va.	Robison, N.Y.
Biaggi	Heinz	Rogers
Blackburn	Holtzman	Rosenthal
Bolling	Horton	Rostenkowski
Broomfield	Huber	Ruth
Brown, Mich.	Hutchinson	Ryan
Broyhill, N.C.	Kemp	Sandman
Buchanan	Landgrebe	Sarasin
Burke, Fla.	Landrum	Satterfield
Burlison, Mo.	Latta	Scherle
Butler	Lent	Schneebeli
Chamberlain	Long, Md.	Sebelius
Clancy	Lujan	Seiberling
Clawson, Del	Luken	Slack
Collier	McCloskey	Smith, Iowa
Collins, Ill.	McEwen	Smith, N.Y.
Collins, Tex.	McKinney	Stanton, James V.
Conable	Mallary	
Cotter	Mann	Steelman
Culver	Martin, Nebr.	Steiger, Wis.
Daniel, Dan	Martin, N.C.	Taylor, Mo.
Davis, Wis.	Mayne	Taylor, N.C.
Dellenback	Mazzoli	Thomson, Wis.
Dennis	Meeds	Treen
Derwinski	Metcalfe	Ullman
Devine	Miller	Vander Jagt
du Pont	Mizell	Vanik
Edwards, Ala.	Moorhead, Pa.	Vigorito
Esch	Murphy, Ill.	Ware
Eshleman	Nelsen	Widnall
Findley	Obey	Wiggins
Fish	Patten	Wilson, Charles, Tex.
Forsythe	Powell, Ohio	

Winn	Wydler	Zablocki
Wolff	Yates	Zwach
Wyatt	Young, Ill.	

NOT VOTING—27

Alexander	Fulton	Patman
Bevill	Gray	Railsback
Blatnik	Hanrahan	Rooney, N.Y.
Brooks	Hastings	Shriver
Carey, N.Y.	Heckler, Mass.	Stephens
Cederberg	Kluczynski	Stuckey
Dorn	Michel	Sullivan
Erlenborn	Minshall, Ohio	Teague
Frenzel	Mitchell, Md.	Williams

So the amendments to the committee substitute were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MEEDS TO THE COMMITTEE SUBSTITUTE

Mr. MEEDS. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. MEEDS to the committee substitute:

On page 87, strike all the language beginning with line 6 down through and including line 20 and substitute in lieu thereof the following:

"ADJUSTMENTS FOR REDUCTION IN STATE AID

"SEC. 304. (a) Section 5(d)(2) of such Act of September 30, 1950, is amended by striking out "No" and inserting in lieu thereof "Except as provided in paragraph (3), no".

"(b) Section 5(d) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding paragraph (2) of this subsection, a State may consider as local revenue, funds received under this title in proportion to the share that local revenues for education considered under a State equalization program are of total local revenues for education."

Mr. MEEDS. Mr. Chairman, this amendment maintains the intention of the committee amendment to permit States to take into account Public Law 874 money to a school district if and to the extent that a State is equalizing educational expenditures per pupil within the State.

The background of this matter is that prior to 1966 some States were counting as local revenue up to 100 percent of all impact aid funds that were going into an impacted aid district. States were taking advantage of that loophole and were indeed counting against the school districts the total of their impact aid funds. The effect of this was to distribute through distribution formulas the impact aid dollars that the Congress was appropriating for those specifically impacted districts across the entire State, through equalization formulas that were not really equalization formulas.

The gentleman from Michigan (Mr. FORD) and I enacted an amendment in 1966 which changed that by simply saying States could not count it at all.

This is a kind of pendulum situation. The States were taking advantage of a pendulum which was way up here, and when we changed it we pushed it away over here.

It is the intention of the committee that States which are earnestly and honestly attempting to adopt equalization formulas which really equalize the cost of per pupil expenditure within a State will be allowed to count impact aid money to the extent of or in a ratio which is similar to their actual State contribution to local education. That is precisely what this amendment does.

Mr. Chairman, it may be said that the committee bill does this, too, and it does, because in effect it tells the Secretary to allow States to count these funds when they really equalize. However, it tells him to devise a formula under which it is done.

The effect of my amendment is, instead of allowing or leaving it up to the Secretary to devise that kind of a formula, we are doing it ourselves and saying it may only be considered under State equalization programs when there is an honest and earnest effort to equalize and only that share or that proportion of the local revenue is considered under a State equalization program of the total local revenues for education.

We do not want to have the States through an equalization formula taking away from the impact aid areas under the guise of equalization unless they are really equalizing and only to the extent they are equalizing.

Mr. Chairman, that is the effect of the amendment, and as far as I know, there is no opposition to it.

Mr. QUIE. Will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I want to indicate I am in support of the gentleman's amendment.

Mr. McKAY. Will the gentleman yield?

Mr. MEEDS. I am delighted to yield to the gentleman.

Mr. McKAY. Mr. Chairman, I am in total agreement with the intent of what the gentleman is doing. I have indicated that I would offer an amendment on this. My concerns are to the question here, does this go to the fact that they would have to equalize, also?

Let me give you an example. In my State we have a basic equalization formula, but they do not take into consideration the capital or the buildings.

They also allow that you can get above the equalization formula if you tax yourselves more, what they call voting for a levy.

Mr. MEEDS. A special levy.

Mr. McKAY. But that still leaves a disproportion because one school district through a 1-mill levy can get $100, and the other school district cannot get $5 by that 1-mill levy, so that they have to tax themselves double to get the same amount of money.

Mr. MEEDS. Let me ask the gentleman if his State is guaranteeing the school districts pretty nearly, or at least equivalent to the average per-pupil expenditure in the State?

Mr. McKAY. They are to a degree.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. McKAY, and by unanimous consent, Mr. MEEDS was allowed to proceed for 2 additional minutes.)

Mr. McKAY. Mr. Chairman, if the gentleman will yield further, to continue, they get a basic equalization formula, say it is $8,000 per distribution unit, and that every classroom is guaranteed that across the State but, then, above that, for capital improvements, for busing of children——

Mr. MEEDS. For special education programs.

Mr. McKAY. All of those. Then the districts are not equalized; that is not taken into consideration.

For instance, take Salt Lake City, for example. If they wish to raise a 1-mill levy for additional educational opportunity, they can do that, but other districts are not able to.

Mr. MEEDS. Let us exclude special levies for the moment, and we will come back to that, but with respect to the rest of the gentleman's question, in other words, special education money, I think that should be considered as a part of the total State contribution.

Mr. McKAY. For equalization?

Mr. MEEDS. And even if it is not considered in the basic equalization formula, as it is not in my State, if it is still considered in special education and other matters, then I think it should be considered in the formula, so that every contribution made by the State should be able to be considered.

Mr. McKAY. The gentleman is saying that if they are making a good effort toward equalization then they can consider this as a total part of their resources?

Mr. MEEDS. That is right.

Mr. McKAY. So that in my State they could in fact, having made that first major effort, could equalize them, I take it, toward the equalization formula, and rob those units of 8–7–4 money in the formula?

Mr. MEEDS. From what the gentleman is telling me it sounds to me that they could consider a major part of their contribution, to count that as equalization.

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

Mr. MEEDS. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington (Mr. MEEDS) and I commend the gentleman for offering it.

It brings us up to date. I believe this is long overdue.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington. Of all the amendments made to current law by H.R. 69, I believe that this amendment and section 304 of H.R. 69 are among the most important.

When impact aid was first passed back in 1950, the pattern and practice in school finance among the 50 States was pretty chaotic. In the past 2 years, that pattern has changed very markedly. As I noted earlier, the California case of Serrano against Priest was a forerunner of the reforms that have been introduced into the whole field of school finance at the State level. Let me explain for a moment why this amendment and the section in the bill are so important.

The primary reason for impact aid is to compensate a district for the tax revenue which is lost to it, because certain properties owned by the Federal Government have been removed from the tax rolls, thereby depriving the district of x amount of income. A second reason for impact aid is to assure that children of Federal employees receive a good education wherever in the country they might happen to be employed.

As a result of the reform movement in school finance, a number of States have begun to remove the property base distinction between school districts and have begun to assure each and every school district in the State that they will receive a given level of support regardless of their taxing capacity.

In effect the State is compensating the district for the lost tax base. And, by also guaranteeing a level of funding per child, the States are assuring all children of a good education. These actions remove the original purpose for impact aid in those States which have done a good job of reforming school finance, particularly Kansas, North Dakota and Maine.

Many of these States have also set limits on how much local districts can spend per child. What happens then is that the State first guarantees a level of support and then the Feds come along and force x number of dollars into that same district. Since the district is prevented by State law from spending more than a given amount per child, there is no way that they can spend the total dollars given by the State and by the Federal Government. In effect the Federal Government has become guilty of disequalizing per pupil resources by giving impact aid districts more money than they can spend.

In summary what has happened is that a 24-year-old law has not kept pace with the times. In 1950 we were helping States to finance school districts with Federal impact. In 1974 the Federal Government through an outdated law is standing as a barrier to States which seek to reform their financing of education. I do not feel that the Federal Government should ever be in the position of blocking a major and important reform measure initiated by the States themselves. I urge my colleagues to support the Meeds amendment.

Mr. McKAY. Mr. Chairman, I have been concerned with the wording of section 5(d)—page 87 of H.R. 69, as reported—because I have felt that as reported from committee, it is cloaked in ambiguity.

I favor State equalization of aid to education, and I think it is right to include a mechanism in this bill whereby Public Law 874 moneys can be coordinated with State finance formulas in States that do equalize. However, in some States, such as Utah, with only partial equalization of education, the federally impacted districts depend on Public Law 874 moneys to compensate for low assessed property valuation. In such partially equalized States, where local education agencies must depend on a voted tax levy above and beyond the tax rate which is equalized, the impacted districts have a difficult time raising revenue. Impacted districts, with their low assessed valuation, very often must tax at a mill levy equal to, or higher than the wealthier districts which are not federally impacted. And the revenue from this high mill levy is often very low, because it is based on the lower local resources of the impacted district.

In such a situation, it is the Public Law 874 money that enables an impacted district to compensate for its paucity of local resources and achieve an expenditure level approaching that of the nonimpacted districts. To allow States with such partially equalized finance formulas to reduce State aid to impacted districts is to deprive those districts of funds that rightfully should remain in that impacted district.

I do not believe the committee intended that States could reduce State aid to local education when equalization formulas do not reflect the local resources of such districts. However, indications are that many States will attempt to reduce aid to impacted districts under such partial equalization. Therefore, I believe there is a need to amend this section of the bill to make it clear that State equalization formulas must take into consideration, and must be based on, the local resources available to a local education agency. As long as expenditures for education vary according to the wealth of local education agencies, impact aid money should not serve as a mechanism whereby States can reduce their aid to local education.

I believe the language of the amendment offered by the gentleman from Washington protects the impact districts. Therefore, I will not offer my amendment to this title of the bill, and will support this language.

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

Mr. Chairman, I think the members of the Committee should understand what we are doing. I understood the amendment that was offered by the gentleman in the committee, but the amendment that is before the Chamber presently I do not understand.

We did write in the impact legislation many years ago that States could not cut back on State aid because of impact funds. As I understand this amendment, and in accordance with the explanation of the gentleman from Washington, if a certain district within a State is entitled to x number of dollars, say $100,000 in impact money, the State educational authorities can say to this particular school district, you are not entitled to x number of dollars, or that $100,000 from State funds, because you are receiving impact money. We have steered away from that in the past all through the years by making it perfectly clear that impact funds could not be utilized for State funds and impact funds were in addition thereto. And the committee bill contains an amendment which carefully revises that provision.

I receive no impact in my district, but I think this amendment is of such magnitude that it should be further considered in the House Committee on Education and Labor because the State Equalization Agency, in my judgment, under this language can say without restraint to any impacted district in the Nation: You are entitled to and you are going to receive $500,000 impact funds. So we are not going to send the State money into that particular impacted district. If that is what we want to vote on here, a major change of this type, it is all right with me, but that is exactly my judgment of what this amendment does. It gives the State Equalization Authority the right to say to an impacted district:

You have already got so much impacted money; therefore, you are not entitled to any State money.

Mr. QUIE. Mr. Chairman, it seems to me that this language is necessary because some people had confusion over the language that was in the bill as it came out of our committee. The gentleman from Washington who introduced the language that was included in the committee bill has now tried to clarify it through this language. It seems to me that what he has attempted to do is what we are talking about and what we talked about in committee.

There are two States where this is really a serious problem—Kansas and North Dakota, and it was a serious enough problem that the Committee on Appropriations put language in it—I believe that was the place, or else it was in the School Lunch Act; I guess it was in the School Lunch Act where we did it—which only took care of them for 1 year, and now they have gone to equalization in their States; so the amendment does not go too far, as the gentleman from Kentucky suggests it does.

The gentleman from Washington makes it apply only to the extent of the percentage that a State does equalize, so if there is only a partial equalization, there is only a partial consideration of the impact funds as local funds.

I understand that we do not have language in the amendment which applies to the situation in Kansas. I will yield to the gentleman from Kansas to see if that would be correct—if the local school district without this language will get their money on top of their equalization. It seems to me Kansas has taken the efforts of the Rodriguez Supreme Court Decision seriously and has changed the law to make certain that there is equal education opportunity in all school districts.

I would like to yield to the gentleman from Kansas for his comments.

Mr. ROY. I thank the gentleman for yielding.

I am sorry I have not been able to see a copy of this amendment before. It is also my interpretation of the amendment, and is it the interpretation of the Chairman, that, indeed, in Kansas we consider 100 percent of local funds as in the State equalization formula, and then, indeed, we may consider 100 percent of impact aid funds in the equalization formula?

Mr. PERKINS. That is correct.

Mr. QUIE. I would say it is the local funds and the State funds together for the equalization.

And if one is 90 percent equalized, one would be able to consider 90 percent of the impact aid money in that way. If one is 100 percent equalized, then one would be able to consider 100 percent in that way.

Mr. ROY. I share that understanding with the gentleman from Minnesota and the Chairman. It is also my understanding that special educational funds or perhaps busing funds are not to be considered in the 100 percent or lack of 100 percent of equalization by the State. Is this correct?

Mr. QUIE. I could not tell the gentleman how they consider special educational funds in Kansas. I know the court decisions do not require that all funds be a part of that equalization so that if we do something special for any, it costs more money, but I am not that familiar with the Kansas law so I could not give the answer.

Mr. PERKINS. If the gentleman will yield, I would think the special educational funds the way the act is presently written could not be considered a part of it.

Mr. ROY. I thank the Chairman.

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

Mr. QUIE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I listened to the discussion by the gentleman from Minnesota, the gentleman from Washington and also the gentleman from Kentucky, and I admit I share the chairman's confusion.

May I inquire as to what change is made by the Meeds amendment to the language that was agreed on in the committee? Why was it necessary to change that language?

Mr. QUIE. I would yield to the gentleman from Washington for that answer.

Mr. MEEDS. Mr. Chairman, as I said we are doing by specific language in this amendment what we really directed the Commissioner and the Secretary to do. We are doing it so that we know it will be done and we make a specific kind of formula rather than leaving some discretion to the Secretary. That is the only thing. In my estimation this does precisely what we directed the Commissioner to do.

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

Mr. Chairman, I would like to ask the gentleman from Washington a question. Let me give the gentleman a specific example. Suppose the cost of education in a school district is $100,000 and through taxes the district raises $60,000 and the district is getting $40,000 from impact aid funds. In Kansas as I understand that district would not get any State funds or money from the equalization fund. If a State can count only 40 percent of the impacted aid funds as local contribution—then the total local contribution to the district is the difference between $100,000 and $76,000 or $24,000. Hence the school district is fully funded but it also has $24,000 in impacted aid funds and in Kansas it could not lawfully spend it. What does the gentleman's amendment do in a situation like this?

Mr. MEEDS. I do not understand that my amendment would have that effect at all. It is conceivable that under some statement of figures similar to those you have outlined the effect would be a displacement of 40 percent, but it depends on other factors. Let me illustrate the operation of my proposed amendment in this fashion.

First, let's assume that a State guarantees from State resources a flat $400 per pupil expenditure for every child in the State but then permits a local educational agency to levy its own millages on top of the State allowance. Such a plan is not equalization and would not qualify because the State aid program does not take into account the relative wealth of local school districts and their lack of equal ability to raise money for public school expenditures.

Second, let's assume that a State on the other hand has a program in which it guarantees a certain level of per pupil expenditure for each local educational agency if the local educational agency will levy a flat and uniform millage applicable to all local educational agencies and that the State general revenue will make up the difference that that local levy fails to produce. Assume further that no district could levy in excess of the level fixed. This would be a situation in which you would have 100 percent equalization and it would qualify. This would mean the State could take into account Public Law 874 funds fully.

Third, and this is where my proposed amendment tries to deal with the complexities of State equalization efforts. In effect, my amendment would allow a portion of the impact aid money to be taken into account where a State partially takes into account the local ability of each local educational agency in the State to raise revenue. In actual effect, my amendment would require that it be determined to what extent or, in actual effect, percentage—20 to 100 percent—a State placed each local educational agency on an equal basis in deriving an equal per pupil expenditure with all other local educational agencies in the State using the same local rate of taxation.

This is the object of the committee amendment and my clarifying amendment today.

Mr. SKUBITZ. Forty percent?

Mr. MEEDS. Possibly, possibly not.

Will the gentleman repeat that?

Mr. SKUBITZ. If a district raises $60,000 from local funds and $40,000 in the nature of impacted aid. It would receive no funds from the State. Isn't that correct?

Mr. MEEDS. If the cost of education were $100,000, the premise on which we started, they would get $60,000 from local revenue and $40,000 from impact aid, they have their cost of education. I do not see how or what "cost of education" means or how it comes into the premise for the hypothesis the gentleman just set up. What we are trying to determine is whether a State law, the distribution of state aid, or the treatment by a State law of the local taxing resources of a school district enables that district, with no greater taxing effort than any other district, to expend per pupil the same as any other school district in the State. The degree to which the State does this is the degree to which it may take into account Public Law 874 funds. Let me again say that this is the object of the committee amendment and my clarifying amendment today.

Mr. SKUBITZ. It was my impression that the amendment of the gentleman from Washington that a State could only take a certain percentage of the impacted aid money in determining what a district's entitlement was under the equalization act.

Mr. MEEDS. A State may only take into account Public Law 874 funds a local

educational district receives in the distribution of State aid in line with the criteria I have previously described.

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

Mr. SKUBITZ. I yield to the gentleman from Kansas.

Mr. ROY. I think it has been established if a State considers 100 percent of a local revenue resources, they may consider 100 percent of the impact aid funds in determining the amount of State aid in an equalization law.

I have just been on the phone from Kansas. We do consider 100 percent of local educational revenue, I am told, at least from home, that this is a satisfactory amendment.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. M'KAY TO THE AMENDMENT OFFERED BY MR. MEEDS TO THE COMMITTEE SUBSTITUTE

Mr. McKAY. Mr. Chairman, I offer an amendment to the amendment offered by Mr. MEEDS to the committee substitute.

The CHAIRMAN. There is an amendment pending. Is this an amendment to the amendment?

Mr. McKAY. Yes.

The Clerk read as follows:

Amendment offered by Mr. McKAY to the amendment offered by Mr. MEEDS to the committee substitute: On page 87, strike all the language beginning with line 6 down through and including line 20 and substitute in lieu thereof the following:

"ADJUSTMENTS FOR REDUCTION IN STATE AID

"SEC. 304. (a) Section 5(d)(2) of such Act of September 30, 1950, is amended by striking out "No" and inserting in lieu thereof "Except as provided in paragraph (3), no".

"(b) Section 5(d) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding paragraph (2) of this subsection, a State may consider as local revenue, funds received under this title in proportion to the share that local revenues for education considered under a State program providing for complete equalization of all local resources on the same support level are of total local revenues for education."

Mr. McKAY. Mr. Chairman, I agree with the thrust of what the gentleman from Washington (Mr. MEEDS) is saying. He has the right idea as far as I am concerned. I think this defines what that equalization should be. I will try to give an example.

In my State, we have a basic equalization formula, but we do not consider the tax resource; for example, one district by raising a mill could raise twice as much. He is allowed in the basic formula to go above the equalization for his students, whereas those that are now getting Public Law 874 money are not able to in that same tax effort to raise half the amount, of education for the price.

So all I am doing is defining and saying they have to consider these other tax resources to arrive at that equalization, so that no district has to tax itself twice as much to get the same level of education as the other. It is the same thing the gentleman from Washington is doing and only perfects or clarifies the Meeds amendment.

I ask the Committee to accept the amendment.

Mr. FORD. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, I do not think any one of us are in disagreement with the philosophical purpose of the Meeds amendment. Unfortunately, we are in some disarray, because the amendment that the gentleman from Washington (Mr. MEEDS) had printed in the RECORD that we have discussed with school people across the country is not the specific amendment that he offered here today. We have been running around at the last minute trying to find out exactly what its impact would be.

Now, back in 1966 when we held the last really extensive hearings on how the impact aid program was functioning across the country, we discovered at that time that 16 States had figured a variety of ways to, in fact, take the impact aid money away from a local district as soon as we gave it to them from the Federal Government.

There were a variety of rationales extended for this. Generally, they talked about the fact that impact aid was primarily intended as a substitute for local income, and, therefore, it should be considered for the purpose of dividing out State resources the same as other local income.

What that totally overlooks, however, is another very fundamental reason for the impact aid program. That other very fundamental reason is to provide educational money in an area where we suddenly build a military base or increase the size of the complement of personnel of a base and bring a lot of dependents into the area. At the same time, with Federal money many of the local school districts are able to absorb the impact of those additional students. This aid guarantees two things. It guarantees, one, that they are not going to diminish their local effort for those local students who are already residing permanently in the district. Also, very importantly to increase the district's income, for those that are being sent from other States, to that locale. We have education resources provided by the Federal Government so that a serviceman's dependents have an adequate educational opportunity and we avoid contributing any hardship by assigning them to this area.

There are only three States in the country that the language now in the bill is intended to reach. These are the States of North Dakota, Utah, and Kansas, and the only ones which come any place close to a State system of distribution of funds that would produce 100 percent equality across the board. Unfortunately, the Meeds amendment would operate in States like my own, in Michigan, or California—let us take California as an example.

They are under a court order to equalize educational payments for their children taught in the public school system in California. However, we are informed by the experts out there that on the basis of legislation that has so far been adopted, if it works to the optimum of everyone's expectations, it will take 23 years for them to reach that status of equality. In the meantime, the effect of the Meeds amendment without the McKay amendment would be to permit them during all of those years to siphon off the impact funds as soon as they are received by local school districts.

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

Mr. FORD. Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me ask the gentleman if he understands the McKay amendment the way I understand the amendment. The State must first equalize all State and local revenues uniformly throughout the State, and then they can withhold impact money?

Mr. FORD. That is correct, Mr. Chairman. No one of us would object to a State doing that. If the State in fact has a plan that deals with every child of every public school across the State equally in dollar terms, then at that point we have no argument against them considering the impact funds. However, the gentleman understands I am sure without that the McKay amendment, the effect of the Meeds amendment and effect of a committee bill without this Meeds and McKay amendment is to literally allow this impact aid money, once it reaches a State, to be thrown into the pot and divided the same as all other resources.

There are districts where they receive something like 80 percent of their total budget from impact aid. What are we going to do if in the state capitol, they say, "Oh, ho, what a nice way for us to fall into this bonanza," if they are halfway toward equalization, they can take half the money. How do the Members think a school district can function if a State takes half of 80 percent of its budget away in 1 year. That is the effect this amendment would have if it is allowed to stand without the McKay amendment.

Mr. Chairman, I urge my colleagues to support the McKay amendment.

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

Mr. Chairman, I find that the members of the committee apparently have differences on this. I hope they will excuse me if I say that I have difficulty understanding this particular problem. The language in the report which I just read would indicate to me that if the State is not providing 40 percent of the funds, for example, that go into a school district, then that State would be permitted, in its equalization formula, to consider only 40 percent of impact aid funds. This would bring about a great inequity in my State, and I do not think that is the purpose of the gentleman from Washington. I would like to hear the interpretation of the gentleman from Washington (Mr. MEEDS) in this regard.

Mr. MEEDS. Mr. Chairman, if the gentleman will yield, maybe we ought to set some ground rules on what is equalization. My interpretation of equalization is that a State guarantees the basic level of support which is somewhere near the average per-pupil expenditure within that State; that can come from the local sources with the State setting a millage level, or a levy level which will raise that amount; if the district goes over that amount, that local area would return that to the State, but if it does not come

up to that amount the State will see that it comes up to that amount. That is what I consider a real bona fide equalization program.

If your State is doing that, and if your State in a given school district, that school district does not, by that levy that it sets, come up to that level, if your State comes in and provides that additional money, then I think it should be entitled to count as local resources that same percent against the impact aid program.

Mr. ROY. I thank the gentleman from Washington for his explanation. In other words, if the State will provide the dollars per pupil necessary to bring total funds up to 100 percent, indeed, that State may include 100 percent of impact aid funds in determining total local funds available. It is not a question of how many dollars the State is putting into the district, but how many dollars the State is committed to put into the disrict to raise 100 percent support for the sudents of that district.

Mr. MEEDS. As long as that base support is somewhere in the area of the average of per-pupil expenditure. Some States have it way down, where they call it equalization formula, but it really is not. So unless it bears some reasonable relation to the average per-pupil cost, then I do not think it should be considered as an equalization formula and counted in this.

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

Mr. ROY. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, the thing that really disturbs me about this amendment, you have more variances and inequities within the States from the standpoint of the per-pupil expenditure than we have between the States of this country, and without the McKay amendment I do not think we give any real assurance of equalization within the States. So I think it would be bad judgment on the part of this committee, on a complicated matter of this kind, to adopt this amendment without the McKay amendment.

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

Mr. Chairman, as I read the language in the committee's special report on equalization, it would successfully eliminate Utah because it says in the report that Utah is not 100 percent equalized. They permit a 10-mill variation in the local districts which must be approved by the district taxpayer. It is only partially equalized, there is no recapture provision for excess leeway revenues.

Now, it seems to me that is the difficulty with the amendment which has now been offered by the gentleman from Utah. According to tthe gentleman's amendment a State would have to be absolutely 100 percent equalized in everybody's estimation before impact aid money could be counted as a part of the local effort.

There are other States that have equalized. For instance, we have equalized in Minnesota, and I understand they have in Utah. However, it is considered here in the report as only partial, although it is just about complete equalization in Minnesota.

There are other States as well that have done that.

It seems to me that the amendment offered by the gentleman from Washington (Mr. MEEDS) is correct, to the extent that we take care of the total of our equalization. The fact that they have not fully equalized means that that portion then cannot be considered as local revenue and, therefore, it would be on top of what both the State and the local revenues provide.

So we have something that is fair to all the States, without its having to be determined by the U.S. Commissioner of Education in Washington, whether 100 percent equalization has been accomplished or not. All he has to do is to determine the percentage. So if he comes to Utah and finds they are only 90 percent equalized, they can equalize this as it should be for the 90 percent and 10 percent is added on top of it, because if a State equalizes in whole or in part, to the extent they are equalized, it is unfair to add the impact aid money on top of it for the local school district.

So for that reason, Mr. Chairman, we need to accept the Meeds amendment, and I believe, with the amendment offered by the gentleman from Utah, we would have gone beyond that which is contemplated.

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

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I hope that the distinguished gentleman from Minnesota will agree that there has been a change in the paragraph we added to section 5(d)(2) since we adopted the original Meeds amendment in committee. Am I correct in that suggestion?

Mr. QUIE. Mr. Chairman, I do not know what the gentleman is referring to. Does the gentleman mean the second Meeds amendment?

Mr. PERKINS. Yes, the second amendment.

Mr. QUIE. Yes, the gentleman is correct. That is what the gentleman from Washington has proposed.

Mr. PERKINS. Mr. Chairman, I think the gentleman will agree that there should be full equalization within the States, say $1,000 per child from all sources of the State and local funds, and then a State may withhold State funds for impact aid, but not until we have uniform equalization for all children within the State.

Mr. QUIE. No. I would say that it is not going to be the State's determination; it is going to be the determination of the U.S. Commissioner of Education.

Therefore, we need the protection of the Meeds amendment in order to have it fairly administered, because if we get an absolute 100 percent equalization, we may find that none of the States qualify.

As the gentleman from Kansas said, the State of Kansas has 100 percent equalization. Well, if the U.S. Commissioner of Education says there is not 100 percent equalization, then we need the language that is provided by this amendment.

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

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. FORD. Mr. Chairman, I do not think the gentleman is correctly reading the new Meeds amendment. There is no reference to the U.S. Commissioner of Education in the new version.

Under the provisions of the Meeds amendment, this determination will be made by the State which is tailoring its own plan. The Commissioner has no discretion under this Meeds amendment.

Mr. QUIE. Mr. Chairman, the Commissioner has discretion in administering the law. The State would determine the percentage of its equalization, but the Commissioner is going to have to decide the matter finally, because he is going to write the regulations as to how this law is going to be implemented. The Commissioner has constantly done that. There is not a law written for which the U.S. Commissioner has not written regulations.

Mr. FORD. Mr. Chairman, if the gentleman will yield further, the fact is that the effect of the Meeds amendment is that the Commissioner could withhold all impact aid going to a particular State if that State engages in the practice of taking into account impact aid funds for the distribution of State funds.

We did hold up funds for the State of Massachusetts, the gentleman will recall, a few years ago, when they devised a plan to do this. At that time the Secretary of HEW happened to be Elliot Richardson, and he wrote the plan when he was attorney general of the State, and it went through the long process of a Federal court case.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

(On request of Mr. FORD and by unanimous consent, Mr. QUIE was allowed to proceed for 2 additional minutes.)

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

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. FORD. Mr. Chairman, so the effect of the Meeds amendment is that if the State can do something that will comply with the language of this section of the statute, the Secretary has no right to withhold funds and does not pass on the wisdom of it. The language in the bill says the Secretary will decide it, but the Meeds amendment now before us does not.

Mr. MEEDS. If the gentleman will yield, I agree with the gentleman in the well. I think the amendment offered by the gentleman from Utah goes too far and requires that a State be a guarantor of 100 percent of the cost of education in a school district and would not be able to count anything unless it was guaranteeing at least that much. This is an extremely complicated area. I hope if we have any problems, we can work it out in conference, but I feel much more comfortable with what we have worked out so far without taking the amendment offered by the gentleman from Utah.

Mr. ROY. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. ROY. Is it the gentleman from

Minnesota's understanding that if indeed a State considers 100 percent of local revenues in their equalization formula, they may consider 100 percent in Public Law 874?

Mr. QUIE. That is the intention of the Meeds amendment, and that is why I support it.

Mr. ROY. Is it the gentleman's reading of the McKay amendment that it changes this criteria or provision at all?

Mr. QUIE. It does, because today the State still has to prove equalization to the commissioner who has to administer this act. They have to give assurance in order to protect a State in the eyes of the Commissioner. Even though they say it is 100 percent, he looks at it and says that is not right, and he ought to be able to correct it to 90 percent.

Mr. ROY. I think, if that is the problem indeed, then I will oppose the amendment.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. PERKINS, Mr. QUIE was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. If the gentleman will yield, I would like to ask the gentleman from Minnesota if he would be willing to go back to the original Meeds amendment without bringing in this new language that has confused the membership of this committee.

Mr. QUIE. I would say to the chairman if people were confused on the original language, I do not see how they can be confused now. I think the language of the Meeds amendment is excellent and it will permit impact aid to be considered fairly in those States that have moved to equalization. There are some other States that have this as well as these three States mentioned. Minnesota has it, too. The State of Minnesota is another State that will come under the Meeds amendment.

Mr. PERKINS. The gentleman will agree with me that the amendment in the bill permits the States to consider impact aid as a local resource if the States consider the tax effort of local school districts in their State legislation plans. The committee report then says that the States may consider impact aid to the same degree they contribute to education.

Mr. QUIE. I would say to the chairman that I think the Meeds amendment makes this a much more fair and equitable provision.

Mr. PERKINS. I am just asking if the gentleman would object to the original Meeds amendment and drop this new amendment?

Mr. QUIE. I do not think so. I think the gentleman from Kansas would have difficulty if we did not have this language in there.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. SMITH of Iowa, Mr. QUIE was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. If the gentleman will yield, if the impact aid is going to be used to equalize costs throughout the State, why should not the entire State have to break the impact aid barrier instead of the individual district? For financial purposes the individual district would not be the one that is impacted, but it would be the entire State that is being treated as an impacted area.

Mr. QUIE. The district is supposedly impacted, but the State then moves to equalization. Once they have made that move then it seems to me it is only fair to consider what the school district got from the Federal Government as a part of their total revenues.

Mr. SMITH of Iowa. So the school district would be left in the same position as if they had never received impact aid. So why should not the impact requirements for qualification be statewide instead of on a district basis?

Mr. QUIE. We probably ought to get to that someday on the impact aid bill.

Mr. SMITH of Iowa. We have a problem there.

Mr. ROY. Mr. Chairman, if the gentleman will yield, I notice in reading the language in the report, starting at the bottom of page 42 and continuing on the top of page 43, that it says:

> But the impact aid can only be considered to the same extent that the State is providing for education from State sources.

Would that be negated by the amendment offered by the gentleman from Washington (Mr. MEEDS)?

Mr. QUIE. I would yield to the gentleman from Washington for a reply to that question.

Mr. MEEDS. Mr. Chairman, it certainly is not my intention to negate that language. Indeed, it is to assure that that occurs that I presented this amendment.

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

Mr. Chairman, the section before us is of critical importance to the over 100 school districts in Kansas receiving impact aid money.

In 1973, the Kansas State Legislature enacted a new school finance plan. Briefly stated, the plan determines, to the extent possible, the wealth of each school district, requires that this wealth be utilized, and provides for the distribution of State aid when that wealth is not sufficient to finance an appropriate school budget. In developing this plan, the legislature found it necessary to deduct certain items of wealth of particular school districts, in including 874 funds, in determining the amount of State aid to be granted to that particular school district. Impact aid moneys were treated as a local resource, along with other local revenues. This plan has proved to be most effective and is considered by many experts to be an example of a truly equalized formula. To penalize the State of Kansas for its equalization effort would be unfair and senseless. The section before us would enable the State of Kansas to count 874 moneys 100 percent.

Mr. Chairman, the language of this section recognizes the fact that the Kansas plan is a true effort toward, and achievement of, equalization.

So that my colleagues may better understand the peculiarities of the Kansas school finance plan, I would like to insert for the RECORD a statement of explanation written by Kansas State Senator, Senator Joseph Harder, and submitted to the Honorable Chairman of the House Education and Labor Committee for consideration:

STATEMENT OF EXPLANATION

Following the onslaught of Serrano, Rodriquez, Hatfield, Caldwell and numerous other court decisions, states became more aware of their responsibility for financing public schools. Notwithstanding the United States Supreme Court's decision in the Rodriquez Case it still appears to be evident that states cannot abrogate their responsibility for providing the funds to assure equal educational opportunity among their public schools. To equalize educational opportunities and to make available quality educational programs in each school district will almost without exception require a complete review of the method of financing public education.

Because Kansas recognized it had an obligation to improve the financing of public schools even before the court mandated finance reform in (Caldwell vs. the State of Kansas), tne Legislature appointed a special committee to study the problems. In attempting to effect a solution the committee explored various methods for financing public education. Invariably the committee was faced with the problem of how to deal with PL 874 moneys.

If the states are to be "fiscally neutral" in order to comply with standards laid down in several court decisions including *Caldwell* as it affected Kansas then the resources of school districts must be taken into account.

The special committee that worked on a new school finance plan recognized that deduction of PL 874 receipts had been voided in 1968 by the United States District Court in (Hergenreter vs. Hayden). This case arose under the old Kansas school foundation finance law which was repealed by the enactment of Sub. S.B. 92 in 1973. The committee designed the new law to be much more equalizing than the old law by requiring districts in specific enrollment categories to have a similar "local effort rate" in order to spend comparable amounts per pupil. To accomplish this purpose, the committee firmly believed that PL 874 funds had to be taken into account in order to avoid serious disequalizing effects in certain cases.

For example, it was estimated that three of the Kansas school districts which have received substantial amounts of PL 874 funds would have no, or possibly a very small, general fund tax levy under Sub. S.B. 92 if PL 874 funds were not considered as a district revenue resource. Other districts comparable in enrollment and in certain other ways would have general funds tax rates of 18 to 20 mills or more on an equalized valuation basis.

The old Kansas school finance system, i.e., before enactment of Sub. S.B. 92, was held unconstitutional on both federal and state constitutional grounds (Caldwell vs. Kansas). Among other things, the court was critical of the wide disparities in tax rates among school districts. In its effort to fashion a new finance system, the legislators who did most of the work on Sub. S.B. 92 were convinced that they could not justify a situation where a district would have no general fund tax levy or a very small one, simply because the district received PL 874 funds, and still be entitled to spend as much or more per pupil as comparable districts not receiving such funds.

Kansas' general state aid formula is designed to provide more state aid to districts with low "wealth" per pupil than to districts with high "wealth" per pupil (wealth is measured by adding the total equalized assessed valuation and taxable income of a school district). Districts with low "wealth" per pupil include those which have received relatively large amounts of PL 874 funds—they have such low "wealth" mainly because

of their number of federally-impacted pupils in relation to their taxable property valuation (federal property being exempt from the property tax).

To demonstrate the points made above, consider three school districts which have received relatively large amounts of PL 874 funds. Even with such funds considered as a district revenue resource under Sub. S. B. 92, the May 23 computer application of the general state aid formula indicated the following *increases* in state aid in 1973–74 over actual aid in 1972–73 under present law:

Junction City	$892,773
Derby	1,094,416
Washburn	434,429

The state-wide average ratio of total general state aid to the total general fund budgets of all districts is tentatively estimated at 43% for 1973–74, under Sub. S.B. 92. For the three districts, the estimated state aid-to-budget ratio is:

	Percent
Junction City	54
Derby	60
Washburn	50

These ratios are well above the state average, even with PL 874 funds considered as a local resource.

The Kansas Legislature has enacted a new school finance law which is designed to improve equalization of local tax effort and of expenditures per pupil. There certainly was no intention to discriminate against districts which have received PL 874 funds, as indicated by the above figures. On the contrary, discrimination would result if PL 874 funds were not taken into account in the new general state aid formula. In one sense under the plan, the state is oblivious to the PL 874 program just as it is to the "wealth" of any individual district. The plan provides for full funding of a school district's legally adopted general fund budget. That budget, subject to certain contraints, is determined locally. To the extent that a district's resources for funding this budget increase or decrease, the state would provide more or less aid, in the amount necessary for full funding of the district's budget.

During the hearings on Sub. S.B. 92, no one representing any of the districts which receive PL 874 funds appeared before the committees to object to the way such funds are treated in the new law.

Because of the guidelines and interpretations the Federal Government has used regarding PL 874 money, I am requesting that your committee review congressional policy concerning certain aspects of the PL 874 program.

As I have indicated on many occasions, present requirements and constraints of this program have the effect of impeding the efforts of some states in developing equitable school finance plans. As an example, state school finance plans which propose a power equalizing concept involving some mixture of local taxing effort and state aid clearly are distorted by the prevailing laws, regulations, and judicial decisions relative to PL 874. Let me explain. It was the intent of Congress that PL 874 funds be provided to school districts partly to offset:

1. The impact on the school district of children of certain federal employees.

2. The revenues lost by virtue of property not being on the tax rolls. It seemed logical to impose a prohibition against reducing state aid in those districts that received PL 874 funds. Put another way, the states were not to be allowed to substitute federal aid for state aid. Such a requirement was particularly appropriate at a time when there was little effort being made by the states in school finance to equalize among districts both local tax efforts and spending levels.

The 1973 Kansas Legislature enacted a new school finance law which we refer to as a modified power equalization school finance plan. The principal element of power equalizing is to equate the taxing effort and spending authority of school districts having widely varying resources. The balancing element of such a plan is state aid.

Those who have examined the Kansas plan generally agree that if PL 874 funds of a district cannot be considered as a local resource the plan would be subject to severe distortion. In short if PL 874 had not been taken into account similar districts would be permitted to spend at similar levels but have widely varying taxing efforts.

Since PL 874 is generally considered as a kind of payment in lieu of taxes, it seems reasonable to consider such aid as being of the same general character as locally generated taxes and therefore an element of local resources. From experience in our state and others it is evident that Congress should continue PL 874 but under new guidelines. I submit the following suggestions for your consideration:

Part A of PL 874:

1. The federal government should provide payments in lieu of taxes to help compensate school districts for property that is not on the tax rolls. Persons may both live and work on federal property and their children may attend a public school which is supported largely through property taxes generated locally.

2. The impact upon the school where large numbers of federal employees reside is reflected in increased costs. One of the purposes of impact aid should be to help compensate for this added financial burden.

3. Added costs of operation to the school district occur in districts where there is considerable transience of federal employees. The costs resulting from this unique characteristic should be recognized by the federal government.

4. Some argue that aid for Part A students should be 100% reimbursable to the district because the state and/or school district patrons should not be responsible for the education costs of children for whom there is contributed no property tax and perhaps very little income tax.

5. Since PL 874 aid has been provided in substantial amounts to many school districts of this nation for a number of consecutive years, a termination of this program would have severe consequences for many school distrct budgets.

Part B of PL 874:

1. Even though families in which employment is with a federal installation may live off the premises of such installation and contribute directly or indirectly to the local property tax base, federal impact aid may be justified by the fact that the place of employment, a federal installation, is not included in the local tax base. Generally valuations of residential property alone do not adequately support a school program.

2. The impact upon the school where large number of federal employees reside is reflected in increased costs. One of the purposes of impact aid should be to help compensate for this added financial burden.

3. Added costs of operation to the school district occur in districts where there is considerable transcience of federal employees. The costs resulting from this unique characteristic should be recognized by the federal government.

4. Aid for Part B students should be provided to the extent that there is compensation for the property of the federal installation which is not on the tax rolls.

5. Even though Part B aid may be relatively meaningless to some districts because of the small number of pupils involved, yet it is important if, indeed, the state is responsible for equalizing educational opportunity and local effort.

Part A of PL 874 should be continued at 100% of entitlement under the present formula.

Part B might be amended to lower the entitlement per pupil, but should not be deleted. Whenever the Federal Government acquires land for Federal projects the number of acres is often substantial which leaves a taxing district, primarily schools, in the untenable position of having a diluted tax base from which to fund its budget.

It has been said that Federal Installations enhance the economy of a given area, but so long as real property is the base from which revenue for financing schools is derived, it is incumbent upon the Federal Government to fill the void it has created. The problems I have related are not unique to Kansas because every state in attempting to solve its school finance problems must come to grips with PL 874.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. McKAY) to the amendment offered by the gentleman from Washington (Mr. MEEDS) to the committee substitute.

The amendment to the amendment to the committee substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS) to the committee substitute.

The amendment to the committee substitute was rejected.

AMENDMENT OFFERED BY MR. STUDDS TO THE COMMITTEE SUBSTITUTE

Mr. STUDDS. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendments offered by Mr. STUDDS to the committee substitute: On page 88, insert the following after line 14.

"IMPACT AID PAYMENTS IN AREAS EXPERIENCING DECREASES IN, OR CESSATION OF, FEDERAL ACTIVITIES

"SEC. 307. In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of such Act of September 30, 1950 of 10 percentum or more of such number—

"(1) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

"(2) during the period beginning July 1, 1973, and ending June 30, 1975;

as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973, the amount to which such agency shall be entitled under such Act, as computed under section 3(c) of such Act, for any fiscal year prior to July 1, 1978, shall not be less than 90 per centum of the amount to which such agency was entitled during the preceding fiscal year."

Mr. STUDDS. Mr. Chairman, I shall not take the full 5 minutes. This is a simple, fair, humane, amendment. It provides for an orderly phaseout of impacted aid money to cities and towns in this Nation which were seriously affected by the military base closings announced last spring.

The amendment provides, very briefly,

that for the next 5 fiscal years these cities and towns would not get less than 90 percent of the impact aid money that they got in the previous year. Thus, while the amount would decrease each year as it should, it would phaseout gradually instead of being cut off all at once. This orderly, gradual phaseout would save the affected school districts from massive, immediate financial crises.

The amendment has been approved in the Senate bill which has been reported from committee in the Senate. I hope very much that we can approve it in the House, and if we are unsuccessful in doing that, I hope very much that the managers on the part of the House will look with extraordinary understanding and compassion as they deal with the managers on the part of the Senate on this bill.

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

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, I want to commend my colleague for offering this amendment. Simply stated, the amendment seeks to remedy the injustice to impact areas that have been caught in the vortex of military closures. I do not think it is fair for these communities to be cut off precipitously.

As the gentleman from Massachusetts has pointed out, it spells disaster for many of these areas that have been caught in base closures. These announcements of closings came without advance warning. This is not the way the Federal Government ought to handle or treat these communities. It makes planning very difficult; but, more importantly, it imposes, an escalating and undue economic and monetary hardship on the affected areas. The loss of impact aid should be gradual, as suggested by the gentleman from Massachusetts. It should be phased over a reasonable number of years, and I think the years that he has included in his amendment are a reasonable period of time. This is the fair way to deal with these involved areas.

As the gentleman from Massachusetts has pointed out, a similar amendment passed the Senate on June 25 of last year. I suggest to the Members of this Committee that all fairness and equity is not embedded on the other side of Capitol Hill. I think there is some fairness and equity embedded in the chairman of the Committee on Education and Labor and the ranking minority member, and I would hope that both the chairman and the ranking member would accept this amendment.

Mr. STUDDS. I thank the gentleman for his comments.

I would point out that there are towns in this Nation on which the effect of an immediate phasing out would be absolutely catastrophic, towns that for years and years and years have had half or more of their budget dependent on impact aid.

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

Mr. STUDDS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I happen to have one of those cities in my district where a base was closed, an Air Force base. This has had a tremendous impact on the economy and well-being of the people of that community. The unemployment rate has gone up from 10 or 12 percent all the way to 19.8 percent and the schools cannot afford to lose all of this aid they were getting because it will make it very difficult to maintain a truly good educational system. Two school districts have been vitally affected by this base closing.

I associate myself with the remarks made by the gentleman in the well and I strongly urge adoption of this amendment.

Mr. STUDDS. I thank the gentleman from Texas.

I would point out again this is not a regional or a parochial amendment. There are such towns and cities in every State in this Nation. I think there are standards of equity and decency to be followed in allowing them to make the adjustments to carry on the cost of the burdens of education and we should not force them to do that overnight.

Mr. KAZEN. I agree. An adjustment period such as the one provided by this amendment should be provided.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, I concur with the remarks made by the gentleman from Massachusetts (Mr. STUDDS) with respect to the Cape Cod area of Massachusetts which was so badly hurt by base closings last year. There are 54 areas of the country that felt the results of those base closings. In my own area where we have the Boston Naval Shipyard some 6,200 people were laid off during the years and the bulk of them came from the suburban area of Boston, and consequently, just as the Cape Cod area of Massachusetts has been hurt, we, too, have been hurt.

I think the formula offered by the gentleman in his amendment is a worthwhile amendment and I hope the amendment will be adopted.

Mr. STUDDS. I thank the gentleman from Massachusetts.

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

Mr. Chairman, Members must realize we are talking about children who are not there any more as impact. The base is closed. The present law permits them to be counted for an additional year. We can get money for a year after the children cease to be an impact. What the gentleman wants to do is give them 90 percent of the money for 5 years. What sense does that make, other than the desire of the community to keep getting the money? That is all it is. It is totally unfair.

We have got so much of a boondoggle in impact aid now I surely hope we are not going to continue to add to the boondoggle, and this certainly is a boondoggle.

Mr. PERKINS. Mr. Chairman, I simply want to reiterate what the gentleman from Minnesota stated.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, I cannot concur with the statement that the gentleman made and particularly with respect to the district the gentleman from Massachusetts (Mr. STUDDS) has been talking about. The school is still there and it is still of the same size and most of the employees, while they are not associated with the base any more, are still living in the particular area and the community is badly hurt.

Mr. PERKINS. Let me say to our distinguished majority leader that I know the children are still there—part of them at least, but not all of them—but there is a question in my mind whether we should take 5 years to phase the payments out. Under this amendment in the first year districts would receive 90 percent of the amount they received in the previous year. And then in the 4 years thereafter they will receive 90 percent of the previous year's amount. In my judgment that duration would be entirely too long.

Since the Senate bill contains a similar provision, I think we can meet this problem in conference. I do not feel we should go along with this 5-year phaseout. The parents of those children have other employment where taxes are being paid. Furthermore, I would think this would add a tremendous cost to the impact program and will result in pulling down the payments for the A and B children because of the total cost if we add this amendment. This will be a costly amendment. I certainly would not want to agree to the amendment myself and I do not intend to support the amendment.

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

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

Mr. QUIE. Would not this be the same as a base which was in operation and some employees who had children for which they are getting impacted aid cease to be Federal employees and go to work for some private establishments? Under that situation the money ceases to go to the school district for impacted aid. Why should we accept something like this amendment?

Mr. PERKINS. Well, the gentleman is just going too far on this.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. STUDDS) to the committee substitute.

The amendment to the committee substitute was rejected.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. GONZALEZ TO THE COMMITTEE SUBSTITUTE

Mr. GONZALEZ. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ to the committee substitute: Page 87, strike out line 22, and insert in lieu thereof the following:

SEC. 305. (a)(1) The last sentence of section 403(1) of such Act of September 30, 1950, is amended by inserting before the period at the end thereof the following: ", but such term does include any real property which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of title I".

(2) Effective from July 1, 1973, section

Page 87, line 21, insert "Certain United States Postal Service Property;" before "Counting".

Mr. GONZALEZ. Mr. Chairman, I am offering this amendment in order to restore the eligibility to those buildings that lost their eligibility to impacted aid due to the Postal Reorganization Act.

Back in 1970 when this Reorganization Act was passed one of the provisions provided that Federal buildings using more than 50 percent of their space for postal operations would be turned over to the U.S. Postal Service. On the surface this transaction appeared logical, but what was discovered later was that these buildings turned over to the Postal Service could no longer be considered Federal buildings for impacted aid purposes, according to Public Law 874, even though they housed other Federal offices.

Congress remedied this situation by adding an amendment to a manpower bill that would extend the life of these buildings as Federal buildings for impacted aid purposes for 2 years. These 2 years are now up as of fiscal year 1974.

I was contacted by one of the school superintendents in my area who advised me that the Federal building in San Antonio is not longer considered a Federal building for impacted aid purposes. By the time this was brought to my attention, it was too late to go to the committee that had drawn up the bill. This school district alone has 300 category B students whose parents work in that building, and who, as the law now stands, cannot be counted as category B for fiscal year 1974. This means that this school district stands to lose about $60,000.

I have learned that there are 130 buildings across the country that will no longer be considered Federal buildings, because of the provision in the Postal Reorganization Act and the lapse of the extension of their eligibility.

I have this list and it is available to any Member that is interested.

My amendment would allow these buildings to still be considered as Federal buildings for impacted aid. The amendment would make this permanent within the law and would recognize what we did in 1970 by the amendment.

We all understand that the purpose of impacted aid is to provide Federal financial assistance for the maintenance and operation of local school districts in which enrollments are affected by the Federal presence of activities. If we allow these buildings to lose their status we will not be following this principle. Just because a change is made on paper—a building is switched from GSA control to Postal Service control—does not change the local tax situation. The loss of a tax base on these buildings still exists. The school districts still need these funds to help in educating their young people.

I hope my colleagues will join me in approving the amendment.

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

Mr. GONZALEZ. Mr. Chairman, I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I rise to associate myself with the remarks of my colleague from Texas and express my strong support of his amendment. I think the gentleman has put it very well. This was a transfer on paper. The impact is still there. Nothing has changed except the transfer of property from one governmental agency to another semigovernmental agency, but the people who work there are still Government workers.

Mr. Chairman, I can see no earthly reason to deny them the benefits everybody else in the same category—Government employees—all over this country are going to get under the impacted fund program. I thank the gentleman from Texas for presenting this amendment.

Mr. GONZALEZ. Mr. Chairman, I thank my colleague from Texas for his remarks.

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

Mr. Chairman, as the gentleman said, we had voted Public Law 92-277 in 1972. The purpose of that law was to give these children of that time period a 2-year phaseout, to ease the burden of the sudden loss of impact aid. This was adequate for the need. The estimate of costs of the gentleman's amendment would amount to $15 million in 1975 and an equal amount every year after that. It seems to me that it is just another of what we frequently call boondoggle. I do not think we need it. I think it is totally unnecessary, and I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ) to the committee substitute.

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

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

Mr. GONZALEZ. Mr. Chairman, I demand a division.

The question was taken; and on a division (demanded by Mr. GONZALEZ) there were—ayes 15; noes 31.

So the amendment to the committee substitute was rejected.

The CHAIRMAN. Are there further amendments to title III? If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—AMENDMENT AND EXTENSION OF THE ADULT EDUCATION ACT

SPECIAL PROGRAMS

SEC. 401. (a) Section 304 of the Adult Education Act is amended (1) by striking out subsection (a), and (2) by striking out of subsection (b) the following: "(b) From the remainder of such sums, the" and inserting in lieu thereof "The".

(b) Section 309 of such Act is amended to read as follows;

"USE OF FUNDS FOR SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

"SEC. 309. Of the funds allotted to a State under section 305 for a fiscal year, not less than 15 per centum shall be used for (a) special projects which will be carried out in furtherance of the purposes of this title, and which—

"(1) involve the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this title, or

"(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

(b) training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title."

(c) Nothing in the amendments made by this section shall be deemed to affect any program or project approved prior to the date of enactment of this Act.

COORDINATION; HIGH SCHOOL EQUIVALENCY PROGRAMS

SEC. 402. Section 306 of the Adult Education Act is amended by redesignating clauses (6), (7), (8), and (9), and all references thereto, as clauses (8), (9), (10), and (11), respectively and by inserting immediately after clause (5) of such section the following new clauses:

"(6) provide for cooperation with manpower development and training programs and occupation educational programs, and for coordination of programs carried on under this title with other programs, including right-to-read programs, designed to provide reading instruction for adults carried on by State and local agencies;

"(7) provide that such agency will make available for programs of equivalency for a certificate of graduation from a secondary school not to exceed 25 per centum of so much of the State's allotment as exceeds its allotment for the fiscal year ending June 30, 1973;".

INSTITUTIONALIZED ADULTS

SEC. 403. Section 306(a)(1) of the Adult Education Act is amended by inserting after the words "adult population" the words ", including the institutionalized,", and by inserting before the semicolon at the end thereof the following: ": Provided, That not more than 5 per centum of the funds used to carry out this Act for a fiscal year shall be used for the education of institutionalized persons".

STATE ADVISORY COUNCILS

SEC. 404. The Adult Education Act is amended by inserting immediately after section 310 thereof the following new section:

"STATE ADVISORY COUNCILS

"SEC. 310A. (a) Any State which receives assistance under this title may establish and maintain a State advisory council, or may

designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agencies are elected (including election by the State legislature), by such board.

"(b)(1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

"(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall—

"(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan approval pursuant to section 306;

"(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

"(C) prepare and submit to the State educational agency, and to the National Advisory Council for Adult Education established pursuant to section 310, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

"(c) Upon the appointment of any such advisory council, the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b)(1) of this section.

"(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

"(e) Each such State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section."

TECHNICAL AMENDMENTS

SEC. 405. (a) Section 313(a) of the Adult Education Act is amended by—

(1) striking out the word "There" and inserting in lieu thereof "Except as provided in section 314, there"; and

(2) striking out "and June 30, 1973" and by inserting in lieu thereof "and for each of the five succeeding fiscal years".

(b)(1) The matter preceding the colon in section 431 of the Education Amendments of 1972 is amended to read as follows:

"SEC. 431. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by adding at the end thereof the following new section".

(3) Section 314(d) of the Adult Education Act (as redesignated by this section) is amended by striking out the word "two" and inserting in lieu thereof the word "four".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title IV of the committee substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—COMMUNITY EDUCATION

SEC. 501. The Act is amended by inserting after title VIII (as inserted by section 201) the following new title:

"TITLE IX—COMMUNITY EDUCATION DEVELOPMENT

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Community Education Development Act of 1974'.

"STATEMENT OF PURPOSE

"SEC. 902. In recognition of the fact that the school, as the prime educational institution of the community, is most effective when it involves the people of that community in a program designed to fulfill their education needs, and that community education promotes a more efficient use of school facilities through an extension of school buildings and equipment, it is the purpose of this title to provide recreational, educational, and cultural community services, in accordance with the needs, interests, and concerns of the community, through the establishment of the community education program as a center for such activities in cooperation with other community groups.

"DEFINITION

"SEC. 903. For purposes of this title, a 'community education program' is a program in which a public building, including but not liimted to a public elementary or secondary school, is utilized as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, and cultural community services for the community which that center serves in accordance with the needs, interests, and concerns of that community.

"AUTHORIZATION OF APPROPRIATIONS; ALLOTMENTS TO STATES

"SEC. 904. (a) There is hereby authorized to be apropriated $12,500,000 for the fiscal year ending June 30, 1976, and $15,000,000 for the fiscal year ending June 30, 1977, to enable the Commissioner to make payments under section 906(a).

"(b)(1) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve such amount, but not in excess of 1 per centum thereof, as he may determine and shall allot such amount among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands according to their respective needs for assistance.

"(2) Sums not reserved under paragraph (1) shall be allotted among the States (other than those provided for under paragraph (1)) by, first, allotting $20,000 to each such State and then allotting any amounts remaining among such States according to their relative populations.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such years as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to subsection (a) shall be deemed part of its allotment under subsection (b) for such year.

"STATE PLANS

"SEC. 905. (a) Any State which desires to receive grants under this title shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

"(1) designates the State educational agency to act as the sole agency for administration of the State plan;

"(2) sets forth a program under which funds paid to the State from its allotment under section 904(b) will be used to assist them (A) to establish new community education programs; (B) to expand or improve community education programs; or (C) to maintain and carry out community education programs, except that no assistance shall be provided under this clause (C) with respect to a program which was not assisted under clause (A) or (B) during a preceding fiscal year;

"(3) provides that projects will be carried on only in the school districts of local educational agencies receiving funds under title I of the Elementary and Secondary Education Act of 1965;

"(4) provides that the State agency will at all time have on its staff a trained community education coordinator;

"(5) provides that in the selection of local educational agencies to be awarded grants under the program consideration shall be given to (A) proof of interest in the community to be served in the establishment, expansion or improvement of community education programs, (B) the recommendations of the Advisory Council, and (C) whether other Federal funding alternatives for the programs are available;

"(6) sets forth policies and procedures designed to assure that Federal funds made available under this title for any fiscal year will be so used as to supplement, and, to the extent practical, increase the level of State, local, and private funds that would in the absence of such Federal funds be made available for and in no case supplant such State, local, and private funds;

"(7) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including any such funds paid by the State to any other public agency) under the plan; and

"(8) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title (including any such information as the Advisory Council may request him to obtain), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"FEDERAL SHARE

"SEC. 906. (a) From the amounts allotted to each State under section 904(b), the Commissioner shall pay to that State an amount equal to the Federal share of the

amount expended by the State in carrying out its State plan, except that the Commissioner is authorized to pay all the costs of a program located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

"(b) For purposes of subsection (a), the Federal share shall be 80 per centum in the case of a program described in clause (A) of section 905(a)(2), 65 per centum in the case of a program described in clause (B) of such section for the first year of such program, and 55 per centum for the second year, and 40 per centum in the case of a program described in clause (C) of such section.

"ADMINISTRATION OF SUCH STATE PLAN

"SEC. 907. (a) The Commissioner shall not finally disapprove any State plan submitted under section 905(a), or any modification thereof, without first affording the State educational agency administering the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 905(a), or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provisions,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program provided for in the State plan until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"SEC. 908. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 905(a) or with his final action under section 907(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

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

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

"ASSISTANCE TO STRENGTHEN COMMUNITY EDUCATION RESOURCES OF STATE EDUCATIONAL AGENCIES

"SEC. 909. (a) The Commissioner shall carry out a program for making grants to stimulate and assist States in strengthening the resources of their State educational agencies in the field of community education. If the Commissioner determines, upon application of a State agency, that the resources of its State education agency in the field of community education are adequate, he may permit the State agency to consider for purposes of section 906(a) that all or part of the funds available to it under this section as funds allotted to it under section 904(b).

"(b) For purposes of making grants under this section, there is authorized to be appropriated the sum of $2,100,000 for each of the fiscal years ending June 30, 1976, and June 30, 1977.

"(c) Grants under this section to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands shall not aggregate more than $20,000 in each of the fiscal years ending June 30, 1976, and June 30, 1977. Grants under this section to the other States for each of the fiscal years ending June 30, 1976, and June 30, 1977, shall not exceed $40,000.

"TRAINING GRANTS

"SEC. 910. (a) The Commissioner may make grants to institutions of higher education to develop and establish, or to expand, programs which will train persons as community education coordinators.

"(b) There is authorized to be appropriated the sum of $2,000,000 for the fiscal year ending June 30, 1976, and the succeeding fiscal year, for making grants under this section.

"NATIONAL CLEARINGHOUSE ON COMMUNITY EDUCATION PROGRAMS

"SEC. 911. (a) There is hereby established a national clearinghouse on community education programs within the Office of Education. The purpose of the clearinghouse shall be the gathering and dissemination of information received from community education programs, including but not limted to information regarding new programs, methods to encourage community participation, and ways of coordinating community services.

"(b) There is authorized to be appropriated the sum of $200,000 for the fiscal year 1976 and each succeeding fiscal year.

"(c) The Commissioner shall establish a permanent liaison between each community education program and the Commissioner. The Commissioner shall also make available to each community education program such technical information as they may require, and this shall be coordinated with the national clearinghouse.

"ADVISORY COUNCIL

"SEC. 912. (a)(1) There is hereby established in the Office of Education a Community Education Advisory Council (referred to in this title as the 'Advisory Council') to be composed of eleven members. The members of the Advisory Council shall be appointed by the Secretary.

"(2) A substantial number of the members of the Advisory Council shall be community educators. Further, the Advisory Council shall include representatives from various disciplines to be drawn on in providing services in community school programs.

"(3) Appointments to the Advisory Council shall be completed within three months after enactment of this title. Members shall be appointed for two-year terms, except that of the members first appointed six shall be appointed for a term of one year and five shall be appointed for a term of two years, as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its powers and six members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Advisory Council. A member of the Advisory Council who is an officer or employee of the Federal Government shall serve without additional compensation.

"(4) The Commissioner shall make available to the Advisory Council such staff, information, and other assistance as it may require to carry out its activities.

"(b)(1) The Advisory Council shall advise the Commissioner on policy matters relating to the interests of community schools.

"(2) During the six-month period following the appointment of a quorum of the Advisory Council, the Advisory Council shall be responsible for creating policy guidelines and regulations for the operation and administration of this title. In addition, the Council will create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of this title for each fiscal year ending after June 30, 1975.

"PLANNING GRANTS

"SEC. 913. There is authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1975, and such sums as may be necessary for each succeeding fiscal year, to enable the Commissioner to make grants to State agencies to assist them in planning their community education programs.

"LIMITATION ON PAYMENTS UNDER THIS TITLE

"SEC. 914. (a) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction.

"(b) Section 432 of the General Education Provisions Act is amended by inserting after 'Emergency School Aid Act;' the following: 'Community Education Development Act of 1974;'.

"REPORTS TO THE CONGRESS

"SEC. 915. The Commissioner shall transmit to the President and the Congress annually a report of activities under this title."

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title V of the committee substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title VI?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VII—AMENDMENT AND EXTENSION OF THE EDUCATION OF THE HANDICAPPED ACT

EXTENSION OF ADVISORY COMMITTEE

SEC. 601. Section 604 of the Education of the Handicapped Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Committee shall continue to exist until July 1, 1976."

OFFICERS OF BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 602. (a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" after "SEC. 603." and by adding at the end thereof the following new subsection:

"(b)(1) The bureau established under subsection (a) shall be headed by a Deputy Commissioner of Education who shall be appointed by the Commissioner and who shall report directly to the Commissioner.

"(2) In addition to such Deputy Commissioner, there shall be placed in such bureau five positions for persons to assist the Deputy Commissioner in carrying out his duties, in-

cluding the position of Associate Deputy Commissioner, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b) (1) The positions created by subsection (b) of section 603 of the Education of the Handicapped Act shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code, and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law. Nothing in this section shall be deemed as limiting the Commissioner from assigning additional grade 16 and above General Schedule positions to the Bureau should he determine such additions to be necessary to operate programs for educating handicapped children authorized by this Act.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this Act.

EXTENSION OF PROGRAM OF ASSISTANCE TO STATES

SEC. 603. Section 611(b) of the Education of the Handicapped Act is amended by striking out "and" after "1972," and by inserting before the period at the end thereof the following: ", $50,000,000 for the fiscal year ending June 30, 1974, $65,000,000 for the fiscal year ending June 30, 1975, and $80,000,000 for the fiscal year ending June 30, 1976".

(b) Section 612(a)(1)(B) of such Act is amended by striking out "1973" and inserting in lieu thereof "1976".

ADDITIONAL STATE PLAN REQUIREMENTS

SEC. 604. Section 613 of the Education of the Handicapped Act is amended by redesignating subsections (b), (c), and (d) of such section, and all references thereto, as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b)(1) Any State which receives funds under this title shall submit to the Commissioner for approval by one year from the date of enactment of this subsection through its State educational agency an amendment to the State plan required under section 613(a), setting forth in detail the policies and procedures which the State will undertake to insure the education of all handicapped children and that—

"(A) all children residing in the State who are handicapped regardless of the severity of their handicap and who are in need of special education and related services are identified and evaluated, including a practical method of determining which children currently are and are not receiving needed special education and related services;

"(B) there is established a detailed timetable for providing full educational opportunity for all handicapped children, including a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet this goal; and

"(C) the amendment submitted by the State pursuant to this section shall be available to parents and other members of the general public at least thirty days prior to the date of submission to the Commissioner. For the purpose of this part, any amendment to the State plan required by this subsection and approved by the Commissioner shall be considered as a required portion of the State plan.

"(2) The Commissioner shall prescribe detailed criteria to protect the confidentiality of such data and information collected by the State pursuant to this subsection;"

REGIONAL EDUCATION PROGRAMS FOR DEAF AND OTHER HANDICAPPED PERSONS

SEC. 605. Part C of the Education of the Handicapped Act is amended by redesignating sections 625 and 626 thereof as sections 626 and 627, respectively, and by inserting a new section as follows:

"REGIONAL EDUCATION PROGRAMS

"SEC. 625. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

"(b) In making grants or contracts authorized by this section the Commissioner shall give priority consideration to—

"(1) programs serving multistate regions or large population centers;

"(2) programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

"(3) programs designed to serve areas where a need for such services is clearly demonstrated.

"(c) For purposes of this section, the term 'handicapped persons' means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programing and related services.".

CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

SEC. 606. Section 627 of the Education of the Handicapped Act (as redesignated by section 605) is amended by inserting at the end thereof the following: "Thereafter, for the purpose of carrying out section 621, there is authorized to be appropriated $7,250,000 for the fiscal year ending June 30, 1974, $12,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976; for the purpose of carrying out section 622 of this Act, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976; for the purpose of carrying out section 623, there is authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1974, $24,000,000 for the fiscal year ending June 30, 1975, and $36,000,000 for the fiscal year ending June 30, 1976; for the purpose of carrying out section 625, there is authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each of the two succeeding fiscal years.".

TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

SEC. 607. Section 636 of such Act is amended (1) by inserting after "this part" the following: "(other than section 633)", and (2) by striking out "and" after "1972," and inserting before the period at the end thereof the following: ", $37,700,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, and $52,000,000 for the fiscal year ending June 30, 1976. For the purposes of carrying out section 633, there is authorized to be appropriated $500,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years".

RESEARCH IN THE EDUCATION OF THE HANDICAPPED

SEC. 608. Section 644 such Act is amended by striking out "and" after "1972," and by inserting after "1973," the following: $9,916,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.".

INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

SEC. 609. (a) Sections 652(b)(3), 652(b)(4), and 652(b)(5) of the Education of the Handicapped Act are each amended by inserting ", by grant and contract," after "provide".

(b) Section 654 of such Act is amended by inserting after "1973," the following: ", $13,000,000 for the fiscal year ending June 30, 1974, $18,000,000 for the fiscal year ending June 30, 1975, and $22,000,000 for the fiscal year ending June 30, 1976.

SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

SEC. 610. Section 661(c) of such Act is amended by striking out "and" after "1971," and by inserting before the period at the end thereof the following: ", $3,250,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title VII of the committee substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title VII?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VIII—EXTENSION AND AMENDMENT OF BILINGUAL EDUCATION ACT

EXTENSION OF THE ACT

SEC. 701. Section 703(a) of the Act is amended by inserting before the period at the end thereof the following: ", and each of the four succeeding fiscal years".

AMENDMENTS OF THE ACT

SEC. 702. (a) Section 704 of the Bilingual Education Act is amended by adding at the end thereof the following: "Where a local educational agency determines, in accordance with criteria provided by the Commissioner, that the needs of schools referred to in clause (c) have been adequately met, it may carry out programs under this title in other schools in which it determines, in accordance with such criteria, there is a major need for bilingual educational programs."

(b) The first sentence of section 705(a) of such Act is amended to read as follows: "A grant under this subsection may be made to a local educational agency or agencies, or to an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies, upon application to the Commissioner at such time or times, in such manner, and containing such information as the Commissioner deems necessary."

(c)(1) Section 705 of such Act is amended by—

(A) striking out "this title" wherever it appears in subsection (a) (except where it appears in the first sentence, in clause (4), and for the first time in clause (6)) and inserting "this subsection" in lieu thereof;

(B) striking out "this title" wherever it appears in subsection (b) and inserting "subsection (a)" in lieu thereof; and

(C) inserting at the end thereof the following new subsection:

"(d) The Commissioner may also make grants under this title to any public or nonprofit private agency, organization, or institution for the purpose of paying all or part of the cost of research or demonstration projects in the field of bilingual education, projects designed to disseminate instructional materials for use in bilingual education programs, and projects designed to pro-

vide preservice or inservice training described in section 704(b)."

(2) Section 706(a) of such Act is amended by striking out "this title" the first time it appears in such section and inserting "section 705(a)" in lieu thereof.

(3) Section 707(a) of such Act is amended by striking out "this title" and inserting "section 705(a)" in lieu thereof.

(4) Section 703(b) of such Act is amended by striking out "this title" each time it appears and inserting "section 705(a)" in lieu thereof.

Mr. PERKINS (during the reading). I ask unanimous consent that title VIII of the committee substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to title VIII?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IX—AMENDMENTS OF THE GENERAL EDUCATION PROVISIONS ACT

CONGRESSIONAL STATEMENT

SEC. 801. The General Education Provisions Act is amended by inserting after section 400 the following new section:

"STATEMENT OF NATIONAL EDUCATIONAL POLICY

"SEC. 400A. The Congress reaffirms as a matter of highest priority the Nation's goal of equal educational opportunity. The Congress hereby declares it to be the Policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers and limited only by the desire to learn and ability to absorb such education. Our Nation's economic, political, and social security demand no less."

DUTIES OF REGIONAL OFFICES

SEC. 802. Section 403 of the General Education Provisions Act is amended by adding at the end thereof the following new subsection:

"(c)(1) No delegation of the functions of the Commissioner to any other officer not located in the United States Office of Education in Washington, District of Columbia, shall be approved unless expressly authorized by a law enacted subsequent to July 1, 1973, or unless the Secretary shall first have transmitted to the Congress a plan for such delegation. Such delegation shall be effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless within sixty days of such transmittal either the United States House of Representatives passes a resolution disapproving such plan after consideration and a report on the resolution by the Committee on Education and Labor, or the United States Senate passes a resolution disapproving such plan after consideration and a report on the resolution by the Committee on Labor and Public Welfare. Such plan shall be delivered on both Houses on the same day and to each House while it is in session.

"(2) For the purpose of paragraph (1) of this section—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session by an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.".

RELATING TO AVAILABILITY OF APPROPRIATIONS

SEC. 803. (a) The heading of section 414 of the General Education Provisions Act is amended by striking out "ON ACADEMIC OR SCHOOL YEAR BASIS".

(b) Section 414(b) of such Act is amended (1) by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1977", (2) by inserting "are obligated by the Commissioner and which" after "which", the second time it appears, (3) by inserting "by educational agencies or institutions" after "expended", and (4) by inserting "by such agencies and institutions" after "expenditure".

COMMISSIONER'S REPORTS; EXTENSION OF AUTHORIZATION AUTHORITY

SEC. 804. (a) Section 413 of the General Education Provisions Act is amended by striking out subsection (c) and by amending the heading to read "EVALUATION REPORTS; CONGRESSIONAL REVIEW". Section 413(a) of the General Education Provisions Act is amended by adding at the end thereof the following new sentences: "In the case of programs and projects assisted under title I of the Elementary and Secondary Education Act of 1965, the report under this subsection shall include a survey of how many of the children counted under section 103(c) of such Act participate in such programs and projects, and how many of such children do not, and a survey of how many educationally disadvantaged children participate in such programs and projects, and how many educationally disadvantaged children do not. For purposes of the preceding sentence, the term 'educationally disadvantaged children' refers to children who are achieving one or more years behind the achievement expected at the appropriate grade level for such children.".

(b) Part B of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"CONTINGENT EXTENSION OF EXPIRING AUTHORITY

"SEC. 418. Unless the Congress—

"(1) in the regular session ending during the final fiscal year for which appropriations are authorized for an applicable program, or during the final fiscal year for which the authority to carry out an applicable program is granted, has passed or formally rejected legislation extending the authorization for appropriations for such program, or the grant authority to carry out such program, or

"(2) prior to July 1, 1977, by action of either House approves a resolution stating that the provisions of this section shall no longer apply,

any such authorization of appropriations or such authority is hereby automatically extended, at the level specified for the terminal year of such authorization for one year beyond such terminal year, and any such authority to carry out the program is extended for one year beyond such terminal year on the same terms and conditions and subject to the same limitations as applied in such terminal year."

PUBLICATION OF INDEXED COMPILATION OF INNOVATIVE PROJECTS; REVIEW OF APPLICATIONS

SEC. 805. Part C of the General Education Provisions Act is amended by redesignating sections 424 through 427 as sections 426 through 429, respectively, and by inserting after section 423 the following new sections:

"COMPILATION OF ASSISTED INNOVATIVE PROJECTS

"SEC. 424. The Assistant Secretary shall publish annually a compilation of all innovative projects assisted under programs administered in the Education Division, including title III and part C of title VIII of the Elementary and Secondary Education Act of 1965 in any year funds are used to carry them out. Such compilation shall be indexed according to subject, descriptive terms, and locations."

"REVIEW OF APPLICATIONS

"SEC. 425. (a) In the case of any applicable program under which financial assistance is provided to (or through) a State educational agency to be expended in accordance with a State plan approved by the Commissioner, and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965, any applicant or recipient aggrieved by the final action of the State educational agency, and alleging a violation of State or Federal law, rules, regulations, or guidelines governing the applicable program, in (1) disapproving or failing to approve its application or program in whole or part, (2) failing to provide funds in amounts in accord with the requirements of laws and regulations, or (3) terminating further assistance for an approved program, may within thirty days request a hearing. Within thirty days after it receives such a request, the State educational agency shall hold a hearing on the record and shall review such final action. No later than ten days after the hearing the State educational agency shall issue its written ruling, including reasons therefor. If it determines such final action was contrary to Federal or State law, or the rules, regulations, and guidelines, governing such applicable program it shall rescind such final action.

"(b) Any applicant or recipient aggrieved by the failure of a State educational agency to rescind its final action after a review under such subsection (a) may appeal such action to the Commissioner. An appeal under this subsection may be taken only if notice of such appeal is filed with the Commissioner within twenty days after the applicant or recipient has been notified by the State educational agency of the results of its review under subsection (a). If, on such appeal, the Commissioner determines the final action of the State educational agency was contrary to Federal law, or the rules, regulations, and guidelines governing the applicable program, he shall issue an order to the State educational agency prescribing appropriate action to be taken by such agency. On such appeal, findings of fact of the State educational agency, if supported by substantial evidence, shall be final. The Commissioner may also issue such interim orders to State educational agencies as he may deem necessary and appropriate pending appeal or review.

"(c) Each State educational agency shall make available at reasonable times and places to each applicant or recipient under a program to which this section applies all records of such agency pertaining to any review or appeal such applicant or recipient is conducting under this section, including records of other applicants.

"(d) If any State educational agency fails or refuses to comply with any provision of this section, or with any order of the Commissioner under subsection (b), he shall forthwith terminate all assistance to the State educational agency under the applicable program affected.".

RULES; REQUIREMENTS AND ENFORCEMENT

SEC. 806. Section 431 of the General Education Provisions Act is amended by inserting before the period at the end of subsection (b) thereof "and after a copy of such standard, rule, regulation, or requirement has been mailed to each agency and organization which is currently a recipient under such program" and by adding at the end thereof the following new subsections:

"(d)(1) Concurrently with the publication in the Federal Register of any standard, rule, regulation, or requirement of general applicability as required in subsection (b) of this section, such standard, rule, regulation, or requirement shall be transmitted to the Speaker of the House of Representatives and the President of the Senate. Such standard, rule, regulation, or requirement

shall, become effective not less than forty-five days after such transmission unless the Congress shall, by concurrent resolution, find that the standard, rule, regulation, or requirement is inconsistent with the Act from which it derives its authority, and disapprove such standard, rule, regulation, or requirement.

"(2) the forty-five-day period specified in subsection (d) shall be deemed to run without interruption except during periods when either House is in adjournment sine die, in adjournment subject to the call of the Chair, or in adjournment to a day certain for a period of more than four consecutive days. In any such period of adjournment, the forty-five days shall continue to run, but if such period of adjournment is thirty calendar days, or less, the forty-five-day period shall not be deemed to have elapsed earlier than ten days after the end of such adjournment. In any period of adjournment which lasts more than thirty days, the forty-five-day period shall be deemed to have elapsed after thirty calendar days has elapsed, unless, during those thirty calendar days, either the Committee on Education and Labor of the House of Representatives, or the Committee on Labor and Public Welfare of the Senate, or both, shall have directed its chairman, in accordance with said committee's rules, and the rules of that House, to transmit to the appropriate department or agency head a formal statement of objection to the proposed standard, rule, regulation, or requirement. Such letter shall suspend the effective date of the standard, rule, regulation, or requirement until not less than twenty days after the end of such adjournment, during which the Congress may enact the concurrent resolution provided for in this subsection. In no event shall the standard, rule, regulation, or requirement go into effect until the forty-five-day period shall have elapsed, as provided for in this subsection, for both Houses of the Congress.

"(e) Whenever a concurrent resolution of disapproval is enacted by the Congress under the provisions of this section, the agency which issued such standard, rule, regulation, or requirement may thereafter issue a modified standard rule, regulation, or requirement to govern the same or substantially identical circumstances, but shall, in publishing such modification in the Federal Register and submitting it to the Speaker of the House of Representatives and the President of the Senate, indicate how the modification differs from the proposal earlier disapproved, and how the agency believes the modification disposes of the findings by the Congress in the concurrent resolution of disapproval.

"(f) For the purposes of subsections (d) and (e) of this section, activities under sections 404 and 405 of this title, and under title IX of the Education Amendments of 1972 shall be deemed to be applicable programs."

FURNISHING OF INFORMATION BY STATES; DISCRIMINATION

SEC. 807. Part C of the General Education Provisions Act is amended by adding at the end thereof the following new sections:

"RESPONSIBILITY OF STATES TO FURNISH INFORMATION

SEC. 437. The State agency responsible for administration of any applicable program shall submit to the Commissioner, within thirty days of the end of any fiscal year, a report listing all the grants and contracts made under such progarm to the local educational agencies and other public and private agencies and institutions within such State during such year. The State agency shall also include in this report the total amount of funds available to it under each such program for such fiscal year and shall specify from which appropriation Act or Acts these funds were available. After submitting this report to the Commissioner, such agency shall make it readily available to local educational agencies and other public and private agencies and institutions within the State. The Commissioner must submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom by September 15 of each year.

"PROHIBITION AGAINST DISCRIMINATION AGAINST THE HANDICAPPED

"SEC. 438. No person in the United States shall, on the ground of physical handicap, including blindness or severely impaired vision, be denied employment as a teacher in any applicable program."

APPOINTMENT OF MEMBERS OF AND FUNCTIONING OF ADVISORY COUNCILS

SEC. 808. (a) Section 443 of the General Education Provisions Act is amended by inserting "(a)" after "SEC. 433." and by adding at the end thereof the following:

"(b) Where the President fails to appoint a member to fill a vacancy in the membership of a Presidential advisory council within sixty days after it occurs (or after the effective date of the statute creating such council), then the Secretary shall immediately appoint a member to fill such vacancy."

(b) Section 446 of the General Education Provisions Act is amended by adding at the end thereof the following:

"(c) The provisions of subsections (e) and (f) of section 10 of the Federal Advisory Committee Act shall not apply to Presidential advisory councils (as defined in section 441)."

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title IX of the committee substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENTS OFFERED BY MR. KEMP TO THE COMMITTEE SUBSTITUTE

Mr. KEMP. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. KEMP to the committee substitute: Page 124, line 18, insert "; Protection of Paternal Rights" after "Discrimination".

Page 125, line 23, strike out the quotation mark.

Page 125, after line 23, insert the following:

"PROTECTION OF PATERNAL RIGHTS

"SEC. 439. The moral or legal rights or responsibilities of parents or guardians with respect to the moral, emotional, or physical development of their children shall not be usurped in the administration of any applicable program."

Page 124, line 18, insert "; Protection of Pupil Rights" after "Discrimination".

Page 125, line 23, strike out the quotation marks.

Page 125, after line 23, insert the following:

"PROTECTION OF PUPIL RIGHTS

"SEC. 440. No child shall participate or be used in any research or experimentation program or project, or in any pilot project if the parents of such child object to such participation in writing. All instructional material, including teachers' manuals, films, tapes, or other supplementary instructional materials which will be used in connection with any such program or project shall be available for review by the parents or guardians upon verified request prior to or during a child's enrollment or participation in such program or project. For purposes of this section, 'research or experimentation program or project, or pilot project' means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques."

Mr. KEMP (during the reading). Mr. Chairman, I ask unanimous consent that the amendments may be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KEMP. Mr. Chairman, I rise to offer two amendments to H.R. 69 which I believe will earn the support of the entire membership of the House. Both are directed at protecting the rights of parents and pupils in any program receiving Federal funds. I offer both amendments to the General Education Provisions Act so that the two amendments will be applicable to any program run by the Commissioner of Education.

The first amendment is simply an affirmative statement that no moral or legal rights or responsibilities of parents may be usurped by any actions taken in administering an applicable program; that is one which receives Federal aid. Quite simply this means that the schools may not interfere with the rights of the parents in any way.

The second amendment is a bit more direct. This amendment states that no child may participate in an experimental program or project if the parents of that child object to such participation in writing. The amendment goes on to say that all instructional material used in the schools shall be open to review at any time by the parents of a child who is participating in a given program.

The purpose of this latter amendment is to assure that no child should be subject to untried teaching methods or techniques if, in the view of the parent, that participation would be detrimental to the child. Equally as important is the provision stating that parents shall have the right to examine the instructional materials being used. The Federal Government operates under a Freedom of Information Act. It is my belief that local school districts should as well. Regrettably, there have been instances where parents have been denied the right to examine materials used by a teacher and have been told that their child must continue to participate in an experimental program even though a parent may not believe it is in the best interests of the child.

In closing let me say that I am not opposed to new ideas and innovations in education. There is much in education that needs reform, and many good reforms have emerged in the last decade or so. It is my feeling that where the emotional health of a child is in conflict with the need to carry out a particular new program or project that the needs of that child should always come first. There will always be other ways to

carry out research. The life of a child, on the other hand, occurs but once and must be protected and cherished by his or her parents and society.

I believe these amendments are needed. They are written in a way which I believe makes them workable and, I hope, acceptable to school officials. I urge your support of the amendments.

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

Mr. KEMP. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I have examined the gentleman's amendments, and I find they are acceptable. I am willing to accept the gentleman's amendments on this side.

I want also to commend my colleague for his sensititvity to the needs of children and the responsibilities of their parents.

Mr. Chairman, JACK KEMP is an excellent member of our committee. He has been of great assistance both on education matters and labor legislation. Just recently he made valuable contributions to the successful completion to the conference on the Fair Labor Standards Act Amendments. His devotion to better education assisted in a well-thought-out manner by Federal funds has been in evidence both in the committee and on the House floor.

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

Mr. KEMP. I yield to my distinguished chairman of the Education and Labor Committee.

Mr. PERKINS. Mr. Chairman, as I understand the gentleman's amendment, if a school program were initiated which provides for innovation and the parent felt the program, from a moral standpoint, or something of that kind, was not right, that parent would have a right to take the child out of that program; is that correct?

Mr. KEMP. Mr. Chairman, that is correct. They would simply give the parents the right to object to that type of a program by withholding approval of their child's participation in an experimental program.

Mr. PERKINS. Mr. Chairman, I understand the gentleman's amendments, and I see no objection to them.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. KEMP) to the committee substitute.

The amendment to the committee substitute was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK TO THE COMMITTEE SUBSTITUTE

Mr. ASHBROOK. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK to the committee substitute: Page 126, after line 16, insert:

SEC. 809. Part B of the General Education Provisions Act is amended by adding at the end thereof a new section as follows—

"PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

"SEC. 417. No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system."

Mr. ASHBROOK. Mr. Chairman, the language of my amendment is the precise language which the House overwhelmingly approved—by a vote of 233 to 124 on November 4, 1971—during the course of our consideration of the education bill which became the Education Amendments Act of 1972.

It prohibits the use of Federal education funds to carry out programs of forced busing, and is intended to be a deterrent to the courts and to Federal agencies in ordering massive busing in desegregation actions, because Federal funds would not be available to help carry it out.

When the House amendment came to the other body, however, it was watered down to make it completely ineffective for the purpose intended. The other body added at the end of the amendment the phrase "except on the express written voluntary request of appropriate local school officials." This sounds good, but it completely vitiates the purpose of the amendment for the simple reason that under the pressure of a court order or of an HEW compliance order a local school board in 99 out of 100 cases will make a so-called voluntary request to use Federal funds to carry out the order. The local school board would be acting with a Federal gun at its head. This language was adopted in conference, as usual, and was described as a compromise. It quite literally was such, because it completely compromised the position and intent of this House.

By adopting again the original House language we would serve notice on the other body, and to House conferees who are likely to be less than resolute in this matter, that we intend to assert the House position. Federal education funds should not serve as an incentive to those who would order forced busing nor should they be utilized for schemes which serve no educational purpose. My amendment is an assurance that these funds would not be so diverted. I urge its adoption.

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

Mr. Chairman, I shall not take 5 minutes, because I think I know what the result of this will be, but clearly the record should not be left to stand, without some opposition to this amendment. The effect of it is absolutely to prevent the expenditure of Federal funds for busing.

In so doing it will prevent the utilization of Federal funds where Federal courts order busing to be utilized as a method of breaking down the dual school system. We have on the one hand the U.S. House of Representatives saying that you cannot use Federal funds to bus and, on the other hand, a Federal court saying you must bus. I think this puts us in an unconscionable and inconsistent position.

Mr. PERKINS. Will the gentleman yield to me?

Mr. MEEDS. I am delighted to yield to the chairman.

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

The CHAIRMAN. The Chair will count. (After counting), 62 Members are present, not a quorum.

The call will be taken by electronic device.

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

[Roll No. 118]

Alexander	Griffiths	Rosenthal
Bevill	Hanrahan	Shriver
Blatnik	Hansen, Wash.	Smith, N.Y.
Bolling	Harsha	Steed
Brotzman	Hébert	Steiger, Wis.
Buchanan	Heckler, Mass.	Stephens
Carey, N.Y.	Holifield	Stokes
Cederberg	Kluczynski	Stuckey
Clark	Landrum	Sullivan
Conyers	Martin, Nebr.	Symington
Dellenback	Mathis, Ga.	Teague
Diggs	Mitchell, Md.	Ullman
Dingell	Patman	Williams
Erlenborn	Peyser	Wilson, Charles H., Calif.
Evans, Colo.	Pike	
Fisher	Railsback	
Frenzel	Roncalio, Wyo.	Zion
Gray	Rooney, N.Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 69, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 381 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. MEEDS. Mr. Chairman, as I said, I do not think there is any use belaboring this, but we simply ought to make the record amply clear that the effect of this amendment would be to absolutely prohibit the expenditure of Federal funds for busing at the same time that Federal courts are ordering busing, which puts us in a terribly contradictory position.

Second, and even more importantly, it would prevent the utilization of Federal funds in those areas where they are attempting through voluntary means to achieve desegregation. It would absolutely prohibit the expenditure of Federal funds, even though the people in the local area wanted to do that. I do not know how that squares with what we have always heard on the other side of the aisle about letting the local people make local decisions. I think this is a local decision. If people want to take that step, particularly toward voluntary desegregation, I think we ought to be prepared to help them out.

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

Mr. MEEDS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I support the reasoning of the gentleman from Washington. This amendment should be voted down. It would prohibit, assuming it was upheld by the courts, it would prohibit the use of all Federal funds to pay for voluntary busing on the part of the local educational agencies to achieve racial balance. And if it was held valid, it would forbid Federal aid in those districts which are under court orders. The local educational agencies would have to spend their own funds for busing

where those districts are under court orders. I would hope that this important piece of legislation would not be burdened with this amendment.

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

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

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding to me. I agree with him on one point, but I would like to register one area of disagreement with him.

First, I agree with my colleague from the State of Washington that we do not need an extensive debate. This question has been debated before, specifically on the amendment voted upon on November 4, 1971.

Second, and I would say that I appreciate the gentleman yielding to me for this response to our esteemed chairman, it is not accurate to say that we prevent busing at the local level. It is only accurate to say that we prevent the use of Federal funds for busing.

I think the record should show that a community can bus all it wants to. We are simply saying here that Federal funds shall not be used for that purpose.

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

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

Mr. QUIE. Mr. Chairman, I would want to indicate my opposition to the amendment. We went through the Emergency School Aid Act, 2 years ago. At that time we provided that as long as it was a voluntary plan in a school district, they could use it for any purpose, including transporting children, because it is possible to be taking an integrated group to a museum or some cultural activity, which I think would come under the purview of the amendment and that would be disqualified. The 1972 Emergency School Aid Act was the best possible arrangement that could be worked out.

Since the Ashbrook amendment prohibits even this sort of voluntary transportation, I oppose the amendment.

Mr. MEEDS. Mr. Chairman, we went through that before. It breaks some very fine title III programs which would probably be affected by this even though it was unintentional.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield further?

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

Mr. ASHBROOK. Mr. Chairman, again I do not want to stretch out the debate, and I understand the opposition of my friend and colleague from Minnesota (Mr. QUIE). It would not be correct to say that a bus could not be used for purposes he mentioned. My amendment is limited where there are plans to overcome racial imbalance or where there are plans for racial integration.

I do not think that is correct to say that my amendment would prohibit taking students to an observation. I do not see any issue there.

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

Mr. Chairman, I would like to get this last point clear. The gentleman from Ohio indicated, it is my understanding, on that first part, that his amendment covers voluntary busing to overcome racial imbalance. Under the Emergency School Aid Act, we provide for voluntary integration in the programs. Under that program, they could use the money for transporting the children in order to engage in that activity, and that is to overcome racial imbalance.

I grant the last part on the court ordered desegregation plan, but the first part does cover Emergency School Aid Act.

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

Mr. QUIE. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I was not objecting to the gentleman's statement. I was objecting to the suggestion that in some areas that buses were used to take students or groups, not to school operations, but say to go to a park or observatory. We have had that argument a dozen times.

It would not cover that kind of busing. It would cover where there is an order to achieve racial desegregation.

Mr. QUIE. But, that is a part of our attempt to overcome racial imbalance.

Mr. ASHBROOK. The gentleman is correct, voluntary or not. It would not be allowable to use Federal funds.

Mr. QUIE. Not be allowable; then we both understand each other.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK) to the committee substitute.

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

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 168, not voting 25, as follows:

[Roll No. 119]

AYES—239

Abdnor	Clancy	Flowers
Andrews, N.C.	Clark	Flynt
Andrews, N. Dak.	Clausen, Don H.	Ford
Annunzio	Clawson, Del	Forsythe
Archer	Cleveland	Fountain
Arends	Cochran	Frey
Armstrong	Collier	Froehlich
Ashbrook	Collins, Tex.	Fulton
Bafalis	Conlan	Fuqua
Baker	Cotter	Gaydos
Bauman	Crane	Gettys
Beard	Cronin	Gibbons
Bennett	Daniel, Dan	Gilman
Biaggi	Daniel, Robert W., Jr.	Ginn
Blackburn	Daniels, Dominick V.	Goldwater
Bowen	Davis, Ga.	Goodling
Bray	Davis, Wis.	Grasso
Breaux	Delaney	Green, Oreg.
Brinkley	Denholm	Griffiths
Brooks	Dennis	Gross
Broomfield	Derwinski	Grover
Brotzman	Devine	Gubser
Broyhill, Va.	Dickinson	Gunter
Buchanan	Dingell	Guyer
Burgener	Downing	Haley
Burke, Fla.	Dulski	Hammer-schmidt
Burke, Mass.	Duncan	Hanley
Burleson, Tex.	du Pont	Harsha
Burlison, Mo.	Edwards, Ala.	Hays
Butler	Eilberg	Hébert
Byron	Esch	Helstoski
Camp	Eshleman	Henderson
Carter	Evins, Tenn.	Hillis
Casey, Tex.	Fisher	Hinshaw
Chamberlain	Flood	Hogan
Chappell	Foley	Holt
Hosmer	Moorhead, Calif.	Slack
Huber	Murtha	Snyder
Hudnut	Myers	Spence
Hungate	Natcher	Stanton, James V.
Hunt	Nedzi	Steed
Hutchinson	Nichols	Steele
Ichord	O'Hara	Steelman
Jarman	Parris	Steiger, Ariz.
Johnson, Pa.	Passman	Stubblefield
Jones, Ala.	Patten	Symms
Jones, N.C.	Pettis	Talcott
Jones, Okla.	Peyser	Taylor, Mo.
Jones, Tenn.	Pickle	Taylor, N.C.
Kemp	Poage	Thomson, Wis.
Ketchum	Powell, Ohio	Tiernan
King	Price, Tex.	Towell, Nev.
Kuykendall	Quillen	Treen
Lagomarsino	Randall	Vander Jagt
Landgrebe	Rarick	Vanik
Landrum	Regula	Veysey
Latta	Rhodes	Vigorito
Lent	Rinaldo	Waggonner
Litton	Roberts	Walsh
Long, La.	Robinson, Va.	Wampler
Long, Md.	Roe	White
Lott	Rogers	Whitehurst
Lujan	Roncallo, N.Y.	Whitten
Luken	Rooney, Pa.	Widnall
McCollister	Rousselot	Wilson, Bob
McKay	Roy	Wilson, Charles, Tex.
Macdonald	Ruth	Winn
Mahon	Ryan	Wyatt
Maraziti	St Germain	Wydler
Martin, Nebr.	Sandman	Wylie
Mathias, Calif.	Sarasin	Wyman
Mathis, Ga.	Sarbanes	Yatron
Mazzoli	Satterfield	Young, Alaska
Michel	Scherle	Young, Fla.
Milford	Schneebeli	Young, S.C.
Miller	Sebelius	Young, Tex.
Minish	Shipley	Zablocki
Minshall, Ohio	Shoup	Zion
Mitchell, N.Y.	Shuster	
Mizell	Sikes	
Moakley	Skubitz	
Montgomery		

NOES—168

Abzug	Green, Pa.	O'Brien
Adams	Gude	O'Neill
Addabbo	Hamilton	Owens
Anderson, Calif.	Hanna	Pepper
Anderson, Ill.	Hansen, Idaho	Perkins
Ashley	Hansen, Wash.	Pike
Aspin	Harrington	Podell
Badillo	Hastings	Preyer
Barrett	Hawkins	Price, Ill.
Bell	Hechler, W. Va.	Pritchard
Bergland	Heinz	Quie
Biester	Hicks	Rangel
Bingham	Holifield	Rees
Boggs	Holtzman	Reid
Boland	Horton	Reuss
Brademas	Howard	Riegle
Brasco	Johnson, Calif.	Robison, N.Y.
Breckinridge	Johnson, Colo.	Rodino
Brown, Calif.	Jordan	Roncalio, Wyo.
Brown, Mich.	Karth	Rose
Brown, Ohio	Kastenmeier	Rosenthal
Broyhill, N.C.	Kazen	Rostenkowski
Burke, Calif.	Koch	Roush
Burton	Kyros	Roybal
Carney, Ohio	Leggett	Runnels
Chisholm	Lehman	Ruppe
Clay	McClory	Schroeder
Cohen	McCloskey	Seiberling
Collins, Ill.	McCormack	Sisk
Conable	McDade	Smith, Iowa
Conte	McEwen	Smith, N.Y.
Conyers	McFall	Staggers
Corman	McKinney	Stanton, J. William
Coughlin	McSpadden	Stark
Culver	Madden	Steiger, Wis.
Danielson	Madigan	Stokes
Davis, S.C.	Mallary	Stratton
de la Garza	Mann	Studds
Dellenback	Martin, N.C.	Thompson, N.J.
Dellums	Matsunaga	Thone
Dent	Mayne	Thornton
Diggs	Meeds	Udall
Donohue	Melcher	Ullman
Dorn	Metcalfe	Van Deerlin
Drinan	Mezvinsky	Vander Veen
Eckhardt	Mills	Waldie
Edwards, Calif.	Mink	Ware
Evans, Colo.	Mollohan	Whalen
Fascell	Moorhead, Pa.	Wiggins
Findley	Morgan	Wolff
Fish	Mosher	Wright
Flood	Moss	Yates
Foley	Murphy, Ill.	Young, Ga.
Fraser	Murphy, N.Y.	Young, Ill.
Frelinghuysen	Nelsen	Zwach
Gonzalez	Nix	
	Obey	

NOT VOTING—25

Alexander	Gray	Stephens
Bevill	Hanrahan	Stuckey
Blatnik	Heckler, Mass.	Sullivan
Bolling	Kluczynski	Symington
Carey, N.Y.	Mitchell, Md.	Teague
Cederberg	Patman	Williams
Erlenborn	Railsback	Wilson,
Frenzel	Rooney, N.Y.	Charles H.,
Giaimo	Shriver	Calif.

So the amendment to the committee substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title IX?

Mr. HENDERSON. Mr. Chairman, I ask unanimous consent to return to title VI of the bill in order that I might offer an amendment to section 602 thereof.

Mr. BELL. Mr. Chairman, this is not an amendment?

Mr. HENDERSON. Mr. Chairman, this is a unanimous-consent request that we return to title VI of the bill in order that I might offer an amendment to section 602.

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

Mr. BELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. Are there further amendments?

Mr. PEPPER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask the indulgence of the able Chairman and the House to ask two questions for purposes of clarification. We all know that about half of the crime in this country is committed by persons under 18 years of age, mostly boys. It is generally known that the great majority of those are young people who are school dropouts. I am asking the able Chairman what provision is made in this bill to enable the schools of the country to try to prevent school dropouts which usually become perpetrators of crime?

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

Mr. PEPPER. I yield to the chairman.

Mr. PERKINS. I thank the gentleman for yielding.

Senator, I know that you have a great interest in dropout prevention programs, and I would like to explain how H.R. 69 will effect those programs.

In H.R. 69 there is a consolidation of seven separate categorical programs, including the dropout program into two broad purpose programs. These broad purpose programs are: First, libraries and learning resources; and second, innovation and support. The dropout prevention program is consolidated into the second category with title III programs, nutrition and health programs, and the program of aid to State departments of education.

The effect of this consolidation will be that States will have available to them all the funds formerly appropriated for title III innovative programs, the dropout prevention programs, and the nutrition and health programs, to be used—at the discretion of the State—for whichever of those three purposes they desire and to whatever degree of support for each that they desire.

In other words, a State could decide to use some of the funds formerly available in that State for title III innovative programs to increase support for dropout prevention programs. Or it could do the reverse, depending upon what the State determines its own needs to be.

So, depending upon these decisions of the States, there could be more money available for dropout prevention programs than there is presently.

Mr. PEPPER. Does the able chairman consider that this bill puts new emphasis on the schools trying to prevent dropouts?

Mr. PERKINS. It does. We have had a categorical program. It is consolidated in this bill, but we provide that before the consolidation can go into effect, the appropriation must be equivalent to the appropriation of last year.

Mr. PEPPER. I thank the able Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE X—MISCELLANEOUS AMENDMENTS

AMENDMENT OF EMERGENCY SCHOOL AID ACT

SEC. 901. (a) Section 706(a) of the Emergency School Aid Act is amended (1) by striking out paragraph (3), (2) by striking out the period at the end of paragraph (1)(D) and inserting, "; or" and (3) by adding at the end of such paragraph (1) the following:

"(E) which will establish or maintain one or more integrated schools as defined in section 720(7) and which—

"(i) has a sufficient number of minority group children to comprise more than 50 per centum of the number of children in attendance at the schools of such agency, and

"(ii) has agreed to apply for an equal amount of assistance under subsection (b)."

(b) Section 706(b) of such Act is amended by inserting "(1)" after "subsection (a)".

(c) Section 710(c) of such Act is amended by inserting in paragraph (2) after "(iii)" the following: "or under section 706(a)(1)(E)". In the same paragraph insert "or activity" after "plan" the second time it appears.

(d) Section 720(7) of such Act is amended by striking "section 706(a)(3)" and by inserting "section 706(a)(1)(E)".

TREATMENT OF PUERTO RICO AS A STATE

SEC. 902. (a)(1) Sections 134(b) (as redesignated by sections 109 and 110(h) of this Act), 202(a)(1), and 302(a)(1) of the Act are each amended by striking out "Puerto Rico,".

(2) Section 202(a)(2), 302(a)(2), 307(b), 502(a)(1), 522(a), 531(c)(1)(A), and 531(c)(1)(B) of the Act are each amended by striking out "the Commonwealth of Puerto Rico," each time it appears.

(3) Sections 202(a)(1) and 302(a)(1) of the Act are each amended by striking out "3 per centum" and inserting in lieu thereof "1 per centum". Sections 502(a)(1), 522(a), and 531(c)(1)(A) of the Act are each amended by striking out "2 per centum" and inserting in lieu thereof "1 per centum".

(b)(1) Section 612(a)(1) of the Education of the Handicapped Act is amended by striking out "Puerto Rico,".

(2) Sections 612(a)(2) and 613(a)(1) of the Education of the Handicapped Act are each amended by striking out "the Commonwealth of Puerto Rico,".

(3) Section 612(a)(1) of the Education of the Handicapped Act is amended by striking out "3 per centum" and inserting in lieu thereof "1 per centum".

(c)(1) Section 303(f) of the Adult Education Act is amended by striking out "the Commonwealth of Puerto Rico," where it occurs, and by inserting "the Commonwealth of Puerto Rico," after "the District of Columbia,".

(2) Section 305(a) of such Act is amended by striking out "Puerto Rico,".

(3) Section 305(a) of the Adult Education Act is amended by striking out "2 per centum" and inserting in lieu thereof "1 per centum".

(d) Notwithstanding part A, or section 121, section 122, or section 123 of title I of the Act, the amount to be received by Puerto Rico under any such part or section for the fiscal year ending June 30, 1975, shall not exceed 50 per centum of the full amount Puerto Rico would receive (after required ratable reductions) under such part or section but for this subsection.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS

SEC. 903. (a) Section 1009(g) (as redesignated by section 201(a) of this Act) of the Act is amended by striking out "two" and inserting in lieu thereof "four".

(b) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act is amended by striking out "1975" and inserting in lieu thereof "1977".

EXTENSION OF ADVISORY COUNCILS

SEC. 904. (a) Section 138(c) (as redesignated by section 110(h) of this Act) of title I of the Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1978."

(b) Section 309(c) of the Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until July 1, 1978, except that the Council shall not exist during any year for which funds are available for obligation by the Commissioner for carrying out title VIII."

(c) Section 708(a) of the Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Committee shall continue to exist until July 1, 1978.".

(d) Section 422(a) of the Education Amendments of 1972 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1978.".

(e) Section 716(b) of the Emergency School Aid Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, such Council shall continue to exist until July 1, 1975.".

(f) Section 310(b) of the Adult Education Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until July 1, 1978.".

(g) Section 104(a) of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1976.".

STATUTE OF LIMITATIONS

SEC. 905. Section 1003 of the Act (as so redesignated by section 201(a) of this Act) is amended by inserting the following new subsection after "SEC. 1003.":

"(a) No State or local educational agency shall be liable to refund any payment made to it under this Act (or title I of the Elementary and Secondary Education Act of 1965) which was subsequently determined to be not authorized by law, if such payment was made more than five years before such

agency is given final written notice that such payment has been determined to be unauthorized.".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. HUBER TO THE COMMITTEE SUBSTITUTE

Mr. HUBER. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. HUBER to the committee substitute: Page 131, immediately after line 15, insert the following new section:

AMENDMENT TO PUBLIC LAW 874

SEC. 906. Section 403(3) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended to read as follows:

"(3) The term 'parent means any parent, stepparent, legal guardian, or other individual standing in loco parentis, whose income from employment on Federal property is more than 50 percent of the total combined income of such individual and the spouse of such individual.".

Mr. FORD. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. FORD) reserves a point of order against the amendment.

The gentleman from Michigan (Mr. HUBER) is recognized for 5 minutes in support of his amendment.

Mr. PERKINS. Mr. Chairman, I also reserve a point of order against the amendment.

Mr. HUBER. Mr. Chairman, today we have been debating the problem of impact aid and in the debate within our Committee on Education and Labor I listened with a great deal of interest to the debate on impact aid as well as the discussions I have had with my fellow Congressmen. One of the things that seems to be recognized by people dealing with our budget is that the question of impact aid is one which is drawing a considerable amount of criticism.

My amendment is an attempt to deal with the specific problem where we have had an open end on impact aid. My amendment appeared in the Record and is intended to eliminate at least one area of controversy surrounding Public Law 874, namely the overcompensation of school districts educating children of "parents" employed on nontaxable Federal property but whose principal income is derived from employment on private (taxable) property.

The intent and spirit of Public Law 874 was to compensate local educational agencies for providing free education for children who "while in attendance at such schools resided with a parent employed on Federal property." When this law was enacted the term "employed on Federal property" definitely implied a continuous concurrence of the parent's employment on Federal property and the pupil's attendance at such schools. In order to ascertain this continuous concurrence the Administrator of Public Law 874 (U.S. Commissioner of Education) required, in the past, two membership surveys per school year, the first one at the beginning of the year and the second during the fourth school year quarter. These surveys, whose principal objective was to determine the parent's place of employment, no doubt served their purpose until 1968, when by an administrative rule, the Secretary of HEW and the Commissioner of Education decided that beginning July 1, 1968, the first membership survey would remain mandatory, while the second survey would be entirely optional. It is my impression that without a second survey, the LEA's have no way of determining if the parent is not any longer employed on Federal property, and that these LEAs continue to count the average daily attendance of his child for Impact Aid purposes. At the time the ruling to drop the mandatory second membership survey was made, the defense-related employment was coasting along the highest plateau in this Nation's history.

I can only assume that the reasons for dropping the mandatory second survey was its cost to administer and that it did not change materially the ADA count in light of the relatively steady defense-related employment picture.

Mr. Chairman, since 1968 we have been witnessing a steady drop in defense-related employment. On March 20, 1974, I inserted in the RECORD a table showing the relationship since 1968 between the employment on defense-controlled properties and the impact aid claims as reported by the Office of Education which administers the program, and the table to which I referred followed.

My distinct impression is that the decline in defense-related employment of some 30 percent between 1968 and 1972 is not reflected in the impact aid claims for the same period. The latter, as matter of fact rose some 0.5 percent while employment dropped 15.6 percent by 1970. Contrasting fiscal 1972 with 1968 we see the defense-related employment decrease by about 30 percent while impact aid claims stood only 8.2 percent below the 1968 level.

Late in 1969, the Battelle Memorial Institute completed a detailed study of the impact aid at a specific request of the U.S. Office of Education, HEW. The study shows that in fiscal 1968 about 76 percent of pupils in average daily attendance (ADA) covered by impact aid had parents employed on defense-related properties. I cannot say with certainty that this percentage held true in 1970 or 1972, but judging from the overall picture of defense activities over the 1968–72 period I assume that this percentage is roughly applicable to the period in question. On the basis of this assumption, I deduce that in 1970 the number of ADA pupils, children of defense-connected parents should have been about 319,000 less than officially reported by HEW/OE. At an average payment per "A" and "B" pupil of $214 in 1970, this suggests an overcompensation of about $68 million. In 1972 the number of ADA pupils, children of defense-connected parents, covered by impact aid as reported to HEW/OE was about 1,790,000—76 percent of total "A" and "B" pupils. This figure is about 427,000 ADA pupils in excess of the number equitable for the number of individuals employed on defense-related properties. Translated into dollars this suggests an overcompensation of about $91 million in 1972 alone.

POINT OF ORDER

Does the gentleman from Kentucky insist on his point of order?

Mr. PERKINS. I insist on the point of order. This is an impact amendment and we have already passed that title.

The CHAIRMAN. Is that the position of the gentleman from Michigan?

Mr. FORD. Yes, Mr. Chairman. I insist on the point of order. I did not press the point of order before the gentleman had an opportunity to explain what he was trying to do. I think his motives are fine, but I disagree with the result it would have. I wanted him to have an opportunity to do that; but clearly his amendment comes too late, since we have already concluded title III of the act which dealt with impact aid.

The amendment the gentleman now offers is not a peripheral or general amendment. It is a substantive amendment of the definition of a child qualifying for impact aid under the basic act covered in title III of this bill.

The CHAIRMAN. The Chair is ready to rule.

The Chair holds that while an examination of the amendment shows it would have been more appropriately offered to another title of the bill, the Chair does observe that the title which is under consideration is referred to as Miscellaneous Amendments and it amends several other acts, the Emergency School Aid Act, the Education of the Handicapped Act and others; so in view of these circumstances, the Chair is constrained to overrule the point of order.

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

I will not take 5 minutes. I will only take 1 minute.

We all know what this amendment does. It simply provides that a parent must have 50 percent of his or her family's income derived from Federal employment before his or her children may be considered under the impact program.

Now, this will be an undue burden on the local educational agencies. It will be a harassment of the parents. It will be a harassment of the local educational agencies trying to develop this information.

We are going to have to inquire from all the parents just how their income is derived.

I would hope that the committee would vote down this amendment unhesitatingly, because it has no place in the impact program and it would hamstring the operation of our impact legislation and confuse the forum.

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

Mr. Chairman, the gentleman from Michigan was attempting to secure additional time to finish his statement. Throughout the debate, when a Member who offers an amendment has done

that, we have gone along with a unanimous consent request to extend his time.

Therefore, I yield to the gentleman from Michigan so that he might finish his statement.

Mr. HUBER. Mr. Chairman, I appreciate the courtesy of my distinguished ranking minority member of the Committee on Education and Labor. That is the fastest gavel I have seen in a long time.

Mr. Chairman, I was attempting to put into the RECORD this statement:

These figures, $68 million in 1970 and $91 million in 1972 are statistical projections, of course, yet they are startling in a sense that they suggest that the eligibility criteria for impact aid are not what they were intended to be. I would like to add that drastic decreases in federally connected employment are also in evidence for the Atomic Energy Commission and the National Aeronautics and Space Administration. These two nondefense agencies registered a drop in direct and contract employment of 15.7 and 35 percent respectively during the 1968 to 1972 period.

The apparently inflated figures for impact aid stem largely from the absence of the mandatory second membership survey, which if still in force in 1972, would have eliminated at least half of the excessive claims.

Mr. Chairman, my amendment, which would require the qualifying parent to be the principal wage earner, will eliminate the need for reinstituting the second survey as mandatory and at the same time assure that only bona fide parents earning more than half of the combined family income from employment on Federal property will effect impact aid funds flow into respective school districts.

My amendment, if part of Public Law 874–1972, would have saved the taxpayer at least $50 million or as much $90 million in fiscal 1972 alone.

I urge that all Members interested in restructuring the impact aid program will join me in voting for this amendment.

It says that the principal wage earner, in order to qualify the local educational agency for impact aid, must earn more than 50 percent of joint income through the Federal Government. Why should we allow the local educational agency to get a free ride on account of a pupil whose parent might only earn as much as 5 or 10 percent of his income on Federal property? Why does the taxpayer still have to support his children? If we want to save these funds which are so badly needed, we have a chance here in taking out of some of those funds moneys which are going to local educational agencies on account of parents who are only putting a percentage of their time, less than 50 percent, on a Federal project. The rest of the money they have been earning is in public industry. There is no justification for our tax dollars to be used to subsidize their children when they are quite capable of paying and are paying now their own taxes to take care of their kids' education.

Mr. Chairman, that is all my amendment does. It is to try to bring some sense to impact aid and put some limitation on this tremendous spending which has been going on for years.

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

Mr. QUIE. Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, hasn't the gentleman from Michigan requested the General Accounting Office to audit the impact program with a view to its making some suggestions where he feels there has been some waste committted? Does he not feel that it would be better to wait until we get that before he comes before the Chamber with an amendment of such a broad nature as this?

Mr. QUIE. Mr. Chairman, I yield to the gentleman from Michigan (Mr. HUBER).

Mr. HUBER. Mr. Chairman, I do not agree with that. I think we should have been on our toes years ago and should not have waited for a freshman Member of Congress to start an audit of impact funds. It should have been done years ago, but it is better to close the door now than to leave it open any longer.

Mr. PERKINS. The gentleman never offered this amendment in committee, did he?

Mr. HUBER. Yes, I did, and it was defeated for some strange reason.

Mr. PERKINS. Mr. Chairman, I hope it is defeated here today.

Mr. QUIE. Mr. Chairman, I will say that the gentleman did offer his amendment in committee. I do not know how many people are involved.

It hardly seems to make sense to me, however, for a child to be an impact if the parent gets less than 50 percent of their income from Federal employment.

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

Mr. Chairman, the gentleman who spoke in the well used interchangeably the terms, "income from the Federal Government" and "income earned on Federal property," but his amendment does not.

The operative language in the amendment that is very mischievous is this: After describing who would be a parent for the purpose of determining their Federal connection, it says, "whose income from Federal employment on Federal property is more than 50 percent of the total combined income of such individual and the spouse of such individual."

Now, let us think of what we are talking about. It amazes me, from what I know of the background of the gentleman from Michigan, and his hatred for Government red tape and the intrusion of the Federal Government into the private affairs of American citizens, that he would propose that in every school district where they were going to make a claim for impact aid, they would require every parent and the spouse of every parent to make a complete disclosure of their sources of income. This would apply not only to the serviceman, but to the serviceman's spouse, who would be required to disclose all income from all sources to some bureaucrat, who would then try to determine, after he had winnowed out what was paid for and by whom, whether the support of the child in question was more than half from the serviceman.

Does that mean that if the serviceman is drawing a sergeant's pay and they have three children, we do not count the children if his wife is working during a part of that year as a school teacher back where they came from or is an employee in the PX and making $2 more a year than he makes?

That is not unusual, after all, particularly for an enlisted man.

Does that mean that if a man is assigned away from Federal property to work in a recruiting office temporarily or with a military unit that is not actually located on Federal property, he did not earn the money in a proper way?

The gentleman does not say in his amendment that more than one-half must be from a Federal salary; he says it must be from work performed on Federal property.

The Federal Government and the kind of people who are covered in many of our districts would be incapable of determining what portion of anybody's work today was in fact on Federal property and what portion was not.

If everybody were compressed into a barracks and they stayed there all the time, during all of their military service, it would be very simple, and perhaps that is what the gentleman visualizes.

In fact, the involvement of the kind of parents that qualifies children and school districts which these children attend indicates they are not capable of that kind of determination.

Mr. Chairman, I would just wish to ask the gentleman one final question.

Does the gentleman wish to force every parent whose child is in a school receiving impact aid to disclose the full source of income between the parent and the child and then have a family discussion in every one of those households about whether it is Mommy who supports the family or Daddy who supports the family?

Mr. Chairman, I would ask the gentleman to settle that one, if he would.

Mr. LANDGREBE. Mr. Chairman, I rise in support of the amendment.

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

Mr. LANDGREBE. I yield to my good friend, the gentleman from Michigan.

Mr. HUBER. Mr. Chairman, I thank the gentleman, and I appreciate the gentleman's yielding this time to me so that I might answer my distinguished colleague, the gentleman from Michigan.

As I understand the situation now, in order to qualify for impact aid, all one has to do is sign a piece of paper—just a piece of paper.

Does anybody ask, in order to qualify for impact aid, that you bring your financial records and all your statements and all your facts and figures in? Oh, no.

Today, in order to qualify for impact aid, a parent's child can bring home a piece of paper, and the parent signs it.

Mr. FORD. Mr. Chairman, will the gentleman yield so that I might answer him?

Mr. HUBER. Mr. Chairman, I would like to extend that courtesy to my comrade, if I could. However, the time belongs to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I yield to the gentleman from Michigan (Mr. FORD).

Mr. FORD. Mr. Chairman, I will ask the gentleman if he would withdraw the word, "comrade." That word kind of makes me nervous.

Mr. HUBER. Yes, Mr. Chairman.

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

Mr. LANDGREBE. Yes, I yield to the gentleman from Michigan.

Mr. FORD. Mr. Chairman, it is true that the parent now fills out a piece of paper, but all it says on the piece of paper is that the parent is a Government employee within one of the classes covered. It does not require that he disclose what he is paid or what the pay of his spouse might be, nor does it in any way engage in a discussion of what the spouse of that Federal employee does for a living if anything, and certainly not what that spouse's income is. Nor does it require a determination as to whether the spouse's income exceeds that of the Federal employee. Those are all new characteristics you put in the bill.

Mr. CRANE. Will the gentleman yield to me to ask a question of my colleague from Michigan?

Mr. LANDGREBE. I yield to the gentleman.

Mr. CRANE. As I understand the gentleman's amendment, if a Congressman has his family living in the Virginia or Maryland suburbs and is through outside income earning more than his congressional salary, no longer going to be counted in the impact aid formula. Is that correct?

Mr. HUBER. Will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman.

Mr. HUBER. Yes. I think there is a distinct possibility there.

I would like to make a further comment for the benefit of my distinguished colleague from Michigan. If you can sign a paper saying that you will get $600 million of Federal money, then you can probably sign a paper as to whether or not you and your wife get more than 50 percent of your money from other sources than Federal funds.

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

I shall not take 5 minutes, but I want to point out very quickly the real mischief in the amendment offered by the gentleman from Michigan actually changes the whole concept of the impact aid premise.

There are some inequities in this program that I can see, but I do not think this amendment will correct any of these inequities. Indeed, it changes it from the concept that we are now calculating impact aid on, to the basis of a parent's income; it does not make any difference how much it is. The child is either impacting a school district or he or she is not impacting a school district. That should be the basis of the compensation by the Federal Government on impact aid and not how much the parent earns.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HUBER) to the committee substitute.

The amendment to the committee substitute was rejected.

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

Mr. Chairman, I would like to ask the distinguished chairman of the committee a question regarding the Emergency School Aid Act, which title IX of H.R. 69 seeks to amend.

Last year the East Flatbush Education Council in my district applied for a grant under the Emergency School Aid Act. Their proposal was one to explore the feasibility of a voluntary plan to prevent the public schools in the neighborhood from "tipping," that is, becoming virtually all black. The Office of Education ruled that this plan was not eligible to receive ESAA assistance because the agency guidelines forbid the funding of part-time integration plans.

It seems to me that this particular policy of the Office of Education is a perversion of the intent behind ESAA. Rather than encouraging integration, the policy would impede a community supported voluntary effort—on the part of white and black residents—to prevent the segregation of educational facilities.

I noticed that in its report on H.R. 69 the Committee on Education and Labor expressed dismay about the failure of the Office of Education to give sufficient consideration to preventive programs under ESAA.

My question is, under ESAA as it is presently written or as amended by H.R. 69, would a program such as the one I have just described be ineligible to receive grants merely because it is a part-time program, and would an amendment be required to make such a program eligible?

Mr. PERKINS. Will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman.

Mr. PERKINS. The answer is no amendment would be required. The gentlewoman from New York is assured that the type of program she has described is an eligible activity under the Emergency School Aid Act, although it may be lower on the list of programs to be funded in a particular State than other more comprehensive programs.

Ms. HOLTZMAN. I thank the chairman.

AMENDMENT OFFERED BY MR. CRANE TO THE COMMITTEE SUBSTITUTE

Mr. CRANE. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. CRANE to the committee substitute: Page 131, immediately after line 15, insert the following new section:

AMENDMENT OF TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

FREEDOM OF CHOICE

"SEC. 1010. No local education agency shall be eligible to receive assistance under this Act, or under title I of the Elementary and Secondary Education Act of 1965, if the employment or continued employment of any teacher or administrator in its schools is conditioned upon membership in, or payment of fees to, any organization, including any labor organization or professional association."

Mr. CRANE. Mr. Chairman, the hardline union tactics of collective bargaining and strikes are threatening to become common practice in an area that should remain free of the accompanying turmoil—the teaching profession.

Union bosses are increasingly aiming their power grab at the Nation's schools and schoolteachers, a fact that promises negative effects for schoolchildren and education in general. With the predictable merger of the National Education Association—NEA—and the American Federation of Teachers—AFT—looming on the horizon, the unions' takeover of the public school system through compulsory unionism may not be far off.

Several years ago former NEA president, George Fischer, said:

Within 10 years I think this organization will control the qualifications for entrance into the teaching profession and for the privilege of remaining in the profession.

When Sam Lambert was inaugurated executive secretary of the NEA in 1967 he stated:

NEA will become a political power second to no other special interest group. The farm bloc may have to take a back seat to the education bloc within the very near future.

Within the last few years we have witnessed an increasing militancy in the NEA, which has transformed the white collar association to what is now, for all intents and purposes, a union. Last year the 1.4 million member NEA staged 112 strikes to the 23 strikes of the 360,000 member American Federation of Teachers.

Proof that the NEA has almost reached the goals stated by Lambert and Fischer are the words spoken by outgoing NEA president, Catherine Barrett just last year. Mrs. Barrett stated:

I believe we have arrived as professionals. We are the biggest potential striking force in this country and we are determined to control the direction of education.

"Controlling the profession" may mean pay raises and better working conditions for teachers, but unfortunately, it will probably not mean educational improvement. Further unionization of the profession will surely bring further erosion of community or parental control of the schools. Unionization tends to pit teachers against school boards and teachers against the community as was evidenced by the New York City teacher's union which in 1967 and 1968 opposed community control experiments in Brooklyn and Harlem. Under the leadership of union chief Albert Shanker, teachers put 1 million children out of school for 35 days by striking.

Shanker's union has responded to attempts at increased parental involvement in the schools by publicly threatening to pull teachers out of classrooms that parents come to visit. Shanker's union states:

The notion that parents can determine the professional quality of a teacher's performance is blatantly false.

Robert J. Braun, education editor for the Newark Ledger, has written a book about the American Federation of Teachers entitled "Teachers and Power." Braun casts doubt on the assumption that teachers' unions are interested in anything other than more collective bargaining rights, job security, and further autonomy for administrative and parental control.

He points out that improving education is not among the goals of the union. "The kids will be the pawns in the game, as they always have been," states Braun. Under unionization, writes Braun, the citizen would "have even less, perhaps nothing, to say about the direction of the school to which you send your children and your tax dollar."

Union leaders predict total organization of the Nation's some 3 million teachers within the next few years. On the local level control over teachers has been gained by unions first demanding exclusive bargaining rights. The next step is to require that each teacher must pay the union a fee as a condition of work in what is known as the "agency shop."

The argument for an agency shop is that it is unfair for nonpaying teachers to benefit from the gains won through collective bargaining by union leaders. Dues, however, are not only used for bargaining activities but also as contributions by political campaigns. Teachers have frequently refused to pay dues on the grounds that they disagree with the political use to which funds have been put. The response of the unions to this refusal indicates the devastating blow that teacher unionism is dealing with the profession.

In the State of Michigan where the agency shop is most widespread, there are three teacher/union cases worth mentioning.

Mrs. Carol Applegate, an English teacher for almost 20 years in Michigan public schools was fired at the request of the Grand Blanc Education Association for refusing to pay compulsory dues.

In Detroit over 600 teachers are fighting a threatened dismissal for refusing to pay dues to the Detroit Federation of Teachers, an affiliate of the American Federation of Teachers.

Margaret Maki of Hancock, Mich., withheld her union dues, after paying them for many years, on the grounds that she disagreed with the political activities of the union and no longer wanted to be represented by it. Although 3 months from retirement, Mrs. Maki was fired at the suggestion of the Michigan Education Association.

She states:

For 25 years I voluntarily paid dues to the MEA and was proud to belong. But I watched it evolve from a professional organization to a full fledged labor union run by men more interested in playing politics and getting people fired for refusing to pay them money. So I dropped out.

In Wisconsin, which like Hawaii has compulsory unionization, a teacher, Al Holmquist, is being sued by the local union for taking a position against compulsory unionization before the school board.

In 1962 the Florida Supreme Court decision argued against the agency shop clause because it 'is repugnant to the Constitution in that it requires the nonunion employee to purchase from the labor union a right which the Constitution has given him."

As a result of the Pennsylvania Public Employee Act, which recognizes teacher representation by a union, close to 100 strikes, more than in any other State, occurred there last year. James Scott II, the president of Pennsylvanians for Right to Work, responded to the union's demand of agency fees from teachers saying:

Once our teachers are forced to pay tribute as a condition of teaching, it is only a matter of time before a union can force upon the tax-paying public exorbitant wage demands. Teachers will be forced to strike upon threat of losing their jobs, and in due course, end up as mere pawns in a struggle for increased union power and money.

In recent years the political clout of teachers' unions has begun to be felt as they begin to take stands on women's liberation, the Vietnam war, Supreme Court appointments and local political campaigns to the point of establishing telephone banks to defeat antiunion candidates. The NEA's political involvement has been greatly facilitated by the creation of a political action unit, the Coalition of American Public Employees. This increased political interest on the part of union leaders is an important aspect of the attempt to control totally the public school system.

Eminent scholar James Koerner in his book "Who Controls American Education?" notes that administrators often pressurize teachers into joining the union. In some States the dues checkoff method takes care of union dues. He says of the unions:

These homogeneous organizations and likeminded people represent only one segment of the American educational community not to mention the general public. I believe that they have managed to accumulate over the years a dangerous degree of control over education and to disfranchise not only classroom teachers but academic scholars and the body politic.

We in the Congress should be more concerned lest the public schools become dominated by an outside force that is responsive not to the needs of the community or the improvement of quality education but to the union leadership. Teachers, like other public employees, should be allowed to unionize but not be required to. In the interest of the education system and the individual rights of teachers we must protect this profession from compulsory unionism. We must see to it that no teacher, or any school employee for that matter, be required to pay a fee to a union as a condition for employment.

How can we ask teachers to explain to young people our traditional ideals of freedom and individualism, that a man should follow his conscience, not the opinions of others, in making moral choices, if we permit a situation to be legally sanctioned in which they themselves lose freedom of choice?

Our moral standard of legitimate rights in a free society has always held that freedom of the individual should be limited only insofar as it interferes with the freedom of other individuals. How can teachers represent that moral standard if they themselves become pawns in a power game in which the needs of organized labor become far more important than the needs of the children in their classrooms?

No American should be forced to join a private organization as a condition of employment. This regrettable situation however, becomes even more serious when it begins to affect those upon whom we depend to teach our children and set a proper example for them. Can teachers be advocates of a free and decent society if they themselves have lost their freedom? It is difficult for me to understand how they can.

Just as labor unions, in other fields, would rather see a business close and all of its jobs eliminated rather than forego its own demands, so if we permit forced unionization of teachers we may see schools become pawns in this kind of game. We have already witnessed teacher strikes in New York, Philadelphia, and other cities. The needs of the children were clearly secondary. Teachers became more concerned with themselves than development of their product, in this case, the minds of young children.

Our educational system has many problems that it seems unable to solve. Children are scoring very poorly on tests in such basic skills as reading and mathematics. Discipline has become a national problem, and compulsory busing programs have seen the entrance of politics into the field of education. The last thing we need in American education is the heavy hand of forced unionism.

Following is a copy of the Michigan Education Association recommendations as well as an article by William Week on the subject which appeared in the Detroit Free Press on July 15, 1973:

FINAL RECOMMENDATIONS OF THE MICHIGAN EDUCATION ASSOCIATION CABINET TASK FORCE ON A STATEWIDE BARGAINING STRATEGY

NOTE.—The existence of this document was first revealed in the July 15, 1973 edition of the *Detroit Free Press*. William Meek, chief of the *Free Press'* Lansing bureau, reported that he had confirmed the document's authenticity with staff members of the Michigan Education Association. IASB notes that this document closely parallels the so-called "Michigan papers" of 1971, which were first revealed by the news media in that state and reported in the *Illinois School Board Journal*. Among the admonitions contained in that earlier strategy plan, was the caution to not depend on personnel of the National Education Association for help, because "they will be busy in Illinois this year." September, 1971 saw about 40 Illinois school districts either struck or seriously threatened up to the opening day of school.

This document has been read into the record of the Michigan House of Representatives (*House Journal* No. 88, pp. 2064—2068). The *Free Press* article was read into the record of the Michigan Senate (*Senate Journal* No. 92, pp. 1398–1400).

I. INTRODUCTION AND BACKGROUND

Because of a general MEA—wide feeling for a new collective bargaining impetus, and because of the Warren Education Associations specific requests for monetary assistance in dealing with their bargaining prob-

lems, the MEA cabinet appointed a small, ad-hoc task force to study the situation and make appropriate recommendations for a possible new and different MEA bargaining strategy.

The Committee, initially comprised of Ben Munger, Chairman, Chuck Alexander, and Don Cameron met for several days. A preliminary report was made to the cabinet and fifteen (15) Uniserv representatives on May 24, 1973. The original committee then began various revisions and additions culminating in this final recommendation to the cabinet on June 6, 1973.

II. STATEMENT OF THE PROBLEM

Local boards of education are becoming increasingly sophisticated and recalcitrant in their bargaining with local associations. They have begun to organize, hire bargaining specialists and coordinate their efforts under the banner of the Michigan School Boards Association. They no longer fear the strike as a bargaining weapon, and more importantly, they no longer fear public reaction to it.

Boards are in the process of attempting to force the bargaining pendulum in management's direction after what they consider years of teacher bargaining advantages. They are holding fast on management rights and are serious about "winning back" previous bargaining concessions.

The "Council of 28" in Oakland County and "Task Force 36" in Wayne County present compelling evidence that boards are going on the offensive. The expansion of the MASB staff is another signal. Evidence also suggests coordinated board bargaining strategies out-state.

It is inevitable that there will be another Trenton or Reese. Unless new MEA and/or local bargaining strategies are developed, the frustrations now being felt by Warren, Trenton and other downriver locals as well as tiny out-state units, will increase and expand.

For several years now, the MEA and its locals have been dealing with new board strategies with standard techniques. Because new strategies have not developed to meet the needs of frustrated local bargainers, we are now in a somewhat defensive bargaining posture.

Part of the reason for this lack of association creativity and aggressiveness is the unwillingness of locals to band together and strike, if necessary, in order to provide a more stable and potent bargaining base. The plain fact is that up to this point most teachers have not demonstrated a willingness to inconvenience themselves for their colleagues in other locals. There is still too much "me first".

Bargaining problems are compounded by economic pressures revolving around inflation, the wage-price freeze, the failure of C and D, local voter rejections of property taxes for schools, dwindling local revenues and the public image of teachers as "well paid for working such a short year."

Because of past association successes at the bargaining table, many teachers feel entirely too comfortable financially. Because this "fat cat" syndrome exists, militancy has waned.

The public no longer views local strikes as novel. They also see teachers' salaries as being more than adequate, and tax increases are viewed as the inevitable result of teacher unions trying to make good teaching salaries even better.

Local bargaining frustrations have placed new and increased demands for solutions on the MEA without any corresponding willingness to abandon some degree of local bargaining autonomy, as in the private sector.

In spite of, all or because of, all this and more, many locals on the cutting edge are not going to stand still for bargaining status quo. They continue to expect salary increases, class size reductions, etc. This will become an expanding problem for the MEA as more and more locals become more and more frustrated. And as this occurs, there will be more questioning of MEA dues paid as they relate to MEA solutions rendered.

III. ANALYSIS OF ALTERNATIVE BARGAINING STRATEGIES

In analyzing as many alternate impasse resolutions as possible, we note that they all fit into one of three categories:

a. Settlement Between the Two Parties

Mutually acceptable compromise resulting in a settlement; One side or the other "gives in" also resulting in a settlement; and

Continuous bargaining with no settlement.

b. The strike or its variations

Local, regional, state or national strikes;

"Work to the rule";

Guerrilla warfare;

Blue flu, "Professional Day," etc.;

Violence, sabotage, etc., and

Mass resignations, individual resignations, etc.

c. Third party intervention

Mediation and factfinding;

Mutual agreement for binding arbitration on unresolved issues;

Legislation mandating bindng arbitration; and

Pressure by outside agencies to settle (Governor, MEA, MASB, a local legislator, side bar, etc.)

We also believe that any impasse resolution for public employees will fall into one of these categories, no matter how great the temptation for unions to continually seek some mystical solution.

It should be noted that although we view regionalized or statewide bargaining as a different approach to negotiations, these same basic impasse alternatives are present.

IV. SOME BASIC PREMISES FOR A NEW STRATEGY

A. Money, or lack of it, is not the sole cause of local bargaining frustration. Even now, many boards are, in fact, still able to squirrel away funds for contingencies.

We believe that the most critical issue facing us today is the fact that local boards are coordinating their bargaining postures on a wide range of issues, not the least of which are salaries and fringes This newly developed cohesiveness enables boards to more effectively "hard bargain."

B. Teachers are on the defensive and need to be re-excited about gut bargaining issues. They are feeling the effects of oversupply, accountability, a tarnished public image, the Roth decision and attacks on tenure, and these pressures tend to create a "don't-rock-the-boat" attitude.

C. The short-range solution to bargaining frustration and treadmilling is a burst of dramatic, visible, militant leadership. A new bargaining thrust and strategy is essental. We believe that thrust must come from the MEA It cannot come from individual locals.

D. The long-range solution to our bargaining dilemma is legislative, not ever increasing escalation, i.e., a change in the bargaining law and/or statutory methods of resolving impasse.

E. We must not charge headlong into the boards' collective strength. The MASB and local boards expect more local strikes. They also expect, at some point, regional strikes, but only in the emotional aftermath of a mass firing in a local.

F. Organized boards will bargain meaningfully with MEA locals only when settling with the local teachers is the lesser of two or more evils they face.

G. The solution to Warren's, Trenton's and Flint's bargaining problems lies in C and D above, if it exists at all. Giving money to any local, per se, without incorporating their bargaining strategy into a total state strategy is patching at best and counter-productive at worst.

H. We believe that any new MEA state bargaining strategy should be designed to:

1. Give the MASB and its local boards something to upset their equilibrium and cause them to view settling locally as the lesser of two evils. Attack their flanks as well as their strength.

2. Give teachers a renewed impetus for gut-issue bargaining.

3. Provide time for the MEA and its more progressive locals to educate and emotionalize members for tactical *regional* strikes.

4. Provide for the effective use of public relations on a state-wide basis in order to set the stage with the public, the power structure and our membership for a broader base of impasse confrontation.

V. A SUGGESTED STATEWIDE STRATEGY (SHORT RANGE)

A. The MEA immediately exposes, with all possible statewide fanfare, "the alarming and outrageous conspiracy by local boards of education designed to roll back hard won teacher contractual rights." We also state emphatically that the MEA will not permit its members to become the unwilling targets for the MASB's drive to gut teacher contracts. In other words, the MEA steps in front—firmly and boldly.

Further, we:

1. Denounce boards for banding together in secret and unholy coalitions under the banner of MASB. (We must be ready to handle the obvious fact that the MEA locals have done it since 1965.)

2. Expose, by name and with appropriate documents for handout, the "Council of 28" in Oakland County and "Task Force 36" in Wayne County, as well as any other organized group of school boards.

3. Charge that because of the reactionary guidelines being promulgated by these board coalitions, bargaining in Wayne, Oakland, and Macomb Counties is dragging badly. In fact, because of these shocking attacks by conniving boards, the MEA states flatly that *local boards are precipitating an educational crisis next Fall.* We make *them* the culprits responsible for the crisis.

4. Announce several dramatic and aggressive MEA actions designed to thwart the heavy-handedness of local boards across the state, and at the same time challenge these recalcitrant boards to settle local contracts on reasonable terms or face the inevitable consequences. Those actions are:

a. The MEA instructs all local units to refrain from agreeing to any contract that does not meet essential contract standards, i.e. binding arbitration of grievances, agency shop, curriculum councils (or whatever).

b. The MEA is introducing into the Michigan Legislature a bill designed to amend the public bargaining act in order to safeguard the rights of teachers and protect them from a bargaining conglomerate of crazed school boards. This bill will be the "Teachers Bargaining Bill of Rights," and it calls for:

Mandatory binding arbitration of grievances;

Mandatory binding arbitration of all teacher dismissals;

The right to strike; and

Ban against hiring scabs in bargaining situations (or whatever).

This legislative component is contingent upon resolution of agency shop legislation.

c. The MEA has set October 1, 1973, as the deadline for settlement of all local contracts containing the minimal standards mentioned above, legislative action to insure our basic bargaining rights, or both.

5. The MEA announces that we are sending formal letters announcing our actions, concerns, and intentions to the MASB, State Board of Education, MASA, the Governor, MERC, etc.

6. The MEA disseminates all appropriate information to local leaders prior to this state-wide PR campaign. In addition, meetings are held, plans reviewed and issues emotionalized for possible action lated. War-

ren and Wayne County leaders assist in planning and implementing a regionalized confrontation(s) in the Fall.

7. The NEA invites other public employee unions to participate, but their agreement is neither critical nor controlling.

8. The time between now and the crisis next November is utilized to create a statewide atmosphere of grave urgency. It is also used to educate the membership and monitor their readiness for tactical regional strikes in the Fall.

9. If the "creative research" currently being conducted should indicate potential for complimentary legal action, that action should be factored into the statewide strategy for its PR value.

10. Local bargainers go to the table in each district and repeatedly accuse their board of being part of the MASB conspiracy.

VI. STATEWIDE IMPASSE STRATEGY (TACTICAL STRIKES)

If, after the appropriate crisis build-up, intervention by the Governor, etc., settlements are not secured in dramatic numbers, the MEA, on October 1, 1973, begins the coordination of tactical regional strikes designed to disrupt the educational process and keep the boards in a state of confusion while affording maximum security to our members on strike.

The MEA calls for *all* unsettled units in Wayne, Oakland and Macomb Counties to strike on October 1. We may want to consider other unsettled units going out on a regional basis. (October 1 is a Monday). The strike(s) continues through the first of the following week. The MEA then announces that all striking teachers will return to work on Friday—they do. Bargaining continues, locally and through intermediaries, over the week-end (through Monday, October 8.) The MEA announces on Monday that there will be a continuation of the strike on Tuesday (9th) if outstanding issues are not resolved. The strike continues on Tuesday. The MEA announces teachers will go back next week while bargaining continues. They do. If no settlement, out again, etc. etc., until all units are under contract.

This plan provides for:

a. Regional strikes on a staccato basis controlled by a central force (MEA).

b. Some income for striking teachers (they'll get paid while working unless boards lock them out—in which case those boards are in a bad PR posture with the public.)

c. A method for avoiding the "wait the striking ——— out" tactic, i.e. Philadelphia, Hawaii, etc.

d. Public announcements of teacher intentions prior to each strike or work segment, thus minimizing danger of public anger because kids are at school when they should be home or vice-versa.

e. Built in periods for bargaining while teachers are teaching after having returned temporarily from the strike. This should avoid the old "we won't bargain with you while you're on strike" trick.

This plan assumes:

a. Local agreement to strike regionally (a big assumption but one we believe can be obtained with help from local leadership.) This agreement is critical, and without it the tactical regional strike plan should never be undertaken.

b. Local willingness to let a central force (MEA) call the "tactical shots." In-out, etc.

c. Massive help from non-striking local leaders and staff during the regional strikes.

d. Help from progressive and militant local leadership in getting more reticent local "ready to go."

We repeat that this tactical plan depends on cooperation, coordination, consensus and trust (2 out of 3 isn't bad). Without regional commitment and agreement—forget it. To forge ahead for a few strong locals would be catastrophic. We believe it is up to the Uniserv Staff to develop appropriate plans for coordination of regional activities.

VII. GOAL ACHIEVEMENT

This plan, in our opinion, can accomplish both the short range and long range goals identified earlier.

A. Short range

It focuses statewide attention on the bargaining problem for a sustained period of time. Sustained public relations is very important.

It provides the best possible atmosphere for teacher unity on gut economic issues.

It creates artificial, but practical, deadlines for bargaining resolutions.

It seizes the initiative from local boards, exposes coordinated board activities and it places the MEA in front with the public, the state power structure, the MASB and, most importantly, our own locals and membership.

It sweeps hard-pressed locals (Warren, Trenton, Flint, etc.) into a relevant, militant campaign for bargaining success, and regonalizes both their conflict and their solution. It enables them and us to get into a larger bargaining picture, thus more effectively dealing with mutual frustrations.

B. Long range

It creates a statewide crisis atmosphere conducive to legislative action sometime in the future.

It creates statewide awareness of public employee bargaining inequities, thus enhancing chances for later public acceptance of legislative solutions.

It dramatizes bargaining problems for our membership, most of whom do not understand the dynamics of collective bargaining, and affords an opportunity for new solutions to be discussed based upon experience rather than vicarious philosophy.

It allows for better membership understanding and acceptance of a future legislative solution (mandatory interest arbitration).

VIII. PUBLIC RELATIONS PROGRAM

It is critical that the MEA speak loudly and forcefully and steadily for our members beginning right away. We feel it inappropriate and ill-advised to delay implementation of the first phase of the bargaining strategy (PR blast) *even if locals cannot ultimately "get it together" for regionalized strikes this fall.* We must set the public stage for the confrontation, but, failing to implement the last phase of the plan, at least we will have sent a shiver or two down the collective spines of a board or two, educated the public and stepped in front for the membership.

We have developed the following PR program to augment the statewide bargaining strategy through the media. We consider it minimal, and it provides for educational media PR only through September 1 (the end of the current budget year).

We have set aside newspapers as not an effective medium for this particular project. We feel that radio and TV will be much more advantageous and have, therefore, concentrated on the electronic media.

We have selected areas of the state that cover the most territory with the fewest media, to keep the costs reasonably low.

For radio: We suggest one station only in each of the following cities: Detroit, Grand Rapids, Kalamazoo, Benton Harbor, Lansing, Escanaba, Marquette, Bay City or Saginaw, Ironwood, Flint and possibly the Houghton Lake area.

For television: Two stations in Detroit (one UHF station which is carried on every cable system in Michigan), one each in Lansing, Grand Rapids, Cadillac and Marquette.

The customary negotiations pattern prevails, there will be little or no bargaining between July 15 and August 10, and therefore it would not be productive to advertise during that period. This leaves two weeks in June, two weeks in July, and two weeks in August, prior to the end of this fiscal year. We might well desire an escalated program after September 1, but that is not in the proposed budget.

Frequency: Radio—one 30-second spot per day, five days each week, for the six weeks cited above: $6,000 for time purchases, $400 for production, including a few extra tapes for the use of locals who wish to purchase their own time. Television—three 30-second spots per week for six weeks, $45,000 for air time plus $12,000 for production, plus $1,500 for duplicate tapes (including extras for locals).

Total cost for this minimal MEA program: $64,900. We believe locals will want to buy time to augment this expenditure by the MEA.

In addition, every effort will be made to utilize free coverage (press releases, etc.) during this period. Again, locals can be augmenting this coverage.

IX. PROPOSED TIMETABLE FOR IMPLEMENTATION

Wednesday, June 6.—Present final draft to the cabinet. Begin involvement of larger group in refining or changing the plan.

Friday, June 15.—Inform the staff of the details of the plan, including the material to be distributed at the subsequent press conference. This may require a unique delivery system. We do not think a staff meeting is mandatory, but it may be desirable.

Friday, June 15.—Submission to the MEA Executive Committee.

Wednesday, June 20.—Dress rehearsal for the press conference.

Tuesday, June 19.—Obtain information from the University staff and the Research section—all the information needed to construct the press conference.

Thursday, June 21.—Big press conference with Mary Kay Kosa and the Executive Secretary to announce our concerns, our anger and our predictions of a fall bargaining holocaust of some kind precipitated by the boards.

June, July and August.—Area wide staff meetings to keep the staff together on the implementation of the plan and to discuss problems that need attention.

Weekly.—Collection of information regarding the situation in the local negotiations and any new reactions by the boards. This will require a new two way communications system.

August 17.—Unsettled Units Conference. This will be played up big in the Media as a "war council".

October 1.—Implementation of the tactical strike plan.

[From the Detroit Free Press, July 15, 1973]

BIG SCHOOL TIE-UP PLANNED FOR AREA

(By William Meek)

LANSING.—A secret battle plan of the statewide teachers' union calls for a co-ordinated series of "tactical strikes" next fall to cripple school systems in large areas of Wayne, Oakland and Macomb counties, the Free Press has learned.

The strikes would begin Oct. 1 if teachers have not won favorable contract settlements "in dramatic numbers" by then, according to the strategy laid out in a nine-page planning document.

The orchestrated walkouts would be staged by locals of the 80,000-member Michigan Education Association (MEA) welded into disciplined regional strike forces by the MEA professional staff.

The strikes would follow a three-month publicity campaign estimated to cost $64,900 and designed "to create a statewide atmosphere of grave urgency," according to the bargaining blueprint.

Pegged as chief targets of the campaign are the Michigan Association of School boards (MASB) and two loosely knit groups of school boards in Oakland and Wayne

counties that have joined forces in negotiating teacher contracts for next year. They are the Council of 28 in Oakland and Task Force 36 in Wayne.

MEA spokesmen confirmed the authenticity of the planning paper authored by three high level staff members reporting to the MEA staff cabinet headed by Executive Secretary Herman W. Coleman.

George C. Brown, assistant executive secretary, downplayed the importance of the blueprint and told a reporter the MEA cabinet and executive committee have approved only the propaganda portions and not the Oct. 1 strike plan.

But Coleman did not disavow any of the crisis and strike strategy, saying that regional teacher walkouts may be the only effective weapon the MEA can employ against the "collusion" of school boards that he said are acting in unison to set limits on contract benefits for teachers.

Coleman charged that school boards in at least 14 counties are acting in groups to cut back benefits teachers already have. "At some point we're going to have to break that kind of coalition," he said, "and if strikes are the only approach to the relief we need, that would be considered."

The publicity campaign was launched July 5th in press statements damning the "unholy alliances" of school boards. The statements were issued in the name of Mrs. Mary Kay Kosa, MEA president.

Brown said the campaign was sanctioned by the MEA executive committee at a spending level "much reduced" from the figure recommended in the statewide bargaining blueprint.

A short term strategy goal disclosed in the confidential plan is to whip up the emotions of teachers over contract issues and unify them "into a relevant, militant campaign for bargaining success," even in districts where no serious contract disputes exist.

The long-range goal revealed in the MEA blueprint is to prod the Michigan Legislature to act "in a crisis atmosphere" next fall to pass laws giving teachers the legal right to strike and requiring mandatory binding arbitration of grievances and teacher firings.

Public employes are now forbidden to strike under Michigan law, and binding arbitration is optional with local school districts.

Another objective apparent in the MEA strategy memorandum is to convince the rank-and-file members, who pay more than $7 million in dues annually, that MEA staffers are producing action in the face of recent setbacks at the bargaining tables.

The bargaining blueprint suggests that the state's teachers are at war—or ought to be—with citizen school boards.

At various points in the report the MEA strategists say their tactics should include "regional confrontations" and attempts to "disrupt the educational process." In dealing with local boards, the report advises: "Attack their flanks as well as their strength."

In itemizing alternative bargaining strategies, the writers list "guerrilla warfare, violence, sabotage, etc."

The plan was drafted by a three-man task force composed of Dr. Ben Munger, negotiations consultant, Don Cameron, public relations specialist, and Chuck Alexander, MEA consultant for political education.

Their final report, in its third draft, went to the cabinet, made up of the top seven MEA paid executives, on June 6 and to the executive committee June 15. Brown said the cabinet revised the blueprint to set aside the strike plan before giving it to the executive committee, but the Free Press copy was dated June 8.

"Well, it was never rewritten," Brown said.

The Uniserv division of MEA, a cadre of 91 field representatives located in 50 offices around the state; was designated to carry out the organizing elements of the plan.

According to the MEA strategists, teachers have been losing ground at the bargaining table because of both external and internal problems.

External factors include the teacher surplus, inflation, wage freezes, voter rejections of school tax proposals and the public belief that teachers are already well paid. But worst of all, said the planners, is that local school boards are banding together to oppose teacher demands.

"They have begun to organize, hire bargaining specialists and coordinate their efforts under the banner of the Michigan School Boards Association. They no longer fear the strike as a bargaining weapon," said the report writers.

"Board are in the process of attempting to force the bargaining pendulum in management's direction after what they consider years of teacher bargaining advantages," they added.

Internally, they wrote, the teacher's union is suffering from a lack of "creativity and aggressiveness" in meeting new conditions because of "the unwillingness of locals to band together and strike, if necessary, in order to provide a more stable and potent bargaining base.

"The plain fact is that up to this point most teachers have not demonstrated a willingness to inconvenience themselves for their colleagues in other locals. There is still too much 'me first.'"

Coleman confirmed that MEA is prepared to ask teachers who have no contract grievances in their own districts to go on strike in support of other locals.

Because of previous union success, said the planners, "many teachers feel entirely too comfortable financially."

Unless a strategy is developed to 'emotionalize" the satisfied teachers there will be more frustration in dissatisfied locals. "And as this occurs, there will be more questioning of MEA dues paid as they relate to MEA solutions offered," said the report.

The solution proposed by the strategists is "a burst of dramatic, visible, militant leadership . . . In other words, the MEA steps in front—firmly and boldly."

The basic tactic offered by the planners was to portray crisis in school negotiations and blame it on "the alarming and outrageous conspiracy by local boards of education designed to roll back hard-won teacher contractual rights."

The blueprint tells MEA operatives to:

"Denounce boards for banding together in secret and unholy coalitions under the banner of the MASB," but it adds an advisory, "We must be ready to handle the obvious fact that the MEA locals have done it since 1965."

MEA functionaries are also instructed to: "Charge that because of the reactionary guidelines being promulgated by these board coalitions, bargaining in Wayne, Oakland and Macomb Counties is dragging badly.

"In fact, because of these shocking attacks by conniving boards, the MEA states flatly that local boards are precipitating an educational crisis next fall. We make them the culprits responsible for the crisis."

Then, "after the appropriate crisis build-up," if favorable contract settlements don't occur "in dramatic numbers," the MEA would start Oct. 1 "the co-ordination of tactical regional strikes designed to disrupt the educational process and keep the boards in a state of confusion. . ."

The plan specifies strikes "on a staccato basis controlled by a central force (MEA)," with emphasis on Wayne, Oakland and Macomb counties.

The long-range benefit of the strategy, according to its authors, is that: "It creates a statewide crisis atmosphere conducive to legislative action."

And at the right moment, according to the blueprint, MEA would introduce a "Teacher Bargaining Bill of Rights" providing for binding arbitration of grievances, the right to strike and a ban on hiring scabs in school bargaining situations.

The crisis buildup was to be financed by a $64,900 budget to pay for six weeks of radio and television advertising on stations in selected bargaining areas.

In her press statement July 5, Mrs. Kosa announced she had "advised the governor that an extremely unhealthy and volatile bargaining climate exists and that he should intervene before an ultimate crisis ensues."

There has been no response from Milliken, but Coleman said he hopes to meet with the governor soon. In the meantime, he said, MEA lawyers are researching potential legal action against school boards that have joined forces.

The bargaining blueprint noted that any "complimentary legal action" should be "factored into the statewide strategy for its PR (public relators) value."

Mr. FORD. Mr. Chairman, will the gentleman yield for a question?

Mr. CRANE. I yield to the gentleman from Michigan.

Mr. FORD. I thank the gentleman for yielding.

The gentleman gave some figures on a number of districts. He had 15 in one category.

Mr. CRANE. Four States where strikes are now legal, 15 where the law is silent, and 32, prohibitive.

Mr. FORD. That comes out to 51. Where does the gentleman get the extra State?

Mr. CRANE. The gentleman has a good question there. There are 4 States where it is legal, actually 14 States where the law is silent—I had included the District of Columbia in the count—and 32 where it is prohibitive.

Mr. FORD. So in the statistics the gentleman gives us, there is some duplication. Some will be in his category of 15, some in the 32, and also some in the 4?

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in a strange position of having my usual position on the subject and that of my distinguished friend, the gentleman from Illinois (Mr. CRANE) reversed. Mr. CRANE's amendment would forbid any school district from receiving aid under the Elementary and Secondary Education Act if it conditions teacher employment on membership in any organization. If anything would lead to Federal control over school matters, this amendment would. It ought to be a matter of local determination whether teachers and school administrators must or must not belong to teachers' organizations. The gentleman did not mention that in the Michigan cases which he cited the highest court of that State decided in favor of the education association.

Actually this amendment should properly be offered to a bill, which I have sponsored and had a number of days of hearings on, which would give all public employees the right to bargain collectively and thereby set a national standard. The pattern of States' laws is so confusing that even those which ostensibly give the right to strike—such as Minnesota, which has the most liberal of all the

laws—do not in fact end up with that result since there is a compulsory arbitration feature involved.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

My amendment does not go to the question of collective bargaining. Collective bargaining is permitted, and professional and labor associations within the teaching profession are permitted. What it does do is withhold Federal moneys to those districts where that is a condition for employment.

Mr. THOMPSON of New Jersey. I say to my friend, the gentleman from Illinois, that I respect his idea, but it does not belong in an education bill; rather, it belongs in a labor bill. For instance, his amendment is so broad that it would forbid any school district from requiring teachers to join group hospitalization plans or any other organization. The amendment, by its language, is not limited to forbidding closed shops, which are forbidden in the National Labor Relations Act; rather, it applies to forbidding membership in any organization.

Mr. CRANE. Mr. Chairman, will the gentleman yield again?

Mr. THOMPSON of New Jersey. I yield briefly to the gentleman from Illinois.

Mr. CRANE. It is only with respect to the compulsory aspect, that my amendment applies. One does not have to compel people to enjoy the benefits of a group hospital plan.

Mr. THOMPSON of New Jersey. There are not in any real sense compulsory laws requiring teachers in a school to join any organizations. If they do not wish to join, they do not have to join. I say to my friend, the gentleman from Illinois, that his amendment, however well intended, is really improper in this instance, and I oppose it.

Mr. CRANE. Will the gentleman yield for just one brief response? If that is the case, then surely there can be no concern on the gentleman's part over the amendment.

Mr. THOMPSON of New Jersey. My concern, I might say to the gentleman, is that I have some pride in drafting and in appropriate legislative language; I simply do not believe in enacting frivolous amendments, and this is, indeed, in a legal as well as in a moral sense, a frivolous amendment and I oppose it.

Mr. CRANE. It is not frivolous when one gets to talking about freedom of choice. As for the draftsmanship of the gentleman from New Jersey, I think he writes exquisitely. On the other hand, with an appropriate sense of humility, I do not think my drafting is that bad. Nor is that of my other colleagues who have submitted amendments, some of which now constitute a part of this bill.

Mr. THOMPSON of New Jersey. Let me say to the gentleman that I would have preferred it if he had said I write well rather than exquisitely.

I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. CRANE) to the committee substitute.

The vote was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 95, noes 308, not voting 29, as follows:

[Roll No. 120]

AYES—95

Abdnor	Duncan	Montgomery
Archer	Edwards, Ala.	Moorhead, Calif.
Arends	Fisher	Nichols
Ashbrook	Flynt	Parris
Bafalis	Fountain	Poage
Baker	Goldwater	Price, Tex.
Bauman	Goodling	Rarick
Beard	Green, Oreg.	Rhodes
Bowen	Gross	Robinson, Va.
Brinkley	Gubser	Rousselot
Broomfield	Hammer-schmidt	Ruth
Broyhill, N.C.	Hébert	Satterfield
Broyhill, Va.	Henderson	Scherle
Buchanan	Hogan	Sebelius
Burgener	Holt	Snyder
Burke, Fla.	Huber	Spence
Burleson, Tex.	Jarman	Steelman
Butler	Jones, N.C.	Steiger, Ariz.
Byron	Ketchum	Symms
Camp	King	Taylor, Mo.
Clawson, Del	Kuykendall	Taylor, N.C.
Cochran	Lagomarsino	Treen
Collins, Tex.	Landgrebe	Veysey
Conlan	Latta	Waggonner
Crane	Lott	Ware
Daniel, Dan	Lujan	Whitehurst
Daniel, Robert W., Jr.	McKay	Whitten
Davis, Wis.	Martin, Nebr.	Winn
Dennis	Martin, N.C.	Young, Fla.
Devine	Mathis, Ga.	Young, S.C.
Dickinson	Minshall, Ohio	Zion
Downing	Mizell	

NOES—308

Abzug	Collins, Ill.	Gilman
Adams	Conable	Ginn
Addabbo	Conte	Gonzalez
Anderson, Calif.	Cotter	Grasso
Anderson, Ill.	Coughlin	Gray
Andrews, N.C.	Cronin	Green, Pa.
Andrews, N. Dak.	Culver	Griffiths
Annunzio	Daniels, Dominick V.	Grover
Armstrong	Danielson	Gude
Ashley	Davis, Ga.	Gunter
Aspin	Davis, S.C.	Guyer
Badillo	de la Garza	Haley
Barrett	Delaney	Hamilton
Bell	Dellenback	Hanley
Bennett	Dellums	Hanna
Bergland	Denholm	Hansen, Idaho
Biester	Dent	Hansen, Wash.
Bingham	Derwinski	Harrington
Boggs	Diggs	Harsha
Boland	Dingell	Hastings
Bolling	Donohue	Hawkins
Brademas	Dorn	Hays
Brasco	Drinan	Hechler, W. Va.
Bray	Dulski	Heinz
Breaux	du Pont	Helstoski
Breckinridge	Eckhardt	Hicks
Brooks	Edwards, Calif.	Hillis
Brotzman	Eilberg	Hinshaw
Brown, Calif.	Esch	Holifield
Brown, Mich.	Eshleman	Holtzman
Brown, Ohio	Evans, Colo.	Horton
Burke, Calif.	Evins, Tenn.	Hosmer
Burke, Mass.	Fascell	Howard
Burlison, Mo.	Findley	Hudnut
Burton	Fish	Hungate
Carney, Ohio	Flood	Hutchinson
Carter	Flowers	Ichord
Casey, Tex.	Foley	Johnson, Calif.
Chamberlain	Ford	Johnson, Colo.
Chappell	Forsythe	Johnson, Pa.
Chisholm	Fraser	Jones, Ala.
Clancy	Frelinghuysen	Jones, Okla.
Clark	Frey	Jones, Tenn.
Clausen, Don H.	Froehlich	Jordan
Clay	Fulton	Karth
Cleveland	Fuqua	Kastenmeier
Cohen	Gaydos	Kazen
Collier	Gettys	Kemp
	Giaimo	Koch
	Gibbons	Kyros
		Landrum
Leggett	Owens	Smith, N.Y.
Lent	Passman	Stanton, J. William
Lehman	Patten	Stanton, James V.
Litton	Pepper	Stark
Long, La.	Perkins	Steed
Long, Md.	Pettis	Steele
Luken	Peyser	Steiger, Wis.
McClory	Pickle	Stokes
McCloskey	Pike	Stratton
McCollister	Podell	Stubblefield
McCormack	Preyer	Stuckey
McDade	Price, Ill.	Studds
McEwen	Pritchard	Symington
McFall	Quie	Talcott
McKinney	Quillen	Thompson, N.J.
McSpadden	Randall	Thomson, Wis.
Macdonald	Rangel	Thone
Madden	Rees	Thornton
Madigan	Regula	Tiernan
Mahon	Reid	Towell, Nev.
Mallary	Reuss	Udall
Mann	Riegle	Ullman
Maraziti	Rinaldo	Van Deerlin
Mathias, Calif.	Roberts	Vander Jagt
Matsunaga	Robison, N.Y.	Vander Veen
Mayne	Rodino	Vanik
Mazzoli	Roe	Vigorito
Meeds	Rogers	Waldie
Melcher	Roncalio, Wyo.	Walsh
Metcalfe	Roncallo, N.Y.	Wampler
Mezvinsky	Rooney, Pa.	Whalen
Michel	Rose	White
Milford	Rosenthal	Widnall
Miller	Rostenkowski	Wiggins
Mills	Roush	Wilson, Charles H., Calif.
Minish	Roy	Wilson, Charles, Tex.
Mink	Roybal	Wolff
Mitchell, N.Y.	Runnels	Wright
Moakley	Ruppe	Wydler
Mollohan	Ryan	Wylie
Moorhead, Pa.	St Germain	Wyman
Morgan	Sandman	Yates
Mosher	Sarasin	Yatron
Moss	Sarbanes	Young, Alaska
Murphy, Ill.	Schneebeli	Young, Ga.
Murtha	Schroeder	Young, Ill.
Myers	Seiberling	Young, Tex.
Natcher	Shipley	Zablocki
Nedzi	Shoup	Zwach
Nelsen	Shuster	
Nix	Sikes	
Obey	Sisk	
O'Brien	Skubitz	
O'Hara	Slack	
O'Neill	Smith, Iowa	

NOT VOTING—29

Alexander	Frenzel	Rooney, N.Y.
Bevill	Hanrahan	Shriver
Biaggi	Heckler, Mass.	Staggers
Blackburn	Hunt	Stephens
Blatnik	Kluczynski	Sullivan
Carey, N.Y.	Mitchell, Md.	Teague
Cederberg	Murphy, N.Y.	Williams
Conyers	Patman	Wilson, Bob
Corman	Powell, Ohio	Wyatt
Erlenborn	Railsback	

So the amendment to the committee substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TREEN TO THE COMMITTEE SUBSTITUTE

Mr. TREEN. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. TREEN to the committee substitute:

On page 131, immediately after line 15, insert the following new section:

Amendment to title X of the Elementary and Secondary Education Act of 1965:

SEC. 908. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"CONTINUITY OF INSTRUCTION GUARANTEE"

SEC. 1010. No local educational agency shall receive funds under this Act or under Title I of the Elementary and Secondary Education Act except that it has received individual pledges from each of its classroom personnel against strikes, work stoppages, or slowdowns or, alternatively, such a provision is included in any contract it may make with any organization representing such personnel.

(1) As used in this section, "local educational agency" shall include any unit receiving such funds and employing teachers.

(2) Any local education agency which is prevented from complying with this section because of the application of state law shall not be required to be in compliance with this section until 60 days following the close of the next regular session of the state legislature which commences after the effective date of this Act.

Mr. THOMPSON of New Jersey (during the reading). Mr. Chairman, we are familiar with the amendment offered by the gentleman from Louisiana (Mr. TREEN) and, therefore, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Since the amendment was not read, permit me to explain it for a moment. It is a short amendment and adds a new provision to title X and is entitled "Continuity of Instruction Guarantee." It addresses itself to the problem of teachers' strikes, which we have had and which are growing in this country.

It provides two things, essentially; first, that no local school district may get funds under this act or under the ESEA unless the classroom personnel in that school district have either pledged in their contract not to strike or to bring about a work stoppage or, second, if their employment is governed by a collective bargaining agreement, that a provision to that effect is in the agreement.

It also provides—and this is for the States that have laws that might conflict with my amendment, and there are approximately four in that category—that these States will not be considered to be in noncompliance until 60 days following the next regular session of the legislature.

I think we need to address ourselves to the problem of teacher strikes in this country.

Mr. Chairman, let me say what this amendment does not do. This amendment does not deny to any person the right to organize, which I fully support. This amendment does not affect the right of organizations to collect dues, however that may be proper or legal in their districts. This amendment does not outlaw the closed shop. This amendment does not prohibit a group of teachers from organizing and having a collective bargaining representative and having that representative bargain with the school district.

Mr. Chairman, in my view teacher strikes are unconscionable. In the first place, most school districts cannot respond. It is not like industry, not like a company that can reduce its profits or raise prices in order to respond to labor demands. They are oftentimes in an absolutely impossible position insofar as responding to teachers' strikes is concerned.

Second, it is only the children who get hurt by teacher strikes. I think it is a terrible example to the young people of this country to have teachers fail to report when school opens or, worse yet, to go out after school is open for 5, 10, 15, and in some cases 44 days saying "We are not going to teach you until the board or the school authorities comply with our demands." That is the worst example of all to the youth of this Nation.

In addition to that, it affects many working mothers. There is no way for them to predict when their children are going to be home or not, so it affects them and their jobs.

Thirty-two States in varying degrees have outlawed or prohibited strikes. These legislatures stated they are opposed to teachers' strikes, and this includes some of the largest States. If you represent one of them, it seems to me you should approve this amendment because it reiterates what is in your State law. I will list them for your benefit. They are: Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, and Wisconsin. All say by legislative expression that teacher strikes are prohibited.

This bill actually does not prohibit teacher strikes but says that this Congress will not fund a school district under this act or under ESEA unless teachers agree to abide by the law in those States and agree further in other States that they will not strike and will not walk out.

I think it is time for this Congress to express its disgust with teacher strikes in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the rhetoric of the distinguished gentleman from Louisiana is really quite impressive until we examine it and see what is going to happen in each and every congressional district of this Nation, and in each and every school district in this Nation where, as a condition precedent to employment, the teacher has to pledge before he or she can be hired, "I will never strike. I will never walk out. I will never slow down."

Try to explain this to those teachers, try to answer the hundreds and thousands of them who will inundate you, and who will say, "We have working agreements."

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield, has the gentleman ever been inundated?

Mr. THOMPSON of New Jersey. I have never been inundated, but the gentleman from California has, I know.

Here again, Mr. Chairman, I find myself in the unique position of being the defender of the rights of the States about their own laws. The gentleman from Louisiana (Mr. TREEN) would say something like this, "Notwithstanding the language existing in the act regarding prohibiting Federal interference, that the Federal Government shall set the conditions of employment of the teachers in each and every school district in this Nation entitled to aid under the Elementary and Secondary Education Act."

If it belongs anywhere, again, it belongs before the Subcommittee on Labor, which is discussing the right of public employees to strike; not in an education bill.

Mr. TREEN. Mr. Chairman, if the gentleman will yield, I presume the gentleman from New Jersey is either against teacher strikes, or is in favor of teacher strikes.

Mr. THOMPSON of New Jersey. I am in favor of all persons employed in any sector to have the right to bargain collectively.

Mr. TREEN. If the gentleman will yield still further, in the gentleman's State of New Jersey teacher strikes are prohibited. All we are saying, as far as the State of New Jersey is concerned, is that this Congress is not going to fund the school districts until——

Mr. THOMPSON of New Jersey. You are saying that any teacher who is hired in New Jersey, as a condition precedent to being hired, must sign a pledge never to strike, slow down, or walk out. And my teachers in New Jersey will not do that.

Mr. TREEN. I am saying that the teachers agree to teach for a certain term, for the term of that contract—and most school boards, as I understand, hire teachers on a 1-year basis, and under a 1-year contract, that they are going to teach the students for a year, and they will not strike.

Mr. THOMPSON of New Jersey. Mr. Chairman, I decline to yield further to the gentleman from Louisiana except to suggest to the gentleman that these contracts expire periodically, and under his proposal continued reemployment and the renewal of these contracts would cause teachers to be humiliated by signing an agreement that is patently absurd.

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

Mr. Chairman, I shall not take the full 5 minutes, but I would like to call the attention of the Members of this body that existing law, which has been the law since 1965, when we first brought the Elementary and Secondary Act before the Members, states as follows:

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 442. No provision of the Act of September 30, 1950, Public Law 874, Eighty-first Congress; the National Defense Education Act of 1958; the Act of September 23, 1950, Public Law 815, Eighty-first Congress; the Higher Education Facilities Act of 1963; the Elementary and Secondary Education Act of 1965; the Higher Education Act of 1965; the International Education Act of 1966; the Emergency School Aid Act; or the Vocational

Education Act of 1963 shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, *or personnel of any educational institution, school, or school system,* or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance. (Emphasis added.)

The gentleman's amendment does not merely restrict the right to strike; it says that no local educational agency shall receive funds from the Federal Government until it has first received an individual pledge from each of its classroom personnel against strikes, work stoppages, or slowdowns. It does not deal with unions; it does not deal with strikes; it deals with a stituation that would not just require that new teachers take such a pledge, but every teacher in the country would have to walk in and sign such a pledge. If one single teacher in any one school district refused to sign this rediculous pledge—which does not even rise to the dignity of the pledges we saw during the McCarthy era—that school district would not qualify for title I funds.

Mr. CRANE. Mr. Chairman, I rise in support of the amendment.

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

Mr. CRANE. I yield to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman for yielding.

I think the gentleman from Michigan is somewhat misleading. Teachers are not going to have to walk in tomorrow and sign these. This will come up when their regular contract procedure comes up, and that would be in September of this coming year. As I understand it—I could be wrong—I do not know how this works in every district in the country, but I understand that the teachers have written contracts, and that they are on a 1-year basis. This would come up in approximately September of this year, assuming that this bill is ultimately passed, so that the teachers will come before these school districts and school authorities in order to have their contracts renewed and to write their contracts. So this is not onerous in that regard.

With respect to the gentleman's statements on the general education provisions about not interfering with curricula, I wish that were so. I wish that we did not interfere with curricula or administration, but we have done that. We do it many times in this bill itself. We have done it by adopting two amendments here today with regard to busing, with regard to racial balance. We are interfering with the administration of schools to that extent.

But my amendment does not prohibit a teacher from striking or from going out. It simply says that the school districts will get an agreement, a pledge, a solemn pledge, from these teachers that they will not walk out on these children during the school year, and these school districts must get that in order for this Congress to provide any funds for that school district.

I thank the gentleman for yielding.

Mr. CRANE. Mr. Chairman, I commend the gentleman for his amendment. I appreciate all of the arguments I have heard on this floor in opposition to the amendment representing the concerns of those who think, at least presumably, they are supporting the concept of the rights of teachers; but, on the other hand, I would urge all of the Members to consider the very essential point brought up by my colleague, the gentleman from Louisiana, and that is regarding the rights of unprotected children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. TREEN) to the committee substitute.

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

Mr. TREEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the committee substitute was rejected.

Mr. BADILLO. Mr. Chairman, I move to strike out the last word.

I should like to ask the chairman a question.

Mr. Chairman, I had prepared amendments designed to enhance and broaden the scope of the Bilingual Education Act, title VII of the bill before us. The amendments I am referring to would extend the act for 4 years instead of 3, with higher authorizations than those in the committee bill; establish a Bureau of Bilingual Education in USOE; expand the training of teachers for bilingual programs; and define the broad curriculum of cultural and historical studies required in any meaningful bilingual education program.

Mr. PERKINS. Will the gentleman yield?

Mr. BADILLO. I will be happy to yield to the distinguished chairman of the Education and Labor Committee.

Mr. PERKINS. Was the gentleman offering these amendments in response to testimony in the recent bilingual hearings?

Mr. BADILLO. The gentleman is correct. In 3 weeks of hearings in the General Subcommittee on Education, we have heard representatives of national education organizations and State departments of education from across the country testify to the inadequacy of Federal support for the more than 5 million children in our schools with limited English-speaking ability.

Mr. PERKINS. I agree with the gentleman that these hearings have strengthened the case for expansion of bilingual education programs. Will my colleague from New York agree that the low level of the administration's budget requests, including a cutback of $15 million in bilingual education funds for fiscal 1975, is an important part of the problem?

Mr. BADILLO. No question about it.

Mr. PERKINS. If the gentleman will yield further, I believe he knows that I have supported bilingual education and have made many efforts to get more funds released for the program. Ample evidence has been presented in the hearings to make a case for increased appropriations rather than less I hope that we can convince the administration of the importance of these programs. However, because the committee has not had time to study the gentleman's amendments, I would like to offer at this time my assurances that an expansion of bilingual education programs will be given full consideration in our deliberations for the remainder of the session, including during the conference on the pending legislation.

Mr. BADILLO. I recognize the gentleman's long-time support for bilingual education.

I thank the chairman.

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

Mr. Chairman, I would like to ask a question of the chairman of the Education and Labor Committee concerning amendments to the Bilingual Education Act contained in H.R. 69.

Chairman PERKINS, some time ago I introduced a bill (H.R. 2490) which repeals the requirement now in the Bilingual Education Act that the only schools eligible for funds are those having children from families with incomes under $3,000 a year or from families receiving AFDC payments.

I did this because such a standard is unrealistic in a large city like Chicago. Almost all families in a large city—even the very poor—have incomes over $3,000, and few Spanish-speaking families place themselves on welfare.

As I understand the committee's amendment to the Bilingual Education Act, you have provided that if there are any of these very poor schools needing bilingual education within a school district they must be funded first; but then other schools needing bilingual education can be funded. Is that correct?

Mr. PERKINS. The gentleman is perfectly correct. The poorest schools must be funded first and then other schools can be funded in the order in which they are ranked as poor by the school district.

We have changed the law from saying that only the poor can be funded to saying that the poor must be funded first then others can be funded.

I would like to take this opportunity to commend the gentleman from Illinois for bringing this problem to our attention. Your dedication to expanding opportunities for bilingual education is well-known and respected.

Mr. YATES. And this is what will be followed with respect to the bilingual educational program.

Mr. PERKINS. The gentleman is exactly correct.

Mr. YATES. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last three words.

Mr. Chairman, I take this time to inquire about the $75,000 handout to each State to attend the White House conference, whatever that means.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, let me say that is

the amendment that was put in the committee by the distinguished gentleman from Illinois (Mr. ERLENBORN) which provides for a White House Conference on Education.

Mr. GROSS. For what is the money to be spent? Is it for entertainment, wining and dining, otherwise known as representation allowance?

Mr. PERKINS I think the pattern along that line has been cut many years ago in connection with the White House conferences. Each State must have its own conferences before they come to Washington and that is the purpose of the expenditure of this money.

Mr. GROSS. It can go to $75,000 per State. Why do the States not take care of this?

Mr. PERKINS. We just put this in and followed the pattern of the last White House conference and there have been dozens of them. When we have a White House conference I think it will have to be promulgated from the Federal office.

Mr. GROSS. This can be spent for any purpose, is that right?

Mr. PERKINS. Only for the purpose specified for education at the State level.

Mr. GROSS. Is it not a fact of life that the States have balanced budgets and therefore more money than does the Federal Government for such purposes?

Mr. PERKINS. This will pay the expenses of the White House conference and the conferences at the State level.

Mr. GROSS. Who did the gentleman say requested this provision?

Mr. PERKINS. Well, the gentleman from Illinois (Mr. ERLENBORN), one of the distinguished Members of this body.

Mr. GROSS. But who importuned him to ask that $3,750,000 be authorized in this bill to provide for a White House conference in Washington, D.C.?

Mr. PERKINS. Well, he was involved in President Eisenhower's White House conference and he perhaps felt some good came from that.

Mr. GROSS. Well, all I have to say to the gentleman, this is outdoing the State Department in its representation allowances.

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

Mr GROSS. I yield to the gentleman from Michigan.

Mr. FORD. I am really pleased whenever the gentleman from Iowa and I are in such close agreement. The gentleman is asking exactly the same question I asked in the closed committee. If the gentleman could put together an amendment to strike this whole mess, I would be glad to support it.

Mr. GROSS. I wish I had known about this provision earlier. It is playing fast and loose with the taxpayers' money to authorize $75,000 for each of the 50 States or a total of $3,750,000 to organize delegations to send to Washington to lobby for more Federal aid to education.

The CHAIRMAN. Are there further amendments to this title? If not, the Clerk will read.

The Clerk read as follows:

TITLE XI—STUDY OF LATE FUNDING OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 1001. (a) The Commissioner of Education shall make a full and complete investigation and study to determine—

(1) the extent to which late funding of Federal programs to assist elementary and secondary education, handicaps local educational agencies in the effective planning of their education programs, and the extent to which program quality and achievement of program objectives is adversely affected by such late funding, and

(2) means by which, through legislative or administrative action, the problem can be overcome.

(b) Not later than one year after the date of enactment of this Act, the Commissioner of Education shall make a report to the Congress on the study required by subsection (a), together with such recommendations as he may deem appropriate.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to this title? If not, the Clerk will read.

The Clerk read as follows:

TITLE XII—STUDY OF NEED FOR ATHLETIC TRAINERS IN SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION

SEC. 1101. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall make a full and complete investigation and study to determine—

(1) the number of athletic injuries and deaths occurring in athletic competition between schools and in any practice session for such competition, for the twelve-month period beginning sixty days after the date of enactment of this Act;

(2) the number of athletic injuries and deaths occurring (for the twelve-month period under paragraph (1) (a) at each school with an athletic trainer, at the time of such death or injury, who is certified by the National Athletic Trainers Association (hereinafter in this section referred to as "certified trainer") and (b) at each school with an athletic trainer, at the time of such death or injury, who is not certified by the Association (hereinafter in this section referred to as "noncertified trainer");

(3) the number of schools which have a certified trainer during the twelve-month period under paragraph (1);

(4) the number of schools which have student and nonstudent noncertified trainers during the twelve-month period under paragraph (1);

(5) the period of time required before a certified trainer could reasonably be available for all of the schools which have only a noncertified trainer pursuant to paragraph (4);

(6) the estimated cost to the schools included in paragraph (5) for having a certified trainer for each of the three fiscal years beginning with the first full fiscal year immediately following the period of time under paragraph (5); and

(7) appropriate certification procedures for athletic trainers for schools, such procedures to be formulated in consultation with appropriate professional organizations (including the National Athletic Trainers Association).

(b) Within fifty days after the date of enactment of this Act, the Secretary shall request each school to maintain appropriate records to enable it to compile information under paragraph (1)-(4) of subsection (a) and shall request such school to submit such information to the Secretary immediately after the twelve-month period beginning sixty days after the date of enactment of this Act. Not later than eighteen months after the date of enactment of this Act, the Secretary shall make a report to the Congress on the study required by subsection (a), together with such recommendations as he may deem appropriate. In such report, all information required under each paragraph of subsection (a) shall be stated separately for the two groups of schools under clauses (1) and (2) of subsection (c), except that the information shall also be stated separately (and shall be excluded from the group under clause (2)) for institutions of higher education which provide either of the two year programs included under section 1001(e)(3) of the Elementary and Secondary Education Act of 1965.

(c) For the purposes of this section, the term "school" means (1) any secondary school or (2) any institution of higher education, as defined in section 1001 of the Elementary and Secondary Education Act of 1965.

SEC. 1102. For the purposes of this title there is authorized to be appropriated the sum of $75,000.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to this title?

If not, the Clerk will read.

The Clerk read as follows:

TITLE XIII—SAFE SCHOOL STUDY

SEC. 1201. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall make a full and complete investigation and study to determine—

(1) the incidence of crime and violence in elementary and secondary schools including trends and projections over the five-year period ending June 30, 1974. For the purposes of this paragraph, "crime and violence" means such serious criminal, violent, or disruptive behavior as the Secretary shall determine;

(2) the number and geographic location of schools, by school district and by State, affected by crime, and the rate of offenses per student population in such school districts by categories as provided in paragraph (1);

(3) the costs associated with the incidence of such crime and violence as defined by the Secretary including repair and replacement of property, expenses for the prevention of crime and violence, and the loss of staff and student time in schools;

(4) the effect of school security programs on the prevention and deterrence of such crimes and violence, and the effects such programs have upon learning and the relationship of the school to the community. For the purpose of this paragraph, school security programs include but are not limited to the use of guards, identification procedures, and technical devices;

(5) the effect of educational programs on

the prevention and deterrence of such crimes and violence.

(6) the relationships between school crime and violence in the larger urban areas selected by the Secretary and—

(A) the presence of unauthorized persons in such schools;

(B) the presence of youth groups in or around such schools;

(C) the incidence of crime and violence in the general geographic area of such schools;

(D) the incidence of narcotics traffic in and around such schools; and

(E) other sociological or psychological factors which may be causes of school crime and violence.

(b) Within thirty days after the date of the enactment of this Act, the Secretary shall request each State education department to take the steps necessary to establish and maintain appropriate records to facilitate the compilation of information under section 2, and to submit such information to him no later than seven months after the date of enactment of this Act. In conducting this study, the Secretary shall utilize data and other information available as a result of any other studies which are relevant to the purposes of this Act. Not later than thirteen months after the date of the enactment of this Act, the Secretary shall make a report to the Congress on the study required by section 2, together with such recommendations as he may deem appropriate. In such report, all information required under each paragraph of section 2 shall be stated separately and be appropriately labeled, and shall be separately stated for elementary and secondary schools, as defined in sections 1001 (c) and (d) of the Elementary and Secondary Education Act of 1965. The Secretary may reimburse each State education department for the amount of expenses incurred by it in meeting the requests of the Secretary under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to this title? If not, the Clerk will read.

The Clerk read as follows:

TITLE XIV—WHITE HOUSE CONFERENCE ON EDUCATION

AUTHORITY TO CALL CONFERENCE

SEC. 1301. The President of the United States is authorized to call and conduct a White House Conference on Education in 1975 in order to stimulate a national assessment of the condition, needs, and goals of education and to obtain from a broadly representative group of citizens a report of findings and recommendations resulting from such assessment.

SCOPE OF THE CONFERENCE

SEC. 1302. (a) In carrying out the purposes of this title, participants in conferences and other activities at local, State, and Federal levels should consider all matters which they believe relevant to the broad purpose of the program, but should give special consideration to the following:

(1) Preschool education (including child care and nutritional programs), with special attention to the needs of disadvantaged children.

(2) Financing of education.

(3) The adequacy of primary education in providing all children with the fundamental skills of communication (reading, writing, spelling, and other elements of effective oral and written expression) and arithmetic.

(4) The place of occupational education (including education in propriety schools) in the educational structure and the role of vocational-technical education in assuring that the Nation's requirements for skilled manpower are met.

(5) The structure and needs of higher education, including methods of providing adequate levels of institutional support and student assistance.

(6) The adequacy of education at all levels in meeting special needs of individuals (such as the mentally or physically handicapped, economically disadvantaged, racially or culturally isolated, those who need bilingual instruction, or those who because they are exceptionally talented or intellectually gifted are badly served by regular school programs).

(b) Participants in conference activities at the State and local levels may choose to narrow the scope of their deliberations to the educational problems which they consider most critical in their respective areas, but nevertheless should be encouraged by the National Conference Committee (established pursuant to section 1303) to view such problems in the context of the total educational structure.

NATIONAL CONFERENCE COMMITTEE

SEC. 1303. (a) There is hereby established a National Conference Commitee (hereinafter referred to as the "Committee") which shall consist of thirty-five members, fifteen of whom shall be appointed by the President, ten by the President pro tempore of the Senate, and ten by the Speaker of the House. The Committee shall at its first meeting select a Chairman and Vice Chairman.

(b) The Commitee shall provide overall guidance and planning for the 1975 White House Conference on Education, may provide such assistance as it deems desirable in the organization of local and State conference activities preceding the White House conference, and shall be responsible for rendering a final report (and such interim reports as may be desirable) of the results, findings, and recommendations of the conference to the President and to the Congress not later than December 1, 1975.

(c) The Secretary of Health, Education, and Welfare, and the Commissioner of Education, shall each support the activities of the Committee through the provision of technical assistance and advice and consultation.

(d) Members of the Committee shall serve without compensation, but may receive travel expenses (including per diem of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while employed in the business of the Committee away from their homes or regular places of business.

(e) The Committee is authorized to select without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter 111 of chapter 53 of such title, relating to classification and General Schedule pay rates, a Conference Director and such supporting professional and clerical personnel as may be necessary to assist in carrying out its functions under this Act.

GRANTS TO STATES

SEC. 1304. (a) From the sums appropriated pursuant to section 1205 the Commissioner of Education is authorized to make grants to the States, upon application of the Governor thereof, to assist in meeting the costs of State participation in the White House Conference program (including the conduct of conferences at the State and local levels).

(b) Grants made pursuant to subsection (a) shall be made after consultation with and with the approval of the Chairman of the Committee, and funds appropriated for this purpose shall be apportioned among the States on an equitable basis, except that a basic apportionment of $25,000 shall first be made to each State, and no State shall receive an apportionment of more than $75,000.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1305. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title, and sums so appropriated shall remain available for expenditure until June 30, 1976.

DEFINITION OF STATE

SEC. 1306. For the purposes of this title, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. GUDE TO THE COMMITTEE SUBSTITUTE

Mr. GUDE. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. GUDE to the committee substitute: Page 141, after line 24, insert the following:

TITLE XV—PROTECTION OF RIGHTS OF PARENTS AND PUPILS

SEC. 1501. Meetings of local educational agencies, as defined in section 801(f) of the Act, at which any research or experimentation program or project or pilot project assisted under the Act will be considered shall be open to the public and shall provide, after reasonable notice of the time and place of such meeting, a reasonable opportunity for interested members of the public to testify with respect to such program or project. As used in this section, "research or experimentation program or project or pilot project" means any program or project designed to explore or develop new or unproven teaching methods or techniques.

Mr. GUDE. Mr. Chairman, this is the so-called sunshine amendment adapted to any meetings of local school boards where consideration is being made of federally funded programs or projects designed to explore or develop new or unproven teaching methods or techniques. It guarantees to parents that due notice will be given of such meetings, that the meetings will be open to the public and there will be the opportunity for interested parties to testify.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman from Maryland yield to me?

Mr. GUDE. Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, there is no objection on the part of the committee to accepting the gentleman's amendment. In fact, I feel that these meetings should be open, and I hope that we spend no further time on this particular amendment.

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

Mr. GUDE. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I concur in the statement of the gentleman from Kentucky.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. GUDE).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LANDGREBE FOR THE COMMITTEE SUBSTITUTE

Mr. LANDGREBE. Mr. Chairman, I offer an amendment in the nature of a substitute for the committee substitute.

The Clerk reported the amendment in the nature of a substitute for the committee substitute as follows:

Amendment in the nature of a substitute offered by Mr. LANDGREBE for the committee substitute: Page 25, strike out line 22 and all that follows through page 141, line 24, and insert in lieu thereof the following:

That this Act may be cited as the "Freer Schools Act of 1974".

SEC. 2. Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "1973" and inserting in lieu thereof "1977".

(b) Section 143(a)(1) of title I of such Act is amended by adding at the end thereof the following new sentence: "There is authorized to be appropriated to carry out this title, not to exceed $1,810,000,000 for the fiscal year ending June 30, 1974, $1,357,500,000 for the fiscal year ending June 30, 1975, $905,000,000 for the fiscal year ending June 30, 1976, and $452,500,000 for the fiscal year ending June 30, 1977."

SEC. 3. Section 141(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "(A) which are designed to improve the basic cognitive skills (particularly in reading and mathematics or reading readiness and mathematics readiness) of students who have a marked deficiency in such skills and".

SEC. 4. Section 303(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "section 301 shall" the following: ", subject to subsection (d),".

(b) Section 303 of such Act is further amended by adding at the end thereof the following:

"(d) Funds appropriated pursuant to section 301 shall be available only for the support of programs or projects designed to assist in the cognitive development of students, as opposed to their social development or behavioral modification."

SEC. 5. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sections:

"PROTECTION OF PUPIL RIGHTS

"SEC. 812. (a) Nothing in this Act, or in title I of the Elementary and Secondary Education Act of 1965, shall be construed or applied in such a manner as to infringe upon or usurp the moral or legal rights or responsibilities of parents or guardians with respect to the moral, emotional, or physical development of their children.

"(b) Nothing in this Act, or in title I of the Elementary and Secondary Education Act of 1965, shall be construed or applied in such a way as to authorize the participation or use of any child in any research or experimentation program or project, or in any pilot project, without the prior, informed, written consent of the parents or legal guardians of such child. All instructional material, including teachers' manuals, films, tapes, or other supplementary instructional materials which will be used in connection with any such program or project shall be available for review by the parents or guardians upon verified request prior to a child's being enrolled or participating in such program or project. As used in this subsection, 'research or experimentation program or project, or pilot project' means any program or project designed to explore or develop new or unproven teaching methods or techniques.

"(c) No program shall be assisted under this Act, or under title I of the Elementary and Secondary Education Act of 1965, under which teachers or other school employees, or other persons brought into the school, use psychotherapy techniques such as group therapy or sensitivity training. As used in this subsection, group therapy and sensitivity training mean group processes where the student's intimate and personal feelings, emotions, values, or beliefs are openly exposed to the group or where emotions, feelings, or attitudes are directed by one or more members of the group toward another member of the group or where roles are assigned to pupils for the purpose of classifying, controlling, or predicting behavior.

"FREEDOM OF CHOICE

"SEC. 813. No local education agency shall be eligible to receive assistance under this Act if employment, or continued employment, of any teacher or administrator in its schools is conditioned upon membership in, or upon payment of fees to, any organization including, but not limited to, labor organizations and professional associations."

SEC. 6. The first sentence of section 301(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", $171,393,000 for the fiscal year ending June 30, 1974, and $86,696,500 for the fiscal year ending June 30, 1975".

Mr. LANDGREBE. Mr. Chairman, I will not belabor the points which I made in opposition to the committee bill, but I have taken this opportunity to offer the substitute amendment that I offered to the committee last October. That bill has been printed in the RECORD and has been given a considerable amount of publicity around the congressional offices.

Mr. Chairman, I have amended that bill by adding the Ashbrook busing amendment which just passed here a little while ago. The substitute I offer now, would phase out ESEA over a 4-year period; phase out title II over a 2-year period.

It would restrict title I programs to basic cognitive skills, particularly reading and math. It would restrict title III to cognitive skills, as opposed to atheistic and humanistic theories which are being foisted on our boys and girls through that title.

It asserts moral and legal rights of parents with respect to the development of their children. It requires parental permission for participation in experimental programs. It prohibits the use of psychotherapy and sensitivity training. It prohibits the requirement for teachers and school employees to join any organization or teacher's union.

It does not contain the horrendous $15 million authorization for study of the purposes of compensatory education, which was authorized in the bill to be handled by this NIE, the very new National Institute of Education. I cannot believe it was founded for that purpose. Nor does it include the unconstitutional passthrough of funds to private and parochial schools as was written into the bill that we have under consideration. Nor does it have any funds at all for a White House conference.

So, without belaboring the point, I do want to remind the Members that there has been a considerable amount of interest in our educational problems in the last few years, certainly reflected by the thousands of letters which I have received, in the news editorials and so forth. So I certainly invite and urge everyone to support this substitute, and let us get education back where it belongs, back in the States and back in the local schools, and certainly again under the control of the parents and taxpayers.

Mr. TREEN. Mr. Chairman, will the gentleman yield for a question?

Mr. LANDGREBE. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Chairman, I understand the amendment in the nature of a substitute offered by the gentleman would phase out all programs under ESEA over a 4-year period?

Mr. LANDGREBE. Over a 4-year period, right.

Mr. TREEN. Mr. Chairman, I wish to applaud the gentleman for this stand, and I will point out the fact that a number of us have introduced a bill recently that would phase out the Federal tobacco tax over a 4-year period for the purpose of permitting the States to have a source of revenue which they could use to provide for their educational needs. And that amounts to $2.3 billion per year.

So this amendment would certainly complement that legislation and phase out that tax and thereby permit the States to pick up that revenue and provide for their own educational needs rather than have the Federal Government provide it.

Mr. LANDGREBE. Mr. Chairman, I will say that I would certainly support the gentleman's bill if I had an opportunity to do so.

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

Mr. LANDGREBE. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I would like to commend the gentleman in the well, and I wish to point out that I was a cosponsor with the gentleman from Indiana of H.R. 13222, which is now the substitute, and also a cosponsor of the act calling for the repeal of the tobacco tax, which would make funds available for States.

Mr. Chairman, I think the adoption of the substitute would accomplish the purpose of putting education back where it belongs, in the State and local governments.

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

Mr. Chairman, I will only say that we have marched up and down this hill before.

I will say to the Members that the amendment in the nature of a substitute should be defeated.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. LANDGREBE) for the committee substitute.

The amendment in the nature of a substitute for the committee substitute was rejected.

AMENDMENT OFFERED BY MR. DULSKI TO THE COMMITTEE SUBSTITUTE

Mr. DULSKI. Mr. Chairman, I offer an amendment to the committee substitute.

The Clerk read as follows:

Amendment offered by Mr. DULSKI to the committee substitute: page 141, immediately after line 24, add the following new title:

TITLE XIV—ETHNIC HERITAGE PROGRAM

SEC. 1401. The Act is amended by adding at the end thereof the following new title:

"TITLE XI—ETHNIC HERITAGE PROGRAM

"STATEMENT OF POLICY

"SEC. 1101. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES PROGRAMS

"SEC. 1102. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this title.

"AUTHORIZED ACTIVITIES

"SEC. 1103. Each program assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned, and the contributions of that ethnic group or groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations with a special interest in the ethnic group or groups with which the program is concerned to assist them in promoting, encouraging, developing, or producing programs or other activities which relate to the history, culture, or traditions of that ethnic group or groups.

"APPLICATIONS

"SEC. 1104. (a) Any public or private nonprofit agency, institution, or organization desiring assistance under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program in accordance with this title;

"(2) such program will involve the activities described in section 1103; and

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group or groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure that there is cooperation and coordination of efforts among the programs assisted under this title, including the exchange of materials and information and joint programs where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 1105. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups such as foundations, civic groups, and fraternal organizations which would further the goals of the programs.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing and carrying out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training as part of such programs, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 1106. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 1107. For the purpose of carrying out this title, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the close of the 90-day period immediately following such fiscal year.".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. DULSKI. Mr. Chairman, the purpose of this amendment is simply to extend the authorization for the Ethnic Heritage Studies Act by adding the substance of the previous title IX as a new title XIV.

H.R. 69 strikes this program, along with the correction education services program and the consumer education program, with the committee report stating that—

It is felt that these programs generally can be funded under other Federal laws.

I would agree that it is possible, but I do not think it is probable.

Although the Ethnic Heritage Studies Act was authorized in ESEA in 1972, no appropriations were made available until H.R. 8877 was signed last December. A $15 million sum was authorized, but the appropriation for fiscal year 1974 was set at $2.5 million, and in the brief time since enactment, it has not yet been possible to complete naming the 15-person Advisory Council, or to publish the guidelines in the Federal Register—although that is due this week—consequently, no one has been able to apply for the program. Officials are cautiously optimistic about being able to meet the June 30, 1974, deadline and to commit the funds to eligible applicants, but it will be a tight squeeze. My amendment would also permit a 90-day extension of the June 30 cutoff date, to provide a reasonable but more orderly time period in which to obligate the funds.

I would like to quote the statement of policy in the Ethnic Heritage Program Act:

In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

It may be feasible to provide assistance for these purposes under other existing programs, but this is a program designed with specific goals, rather than being scattered among various authorities which do not aim for the same common target. It has not been funded under other Federal laws in the past; no indication is given that it will be in the future.

The modest amount of money just appropriated has not been spent yet, so there is no way of assessing the act's value. I urge an extension of the authorization for the Ethnic Heritage Studies Act to permit time to evaluate its merit.

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

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

Mr. KEMP. Mr. Chairman, I rise in support of my distinguished colleague from western New York (Mr. DULSKI) and this very vital amendment for our community and America.

The American heritage has been greatly enriched by the cultures, backgrounds and the traditions of the countries from which our forefathers emigrated.

But for too long, we have put too much faith in the "melting pot" theory of America while ignoring the potential of encouraging an emphasis on the diversity of our traditions and their contributions to our Nation as a whole.

To my knowledge, there are few communities in the United States, if any,

which have a greater awareness of ethnicity than the Greater Buffalo area which Mr. DULSKI and I have the privilege to represent.

The Buffalo Commission on Human Relations has published a booklet which chronicles the history of our area's nationality and racial groups, a scholarly work which I brought to my colleagues' attention on May 8, 1972.

I have consistently supported legislation to provide funding assistance for ethnic heritage studies in our education systems at the college and university levels as well as at the elementary and secondary levels as proposed by my good friend and colleague.

As a member of the House Education and Labor Committee, I commend Mr. DULSKI for his amendment, pledge my personal support for it and call upon my colleagues to approve his proposal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. DULSKI) to the committee substitute.

The amendment to the committee substitute was rejected.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, bilingual education projects in the south Texas area I represent are in danger of being liquidated due to the 30-percent clause in ESEA bilingual regulations. Loss of these projects would be a tragedy for my area.

There is concentrated in my congressional district the greatest number of Spanish-surnamed people in the State of Texas—possibly in the entire Southwest. Obviously this is an area where a crying need exists for bilingual education. It is a need I have worked to help meet since the time when I was a member of the Texas legislature.

The net effect of the regulation limiting the amount of money that can go to school districts within any one State is to eliminate grants to small towns. My district is full of small towns which have projects that have been funded for 1 year—and now they cannot go into a second year because of the 30-percent limitation. The regulation will make it impossible to continue successful programs.

Mr. Chairman, I protest.

And I further protest the regulation issued by the Office of Education stating that no grant under this program can be made to any grantee for a period longer than 5 years. This is in violation of the law. The General Education Provisions Act specifically prohibits any limitation being placed on the use of funds in any Office of Education project unless that limitation is contained in the authorizing legislation.

The bilingual education program affects several million children throughout the country. Their educational progress is hindered or permanently impeded by their inability to understand instruction offered in English in the standard classroom and curriculum.

It is a program of tremendous importance. Yet it has received only nominal support from the Federal Government, from the first appropriation of $7.5 million in 1966 to $53 million in fiscal 1974—far below the level authorized by Congress. And the President has requested a cutback in the budget to $35 million next year, a disastrous setback for an urgently needed program.

Funds expended under the Bilingual Education Act are not wasted. They are a sound investment that will pay handsome dividends from both an economic and a social point of view. We simply cannot afford to add to the number of educationally disadvantaged people in this Nation.

Mr. Chairman, I would like to ask the chairman of the committee a question, if I might.

We have passed that section of the bill that relates to bilingual education, but it is my understanding this legislation continues that bilingual education section in its present form. However, there have been regulations issued or published by the Department of Education that are inconsistent with this legislation. Would the chairman like to comment on that?

Mr. PERKINS. Will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. PERKINS. Let me say to my distinguished colleague he is correct. The regulations published, in my judgment, are inconsistent with the law. However, we have the bilingual education bill pending now before the committee and we hope to do something with it within the next few weeks. We are thoroughly considering this problem and hope to expand the bilingual education program in a separate piece of legislation.

Mr. DE LA GARZA. I thank the chairman.

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

Mr. Chairman, with great reluctance I have decided to vote against the final passage of H.R. 69. There is much that is good in this bill, as I pointed out in my statement on the floor on March 12, including the strengthening of many categorical grant programs for libraries, handicapped students, and bilingual education. The bill also contains in title XII the Safe Schools Study Act which Congressman BELL and I introduced and the committee has adopted. I am hopeful that the Senate conferees will work with the House to retain these provisions.

However, there are two fatal flaws in this bill. The first is the formula for distributing the bulk of the funds authorized by the bill. Title I money under this bill will be taken away from New York and distributed to other States with the result that schools in New York will lose at least $50 million in vitally needed funds next year. Despite my efforts and those of other Members of the New York congressional delegation, the House rejected amendments which would have allowed a much more equitable distribution of funds. I cannot support a bill which so heavily and unfairly penalizes my State.

The second flaw is the antibusing provision adopted by the House as an amendment to H.R. 69 on March 26. This amendment would deprive local school districts of the right to use busing even if they felt it was necessary and desirable; it would turn back the clock and undo much of the progress that has been made in integrating the Nation's schools and giving all students regardless of color an equal opportunity for a quality education. It does these things in a clearly unconstitutional manner, denying the constitutional guarantee of equal protection under the law and attempting to reverse by statute court decisions based on the Constitution. I can only hope that the Senate will show more wisdom than the House and resist this provision.

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

Mr. Chairman, the matter of Federal funding for education is not, to borrow a phrase from the practice of law, a case of first impression. Federal funding, whether stemming from the authorizations and appropriations under the Elementary and Secondary Education Act—ESEA—or one of the other numerous Federal vehicles, is now a practice well familiar to educators. The act which we are presently considering has been in force for almost a decade. Even though funding is now well established in practice, it is not, to use another legal phrase, a settled question. In fact, the experience has raised new and important questions which were not debated in previous years.

To some, the beneficence of Federal funds for education is only in the remotest way connected to questions of education. For them, the legislative objective is to transfer to the Federal Government crucial authority over local practices. Their concern for education is real; however, the purpose in seeking these funds is built upon a deep distrust of the ability of local institutions to achieve an acceptable level of performance. It was their purpose to transfer responsibility. Further, advocates of this position are intent upon making the political impact of Washington-based associations more significant. If decisionmaking is centralized it becomes much easier, perhaps inevitable, that full-time bureaucracies, private and public, will play a relatively more important role in decisions which affect the future. There is probably no clearer example of this tendency of centralization than in the field of education where private associations and their employees are dependent to a large extent for their power on the ability to use public money to perpetuate their own position.

How have they fared? Unfortunately, quite well. The practical effect can be seen whenever a federal agent informs the decisionmakers of a local school district that its Federal funds are about to be cut off. Although the Federal funds represent only a small portion of a school district's total budget, it is in practice a crucial portion, giving the Federal Government an important, if not complete, lever over local decisions. The possibility that funds might be withdrawn is so threatening to local operations that compliance, normally

voluntarily, follows. To the extent that Federal funds were intended to diminish the latitude available to local planners, the program can be judged successful.

It is interesting to note that not all who sought Federal funding did so out of a distrust for local institutional ability. Many, perhaps most, sought Federal involvement as a means to genuinely expand the latitude of local educational organizations through the availability of theretofore untapped resources, that is the Federal Treasury. Advocates, including our distinguished colleague (Mrs. GREEN of Oregon) are now agonizing over what has happened. It was not their intent to subvert local institutions; rather their intent was to illuminate them and make their operation easier by the access to additional revenue sources. Many, including Mrs. GREEN, are now very disturbed to have witnessed what the Federal Government has done to local schools. Those advocates are today urging that Federal aid continue as a funding source but that reforms be adopted at once which would prevent the Federal administrators from making their opinions local judgment. It is sad to note that the bill which we are presently considering is silent on this most important question.

As has been suggested, there have been real structural changes in the decisional systems. That is not the only criteria needed for review, however. The question of improved quality, which the well-intentioned advocate of increased Federal responsibility sought, must be asked. Did Federal funds help, directly or indirectly, to bring about a better education for those of the Nation's students touched by the funds pursuant to the ESEA? If the question is correctly answered in the negative then the Congress had better review carefully what it has done and proposes to continue.

What is the condition of American education? Has it improved in the last years, especially since Federal intervention became a reality? There are few, unfortunately, who would answer in the affirmative. There are not many days which go by where there is not a major news story, from somewhere in the Nation, which reports a decline in educational performance. If this is true nationally, and that seems to be the case, it is even truer for the young people in the inner cities where public education is in shambles.

A report last year in the New York Times noted that all but two of the city's schools reported declining scores on their reading tests. In Chicago, the Daily News found the same thing to be true, except that what was true about reading was also true about math. The College Entrance Examination Board—CEEB—has reported that for most of the past 10 years the average score of tested students has been falling. This is true, even though less students are taking the examination.

One can conclude that there has been an absolute drop in the educational level of the cream of graduated high school students. In many cities the schools are often akin to armed camps, complete with policemen to guard the traffic of students between one class and another. And what is the Federal Government's response? The bill we have before us.

The Elementary and Secondary Education Act provides hundreds of millions for all sorts of educational programs; but one gets the distinct impression that fundamentals are ignored. This is a tragedy for two reasons: First, frills are very diversionary. Second, when the Federal Government provides money for nonfundamental education it is creating a market demand for it. Local educators would probably not otherwise be attracted to these esoteric adventurers. The provision of Federal funds serves as a magnet for ambitious school administrators who wish to report to their boards that they have been doing well. The evidence? Another Federal grant for another program.

To the extent that time and resources encourage movement in this direction, which is away from fundamentals, then the Federal Government is serving as a negative influence in the effort to establish quality education for the students. Expanded State educational administrations may make it appear that there is progress but falling test scores, increasing functional illiteracy and student boredom tell another story.

The full critique of the Elementary and Secondary Education Act would require a thorough review of contemporary educational practices, theories and problems. It is beyond the purpose of these short remarks to fully explore them, although it is essential that this task be undertaken, not by would-be Federal program administrators, but by persons whose future is not dependent upon finding the current programers and planners effective. Those who would be the vested interests of present education need to be reviewed and challenged; just like anyone else. It is clear that little real oversight of ESEA has been accomplished.

WHAT DIRECTION EDUCATION?

Few people really worry about the direction of education. I am convinced that the best direction will be achieved by maximizing local control of schools. The worst possible direction will be accomplished by giving Federal bureaucrats more and more say on curriculum, sociological experimentation and faddism.

Traditionally public schools in the United States have provided what may be termed basic education; teaching the student the basic skills—reading, writing, mathematics—needed to think and acquire knowledge, and teaching the student the basic facts—of history, geography, government, et cetera—needed to form the foundation of the student's knowledge. In other words, education in the public schools was aimed at a student's cognitive development—at providing a student with the ability and factual knowledge necessary to think independently.

Historically public schools have not attempted to change or affect a student's values. Until recently, "educational" practices and programs which attempt to change a student's values and beliefs are termed affective—as opposed to cognitive. It is certainly true that certain values and beliefs are implicit in basic education. But affective education goes beyond presenting various values and beliefs, allowing the student to make up his own mind about which are true; it attempts to change the values a child may have. For example, behavior modification programs are designed to "modify," that is, to change, a child's behavior so that he acts in accordance with certain norms prescribed by whoever designed the program.

Many programs funded under title III of ESEA can be classified as affective: Programs in behavior modification, programs utilizing sensitivity training and other psychotherapeutic techniques, programs in "child advocacy"—encouraging the child to question and disagree with the values held by his or her parents.

For example, consider the following description of a program funded under title III, ESEA, listed on page 474 of *Pacesetters in Innovation* published by the U.S. Office of Education:

> Sex education will be introduced into the kindergarten through eighth grade curriculum for students in a rural area. Emphasis will be placed upon presenting information on human sexuality through an interdisciplinary approach to enhance the personal and social adjustment of the participating children. Sex information will be systematically integrated into academic subjects in the regular curriculum. Special learning situations will be constructed to facilitate student development in the areas of—(1) Achievement of sexual identity, (2) skill in the sex-linked social roles, and (3) capacity to have meaningful relationships with members of the opposite sex. Social interaction in small group situations will be stressed. Adults and children in grades K–5 will be involved in intrinsically interesting/productive activities both in the classroom and out of doors. Both a male and female adult will be present to guide the activities of the groups. Small-group counseling will be offered to sixth, seventh, and eighth grade students. Student groupings will be predominately unisexual, so that children will be able to discuss many of the problems which are of concern to the preadolescent . . .

Is this kind of stuff appropriate for kindergarten and grade school students? What if the parents object to having their children "socialized" in this manner? What of the child's right to privacy?

Should the public schools limit their programs to those providing basic education, allowing the student to choose his or her own values based upon what he or she has learned from parents and in school? Or should the public schools attempt to change the values of its students by providing programs in affective education?

These brief remarks cannot possibly touch on the various areas of Federal involvement which have been questionable at best. Again, I repeat one simple maxim: Leave control in the hands of local educators and school boards.

SOME RANDOM CRITIQUES

If a full review is not intended, a number of random points can be made. While

we find nationally serious deficiencies in the learning level of basic reading and arithmetic skills, the Federal Government is providing more than $50,000,000 annually for bilingual education. After numerous studies that question the efficacy of compensatory education the Congress is now asking that the National Institute of Education—NIE—study the question. Furthermore, even without knowing the value of the program, the Congress is being asked to direct NIE to find new ways to distribute compensatory educational funds.

There is a subsidiary question regarding any evaluation studies of compensatory education. It is a national scandal the way the Federal Government asks itself whether its programs are successful. While independent studies often find varied and complex answers, the Federal evaluators by judging their own ideas and performance issue reports which more often than not would have the Congress and taxpayer believe that all is right and in order. I personally have serious reservations about the effectiveness and propriety in having the agency charged with administering a program, in turn evaluating it. It is too easy to establish an evaluative design which fails to ask fundamental questions about progress and attained results. Further, insufficient evaluation models, structured by the objectives of the administrators and not the Congress, yield evaluations which are in substance irrelevant. The legal services evaluation, for example, carried out by the GAO, employed a model designed by the program employees. GAO found the program worthy, but did so from the framework of the legal services administrators. The results are at best misleading.

Further, there are few who are not aware that there is a considerable oversupply of elementary and secondary educators. And yet there will be funds for teacher training. This is all done without any reference to the problems which have developed, especially for experienced teachers, because of the oversupply. But the Federal Government continues to encourage increasing supply by providing these training funds. With the oversupply, there is no need for this money. It is not just wasteful, but also hurtful by encouraging a waste of valuable professional resources in fields where there is already sufficient numbers and talent. Training to gain additional skills will automatically be undertaken by those seeking employment. This provision perpetrates a cruelty on those induced into the training and is unfair to those already possessing the teacher skills.

But for all these random concerns there is one which is even more disturbing. Through this bill we authorize almost $15 million a year to provide the States which come up with approved plans to tinker with their educational institutions.

This paid-for innovation, done with no purpose beyond innovation per se, has proved to be most ill-advised. Many of the programs and experiments created because there are Federal bucks available for them have actually hurt education of quality and those for whom all this is being considered—the children.

Experiments in team teaching has produced disorientation among many small children. The single teacher, as a much-needed mother or father substitute, is beginning to be reestablished, but only after Federal dollars sent local districts scrambling after teaching teams and other innovative techniques.

Faddish methodologies are tried, under the incentive that the Federal Government will pick up the tab. And while they are not always unsuccessful, let us look to the two most known by the public because of the extensive experimentation. The first is the move away from phonics as the method to learn to read. Only now is the trend well established away from the so-called look-and-say method of Dick and Jane readers. But what about the thousands, probably millions, of young people on whom the greatest experiment was tried only to be found less effective than traditional practices? It is time we stop treating the children as line items in a formula of what Mrs. GREEN has so aptly identified as the "educational informational industrial complex." Of course, nonphonic reading methods were not the fault of the Federal Government. They were introduced before this ESEA program was established. However, what is necessary is for this Congress to understand that millions of dollars for innovation for its own sake may very well hurt the children involved.

The headlong drive toward the "new math" is another example. After several years of fanciful rhetoric implying that third graders would be doing calculus we are finding out that they cannot add. The "new math" is now passé. But how much in Federal dollars went to further this innovation? Also, how many other, less well known, "innovations" have actually hurt schoolchildren? The day should be long passed that we believe that innovation is per se good. If anything the presumption should go to the traditional practices. Experience, refined through practice and tested by time, is usually the most dependable way in which methods are established. Central planners, whether it is in economics or educational pedagogy, do not have records in which much faith can be placed.

Let us assume for a moment that the only purpose of this bill is to provide needed resources to school districts too poor to provide a minimum educational opportunity to the young people within that jurisdiction. If one depended on the rhetoric, he could safely conclude that that is the objective. Unfortunately it is not.

William F. Buckley, Jr., in his most recent book, "Four Reforms," revives a proposal he and others have made in recent years. That is, all Federal aid programs whose purpose is to help fill a resources gap of a given locality should be limited to those States where the per capita wealth is below the national average. All States have districts and counties who fall below the average level, those States above the line should be expected to provide the resources to close the gap. The amount of money and mischief realized by passing hundreds of millions through the Federal turnstyle is too heavy a burden to place on the Nation's citizens and taxpayers, and in this instance the Nation's young. This proposal should be given a hearing.

STOP BUREAUCRATIC CONTROL

In addition, all the funds should be distributed without Federal administrators' discretion. I, for one, think that people working through their local institutions can do a pretty good job. More often than not they can avoid some of the exotic "reforms" which central planners would have them undertake. The operation of a simple formula, where money goes only to those districts of qualified need, would radically alter the operation of Federal educational funding. Actually it would almost destroy Federal bureaucracy. If the concerns raised by our distinguished colleague Mrs. GREEN are to be met, then reforms such as this one should be considered. It will be interesting to watch in the coming years whether the Congress will adjust to the failures of its own creature, or whether, as feared by many of us, the Congress will serve the creature it has created, thus simply insuring the continuation of an educational establishment of vested interests whose inertia and ideas prevent meaningful educational reform.

CONCLUSION

Having served on an education committee for many years, I have formulated some ideas about the direction of public education, particularly public education which is more and more affected and directed by Federal education bureaucrats. Probably the best example of this direction comes in relating an incident that happened almost 10 years ago. We forget that there are many ways we can aid education without bringing about bureaucratic intervention or control. I have always advocated a direct return of tax money to school districts without going through the HEW siphon and getting that Department's redtape and regulation. Many other Americans, including prominent educators, also favor this approach.

I joined a delegation of educators, public school, private school, and college, in a conference with the U.S. Commissioner of Education in 1965. We had worked out a plan for returning tax dollars to the States specifically earmarked for school support and an elaborate but simple system of tax credits and deductions for contributions to colleges and for tuition for parents of college students. The Commissioner admitted our program was workable, made sense and probably would be favored by the majority of Americans. However, he concluded by saying that he and the Office of Education would have to oppose it. Queried as to why, he simply said:

Don't you realize that that system would not allow us to implement our social policies.

That is the key. By collecting the money from you, the taxpayer, and giving it back with their own social programs attached, they implement their ideas—busing, education parks, experimentation good and bad. The hapless educator and school board at the local level forfeits more and more of their responsibility for local education. ESEA has been a major vehicle in accomplishing this trend.

My distinguished colleague, Hon. EDITH GREEN, has hit the nail on the head in an article which appeared in the New York Times on January 16, 1974. I want to read her remarks to the House because I feel she has made a most profound analysis of ESEA. Here is what she said:

[From the New York Times, Jan. 16, 1974]

BACKER OF FEDERAL AID ASKS, "WHAT WENT WRONG?"

(By Hon. EDITH GREEN)

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

What has gone wrong? I believe that several unanticipated problems must be understood before we can take positive steps toward achieving the goals we have set for ourselves.

First, it seems that whenever a new problem arises, well-meaning people immediately suggest that the Federal Government should provide a solution. If the state or local school district has turned down a proposal because there are other items of higher priority, surely in the inexhaustible Federal budget money can be found. Since there is no end to the number and variety of problems in education, there has been no end to the Federal programs that have developed over the years.

The structure constantly grows and usually at the hands of people whose motive is to help.

In hearings last year, Dr. Sidney P. Marland Jr., former Commissioner of Education and Assistant Secretary for Education in the Department of Health, Education, and Welfare until his resignation last September, said:

"O.E. sprang very swiftly from a relatively small office in 1965 to an office with some $5-billion in its responsibilities and some 104 different laws and programs to administer in a relatively short period of time. . . . The whole substance of proliferation of programs in the Office of Education has reached the point where it is causing almost impossible management to keep the lines of communication, the avoidance of duplication, the infinite volumes of paper work surrounding categorical programs."

A peculiar feature of all this is that programs never seem to phase out, even after the problem has been solved or after the program has shown very disappointing results. It is almost impossible to reverse an initiative. It is also next to impossible to change formulas for allocation of funds because the decision of each Congressman is too often based on the very pragmatic question: "Will my Congressional district (or state) gain or lose?"

So, in 1974, we are still using 1960 census figures despite evidence that some districts have thousands of new students and other districts are being paid for students who departed years ago.

Second, Federal education programs suffer from a terrible lack of coherence. To begin with, several Congressmen have several different proposals for solving any particular problem. By the time the appropriate subcommittee has agreed on a draft bill, the process of political compromise may have done away with the internal unity of the new program before it is even started.

The full committee then does its work on the bill, followed by the House as a whole—a process that has a complete analog on the Senate side (usually uncoordinated with the House). A Senate-House conference then alters the bill yet further, with the result that the program lacks integral wholeness.

It may really please no one; the original author may reject it entirely; the academic community may "buy" it not because they like it, but because it promises more dollars. Ineffective responses to real needs only compound distrust in Government.

Many Congressional committees and agencies start programs unilaterally. It is always with the intent of "doing good." This results in more overlapping and duplication of effort. If the Federal Government's objective is to meet a short-range goal, the goal may well be achieved in this way. Multiagency programs, planned unilaterally, do not, however, promote long-range over-all planning. Categorical programs preclude an integrated approach to the provision of services.

BEYOND TEXTBOOK DESCRIPTION

The third problem is one that goes beyond textbook description. We have been taught in school that Congress legislates the people's will and the executive branch carries out the Congressional will. This is often far from the truth. The executive branch has grown to immense proportions and has developed its own set of plans and programs. Sometimes the plans for the executive branch and Congress coincide. But time and time again, we have found the Office of Education planning, announcing and implementing programs never contemplated in the Congressional legislation.

Often it seems that the Office of Education considers the year's appropriations to be a giant pool from which their people can transfer funds or draw, as they wish, for whatever programs they have decided to carry out. The Renewal Site Program of 1972 is but one example.

Elliot L. Richardson, then Secretary of Health, Education and Welfare, testified that the $363 million would be addressed to "reform and innovation." One of the Federal deputies in the Office of Education said, "After the needs assessment, the training program will be used to install new curriculum and to retrain staff to meet the cultural and knowledge revolution that is upon us."

One irate Congressman demanded of Secretary Richardson:

"Who told you that you can use E.P.D.A. to go out across the United States and make a needs assessment to determine what the most important needs of the schools of the country are? Who told you you had the authority to install a new curriculum?"

These and other discretionary funds are often used to do an "end run" around Congress. The impoundment of other funds for the programs is also used to thwart the will of Congress.

Fourth, if the execution is bad, even the best program is doomed. When he was the Senate majority leader, the late Lyndon B. Johnson said, "Legislation should not be examined in the light of benefits it will convey if properly administered, but by wrongs it would cause if improperly administered."

A Federal agency consists of an upper echelon of political appointees whose life spans in office are very short, and a vast underlay of permanent Civil Service bureaucrats. The top people rarely get a chance to get a real grasp on the agency before moving on. As a result, the lower level bureaucracy runs the show.

In practice, this means that regulations and guidelines are issued, laws are "interpreted," contracts are let and grants are made, by third-rank and fourth-rank officials who are remote from the college or the local school district and immune from constituency complaints. In fact, Civil Service manages to protect all who come within its purview from any serious restraint on their freedom except in rare cases of extreme malfeasance.

In addition to problems arising from the inherent isolation of centralized bureaucracy, there are the usual problems of corruption and inefficiency. Corruption wears many faces. Outright thievery or collusion is relatively rare. Far more prevalent are such practices as bypassing regulations, ignoring uncomfortable restrictions, bestowing benefits on friends or colleagues and all the known forms of logrolling.

Frequently, when officials leave Government service, they are rewarded with positions in the private sectors where they have had the most contacts—and they often receive Government contracts or grants (called "graduation presents" in the corridors of the Department of Health, Education, and Welfare) to help them along. Repeated agency promises to tighten up management practices have produced little if any change.

THE ADMINISTRATIVE MONSTER

Finally, each new program spawns at least one new administrative unit within the Government. This involves new office space, new staff of many ranks, new organization charts, new regulations. Administrative growth is a galloping cancer. Many listed as new state or city employees are there solely because of Federal funds or Federal requirements.

Out of the $5.6 billion for 1973, the Office of Education had more than $890 million in "discretionary funds." These funds amount to more than twice the total appropriations the agency had for all of its programs in 1960. This is spent in contracts and grants, research and evaluation.

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

Last year, Dr. Marland testified that there were more than 50,000 contracts and grants that required some degree of monitoring. An official of the Contracts and Grants Division estimated that 9,000 contracts and grants in the O.E. headquarters and 4,000 in regional offices had not been closed out. The closing of some has been delayed for as long as eight years.

Besides the 13,000 closeouts now outstanding, another 6,000 award files will probably never be closed out because they were in storage but cannot be located.

Who knows, then, whether the Federal dollars have been spent wisely? What are the results of the research? What kind of an evaluation was ever made? What dissemination was ever made of information gained?

Now the National Institute of Education has been established where research is to be centered. One of Oregon's leading educators says:

"Instead of finding out what's working in various states, they have to discover it all over again. There appears to be an intention to replow previously studied areas. There appears to be an intention to go for 'splashy' projects [like the NASA satellite program for Appalachia] as opposed to focusing on the 'here and now' problems of students, classroom teachers and school administrators."

It seems to me that the time has come for an "agonizing reappraisal." We can no longer

afford another new program for each new problem, or another new agency for each old agency that has lost its vitality. We cannot tolerate more centralization and Federal control. We cannot afford to enlarge, or even to continue with, a huge administrative apparatus that operates out of public view and beyond public control.

The enormous Federal influence has not yet really entrenched itself, either structurally or philosophically, in the American experience. It is by no means too late to cut discretionary funds to a justifiable and manageable amount, and to do away with the myriad categorical programs. To the extent that financial assistance is required for education programs, such assistance can be supplied through outright block grants with minimum restrictions on how or for what they are spent, once a basic over-all need has been established. *Decentralization* and *general aid* are key concepts in the rehabilitation of our educational system; they and they alone permit each locality to determine its own priorities, plans and objectives—to focus on its own particular educational problems.

A LESSON ABOUT LABELS

My experience with Federal education programs over the years has taught me a profound lesson about political labels. Time was when it was easy to identify a "liberal" and a "conservative." The liberal supported increased Federal aid to education, and the conservative opposed it. But then matters got more complicated.

The liberals became those who supported assistance to certain programs, such as environmental studies or consumer education or the twentieth program for child development, but opposed assistance to the "wrong" programs, such as R.O.T.C. or block grants or funds for Federal forced busing to achieve a certain ratio, depending solely on pigmentation of skin. Conservatives became those who favored local control in certain areas, such as school districts in the South, but opposed local control in the community schools of New York.

We have come to the point where the old labels are as meaningless as the old simple formulas for political cures. If we could quit arguing about "liberal" or "conservative" and find out which programs work, children would be the beneficiaries. We have matured greatly in the past years, since Sputnik jarred our awareness. From a purely pragmatic standpoint, we should be eager to end unsuccessful programs and rid ourselves of the waste they engender. The essential lesson we have learned is that the financial resources of the Federal Government *are* necessary to our educational system, but the preservation of local control over priorities, plans and objectives is *equally* necessary. To the extent that this recognition becomes part of the national consciousness and is translated into action, we will be able to save our schools from mutilation and maintain their role as the preservers of a free, independent and enlightened citizenry.

Mr. DORN. Mr. Chairman, again to deny Federal aid to those school districts already busing is grossly unfair, absurd, and unthinkable. In South Carolina school districts have now been busing for years. Some of the busing was the result of HEW decrees and court orders. Much of it has been voluntary.

To cut off funding and penalize those who have obeyed the law would be a shocking injustice. The result will be increased property taxes on the people of South Carolina. It would be incredible to tax them further to bus schoolchildren and deny them urgently needed Federal funds.

What we need now are better and safer buses. We need more aid—not less—to the school districts that are busing.

Mr. Chairman, I shall oppose this amendment, and I urge its overwhelming defeat.

Mr. DICKINSON. Mr. Chairman, I rise in support of the amendment to make the expiration date for impact aid the same as that for other programs in the elementary and secondary education amendments.

School districts across the Nation depend on impact aid to make up for those taxes which would have been collected on property used for Federal operations if those operations had not been Federal in nature, as well as those taxes which would have been collected from parents living on Federal property who do not, therefore, pay local taxes. Impact aid is not a subsidy but a payment in lieu of taxes to the communities in which the Federal Government owns real property, and I hope my colleagues will recognize the Federal Government's obligation to help educate these federally connected children.

For too long, recipients of impact aid have been treated as unwanted stepchildren, and those school districts have been left in the lurch year after year with no real knowledge of whether or not they can expect the payment due them and what amount they will get. We should give them ample time to figure—with a certainty—these payments into their budgets, and this amendment will certainly help.

If we can see our way clear in this bill to extend the outright grant programs for a period of 3 years, I believe it is only fair to extend impact aid for the same period of time, and I urge my colleagues to pass this amendment for that purpose.

Mr. FRENZEL. Mr. Chairman, I shall support H.R. 69 as an important step forward in Federal participation in elementary and secondary education. Like any complicated bill, it has some strong points and some weaknesses, but on balance it is surely worthy of support.

The consolidation programs contained in H.R. 69 seems to me to be an important advantage. I personally look forward to the day when most of the Federal support of elementary and secondary education can be contained in a single per capita formula so each school district will be able to plan more effectively. H.R. 69 is not a definite step in this direction, but the consolidation feature is promising.

I am also especially pleased by the study in the bill of forward funding. Whatever our program failures in Federal support of education, they are insignificant in effect compared to the fact that we always appropriate education money in arrear, sometimes after the school year is over. Advanced funding is the single-best thing we do to help our school districts provide the best possible education for our children.

I regret that I had to vote against the Esch amendment on busing. I am no friend of busing, and I support the Anderson alternative. I voted for a similar provision in 1972, but, at that time, there was also a large authorization for compensatory education, and there was the hope that the Senate might restore the House bill to the condition of the President's original proposal. I strongly support that part of the Esch amendment which prohibits forced busing across district lines where the lines were not drawn for the purpose of segregation. My vote against the busing amendment means that I would have preferred the President's original proposal from 1972. Even though I voted against the Esch amendment, I will gladly vote for H.R. 69 which now includes the Esch amendment.

I congratulate the Education Committee on producing a good, overall education bill which is a great improvement. I encourage that committee to continue the process of improvement by accelerating its search for an acceptable per capita formula.

Ms. HOLTZMAN. Mr. Chairman, it is with great reluctance that I am compelled to vote against H.R. 69, a bill to extend the Elementary and Secondary Education Act of 1965.

As one who has been consistently fighting for additional funds for the children of our city, I cannot in all good conscience support a bill which would deny the schools of Brooklyn $10 million of desperately needed education funds.

New York City has a great tradition of supporting education through substantial budgetary allocations. But, despite all the resources of the State and city, everyone is aware that New York needs additional Federal assistance in order to provide the best education possible for the children of the borough.

This is the first, and I hope the last, time that I have ever had to vote against an education bill; but I could not stand idly by and allow the children of Brooklyn to be penalized by anti-New York sentiment and by sectionality of the narrowest kind.

This bill purports to be a national education bill, but how could this bill be truly national if it takes away $50 million from New York State, including $30 million earmarked for New York City?

Either the Congress is committed to educating all of the children in this country or it is not. This bill, unfortunately, does not contain a commitment to the children of New York, especially Brooklyn, who will bear the brunt of our State's loss.

As everyone is well aware, title I funds were hardly adequate to meet the pressing educational needs of our area and, yet, under this bill, these already inadequate funds are being drastically reduced. This bill is an anti-New York bill, an anti-Brooklyn bill; it is unfair and unjust. As a Representative from Brooklyn, which will lose $10 million under this bill, I cannot just sit idly by and see my district penalized.

Mrs. BURKE of California. Mr. Chairman, the experience of the Los Angeles school district has clearly demonstrated

the great need for the participation of parents and other community members in the educational decisions which affect the lives of their children. In so critical an area as the education of minority and disadvantaged children, we must be absolutely sure that we are creating curricular programs which address themselves to the specific needs of students who began their formal schooling for the most part, without benefit of prior educational experiences. We must be sure that the curriculum the child must master, is developed and planned with the goal of making the most effective use of his talents. Too often these programs are developed in an administrative vacuum and do not represent any real commitments to the education of the disadvantaged, as well as to those of greater affluence. The constant focus on this issue is one of he major roles assumed by advisory councils—a role I consider to be both effective and necessary.

The Los Angeles City School District and the California Congress of Parents and Teachers are supportive of parent advisory councils as they are now constituted—mandated by title I and elected by the parents themselves, both at the district and local levels.

Parent advisory councils have worked successfully in Los Angeles since 1969. They are a direct outgrowth of district committees, formed in 1966 to gain greater input from the community, and expanded into a district advisory council in 1967. In 1971 the Los Angeles School Board mandated that all schools K–12 should have parent advisory councils.

At present, the 200-member district advisory council, made up of one representative from each of the 175 title I schools, plus representatives from other active community groups, has been subdivided into four school areas—west-central, south-central, east Los Angeles, and other portions of the city including the San Fernando Valley. This council will soon be reorganized to conform to the Los Angeles City School District's decentralization plan, of nine administrative areas. The district advisory board is important because it oversees the broader parameters of educational issues and safeguards against decisions made exclusively on local school issues.

An excellent example of the involvement of the district advisory council is the committee on vandalism organized in the west-central area to combat the rising incidence of crime by using young people from ghetto areas as resource people in the schools.

In addition to the district advisory council each title I school has its local advisory council. Members are elected in June or September of each school year. The major effect of these councils has been that the unilateral decisions regarding curriculum, textbooks, utilization of ancillary personnel, et cetera, previously made by the principal, are now made in conference with parent and other community participants to the advantage of the students served.

In addition these councils have been instrumental in: First, the development provision of in-service training for parent aides; second, the establishment of the principle that education aides must be selected from within the school service area; and third, program development, especially with regard to the development of effective counseling programs in black and Chicano schools in Los Angeles.

In 1973 the Los Angeles Unified School District conducted a study of advisory councils in all of its schools. The results clearly stated that the councils were effective but, consistently more so in schools with a Federal mandate for their operation.

I feel that the continuity and independence of these parent advisory councils would be best preserved if they are mandated in H.R. 69 and not left to the discretion of each school district, and that the parents themselves should continue selection of its own membership. Peer choice always seems to work best in such groups.

I believe that the success of the councils speaks for itself. They have proven to be an integral part of schools receiving title I funding, and they should be continued as presently constituted.

As we consider the consolidation of seven categorical programs of aid into two broad-purpose programs, it is critical that we do not lose sight of the major importance of the school libraries as a major source of support for our total school program, especially in disadvantaged areas. Under the proposed amendment to title II, the school library program will be vying for support with guidance and counseling as well as the audio-visual and other equipment programs. While there is great merit to allowing local school boards almost complete autonomy in determining how various budgets can best be utilized for specific district needs, caution must be taken and safeguards provided to insure that each program can provide at least minimum service to students.

In many school districts libraries have not enjoyed a broad base of support, especially with regard to funding for supplemental educational materials for students with special educational needs.

In Los Angeles, for example, there are no elementary libraries, staffed by credentialed librarians, except in title II schools, even though the need for this resource as the crux of the educational program in all 436 of the elementary schools in our district should be apparent. This pattern exists throughout the State, particularly in large urban school districts. The latest figures available for the State of California indicated that of the 5,506 elementary schools, 2,903 had no credentialed librarians in 1968.

In San Diego City School District, there are no elementary schools with credentialed librarians.

There are two credentialed librarians at the district level in San Francisco. The 100 San Francisco elementary schools are staffed by 31 part-time credentialed librarians—two title I schools have full-time librarians—there are three additional librarians paid from title I funds who work part-time.

Given the apparent seriousness of the situation we must insure that library resources are not further jeopardized by a funding procedure that does not guarantee parity or some safeguards in the appropriations of moneys.

In previous budgets the categorical funding formula has protected the libraries budget, however meager. I would suggest that we develop and recommend to school districts a minimum formula for fund appropriation to each program now consolidated into the broad categories. Such a formula would subvert some of the pressures likely to be felt by districts as programs with vested interest vie for support.

Mr. HARRINGTON. Mr. Chairman, I intend to vote for H.R. 69 on final passage, but with reservations.

There are important—and worthwhile—facets of H.R. 69. On June 30 of this year, the authorization for the existing programs of the Elementary and Secondary Education Act is due to expire. H.R. 69 would extend the authorization of the ESEA program for 3 years, and would, as reported by the committee and would, as reported by the Education and Labor Commitee, extend the authorization for the controversial impact aid program—whereby the Federal Government reimburses local school districts for the cost of educating the children of parents who live and/or work on Federal property—for 1 year.

TITLE I

The bill also makes a number of significant changes in the important ESEA programs, most of which I find desirable. Of particular importance are the modifications in the title I program. Title I is the single largest Federal aid-to-education program. Last year $1.8 billion was appropriated for title I, which provides financial assistance to local educational agencies for compensatory education—designed to improve the educational opportunities of children from poor areas. Last year 6 million children benefit from title I in nearly 14,000 school districts.

Under existing law, the allocations for title I are based on a formula which counts the number of children from families with incomes under $2,000, and the number of children from families with incomes in excess of $2,000 who receive payments under the Federal AFDC program. Each school district's entitlement is determined by multiplying the number of eligible children, according to the formula noted above, by one-half either the State or national average per pupil expenditure, for elementary and secondary education, whichever is higher.

As reported by the committee, H.R. 69 changes this formula, in a way that is not entirely equitable to the heavily urbanized areas that I believe need title I money most. The bill proposes that the so-called Irshansky index—which is based on family food indexes—be used as the principle determinant of qualifying children. At this years' level—the Orshansky income level rises according to inflation—children from families earning under $4,250 are eligible, together with two-thirds of the children from families with incomes above the amount on AFDC. The number of children so eligible would be multiplied by 40 percent of the State average per pupil

expenditure, with a floor of 80 percent of the national per pupil average and a ceiling of 120 percent. A "hold harmless" provisions is also included to insure that no school district receives less than it did in the previous year.

According to figures supplied me by the department of education in Massachusetts, I expect that as a result of this new formula the total amount of title I funds coming to Massachusetts will be as follows:

	Millions
1970	$21.8
1971	26.4
1972	27.1
1973	32.0
1974	32.2
1975	34.2

On the basis of this information then, in absolute terms Massachusetts stands to benefit from the committee formula. On relative terms, however, and using figures supplied by the Education and Labor Committee, title I funds to Massachusetts will grow by 10 percent in the next fiscal year, while 34 States will see their share of title I funds increase by 20 percent or more. Heavily urbanized States, such as New York and New Jersey, will actually lose money.

Within the States themselves, the urbanized areas will generally be adversely affected by the committee formula. In my own State of Massachusetts, Suffolk County—which includes the city of Boston—will lose approximately 5 percent of its previous allotment. My own county—Essex—stands in relative terms to benefit, as at an Orshansky level of $4,250—this year's figure—Essex County will receive $3,195,867, more than $200,000 greater than in 1974. In percentage terms, Essex County is to receive an increase of about 7 percent over the previous year, according again to information supplied by the committee.

While my own district is to some extent benefited by the committee formula, my reservations remain. First, the Orshansky index is, I believe, slanted in favor of rural areas. In basing its income levels upon family food expenses, the formula ignores expenses borne by poor families in urbanized areas that are not duplicated in rural areas. Higher tax burdens in urbanized areas, higher medical and housing costs, transportation costs, and the generally higher cost of living, are not compensated for in the committee formula to my satisfaction. To make matters somewhat more unfortunate, as the Orshansky index rises in accordance with the cost of living, more and more of the families at first eligible from the AFDC rolls will be dropped from title I eligibility, so that after a few years AFDC will no longer be a factor at all. I do not approve of this antimetropolitan character of the formula.

For these reasons when the House considered an amendment offered by my colleague Congressman PEYSER, on March 26, I voted in favor of this amendment. The so-called Peyser amendment would have done away with the Orshansky index, and replaced it with a formula counting children from families with incomes of under $4,000 a year, as well as all AFDC children. School districts would have been protected against any loss of funds.

On another issue related to title I, however, I voted against an amendment offered by Congressman O'HARA, which while it would have increased the amount of title I funds to my congressional district by a very slight amount, would have unacceptably redistributed the funds in a way I found inconsistent with the desirable goals of the title I program. This amendment would have ended the emphasis of title I on providing funds to poor schools to help poor children, and instead directed the moneys on a straight school-age population basis, with only limited weighing of poverty levels. The error in this formula, it seems to me, is that it ignores what the specific need is of one school as opposed to the next, or what resources are available to different schools. Had this amendment passed, poor school districts would have gotten poorer, and rich richer.

Another provision of H.R. 69 relating to title I is that which authorizes the Commissioner of Education to bypass local school agencies if they are not providing title I services to children from private schools. Presently, local school districts are required to provide for participation of eligible private school children as a condition for receiving title I grants. I support the provisions of H.R. 69 in this area, although I supported necessary clarifying language, in the form of the amendment offered by Congressman MEEDS, which provides that assistance to children in private schools, under the bypass arrangement, be conditioned on the meeting of the same requirements applicable to public schools.

Before completing my discussion of title I, I would like to note what I view to be the largest problem of all—one that will not receive much discussion here today. It seems to me that much of the heated debate over this formula or that formula would become somewhat academic if we were to address the single most important impediment to title I's success—insufficient appropriations.

Title I, in the current fiscal year, is authorized at more than $3.5 billion. Yet, appropriations for this program were only $1.8 billion—about half. As is true for every one of the ESEA programs, title I is seriously underfunded. Why is it, I wonder, that every year the defense budget is funded at 90 percent or more of authorization, while education programs are lucky if they get half. Were ESEA to get even three-quarters of its authorized funding, I am sure that the edge would be taken off the debate on allocation formulas, and the educational system of our country—and our school children—would benefit greatly in the process.

GRANT CONSOLIDATION

H.R. 69 consolidates seven of the existing ESEA and NDEA titles into two broad purpose programs—but only if the appropriations levels for the combined programs exceed the total of the separate appropriations for the individual programs in the fiscal year preceding enactment.

I think this is a good approach, especially in light of my complaints about chronic underfunding of ESEA. It seems to me that the consolidation should accomplish some desireable efficiencies, although I will profess to concern that because of consolidation one interest will be played off against another. For example, in the consolidated library and instructional resources program, I can forsee that library programs would be played off against counseling, guidance, or equipment needs. Similar problems of grantsmanship could occur in the innovation and support services category.

IMPACT AID

The so-called impact aid program, first authorized by Public Law 81–874, is to be continued for 1 year by the reported out by the committee, while the successfully passed amendment offered by Congresswoman MINK extends this authorization to 3 years.

I support the impact aid program, and supported the Mink amendment, but not without reservations. To be candid, the schools in my congressional district receive close to $1 million each year from this program. At a time when local school districts are having difficulties meeting their budgets, with taxpayers rightly reluctant to suffer increased taxes, it is difficult to vote against any program which provides such broadly dispersed financial assistance to our schools. While I may question parts of the impact aid program—particularly that part, the so-called B category, whereby the Federal Government pays for a portion of the costs of education for children whose parents live on private property, and hence pay property taxes, but work on Federal property—I think that at this point in time my objections to certain mechanics of impact aid are overcome by the help it generally provides local schools.

SUMMARY

On the vote for final passage which I expect shortly, Mr. Chairman, I intend to vote for H.R. 69. I have noted some—but not all—of my objections to parts of this bill. I am somewhat displeased by the action of the House earlier today that have added an amendment of doubtful constitutionality which, in my view, is entirely extraneous to the real issues facing elementary and secondary education. To the extent that the Congress continues to allow itself to become muddled in the tangential concerns, to the extent that we continue to allow the real issues to become obscured in clouds of emotion and hollow rhetoric, then I believe that we are failing the people of this country.

Not a bad bill as far as it goes, H.R. 69 is nonetheless entirely too representative of the kind of timidity and reticence that characterizes most actions of the Congress. It is not far-reaching legislation designed to bring new concepts and new vision toward our problems in the field of education. It is a bill that modestly improves the status quo in terms of both programs and goals. I will vote for it. But I would hope this institution is capable of something better.

Mr. REID. Mr. Chairman, it is with reluctance that I will vote today for final passage of H.R. 69, the Elementary and Secondary Education Amendments of

1974, including a new formula for title I programs.

The formula in this bill would decrease those funds allotted to New York by over $50 million by next year—and would further decrease the funds the next 2 years. In 1 year alone, over 63,000 educationally deprived children in New York State presently being aided by ESEA programs would become ineligible. Many more would become ineligible in years to come. I simply cannot in conscience toss these children to the wind, and hope that somehow, some way, they will receive an education.

The committee formula provides for the distribution of funds under ESEA based on the number of children within the school district who are from families considered poor according to the so-called Orshansky definition of poverty. In addition, two-thirds of those children from families receiving an income from the AFDC program—aid to families with dependent children—in excess of the Orshansky poverty level would be included. H.R. 69 further provides that the number of children would be multiplied by 40 percent of the average per pupil expenditure in the State, with a floor of 80 percent of the national average expenditure and a ceiling of 120 percent.

The problem with this formula is that the Orshansky poverty index is based primarily on family food expenditures, and discriminates against metropolitan areas. Using food alone, as Orshansky does, to determine poverty, neglects the important consideration of housing costs, transportation costs, medical care or income taxes. In short, it lacks a cost-of-living differentiation, and does not take into account rural/urban differences or suburban/central city differences.

In addition, the formula works against those States who have been in the forefront of providing educational services for the poor, due to the 80- to 120-percent limitation. Allocations are in effect reduced by the ceiling, since the NYS per-pupil expenditure is more than 120 percent than the national average.

Finally, by the bill's failing to count 100 percent of the AFDC recipients over the poverty level—and counting only two-thirds of those recipients—States like New York who have high AFDC payments are again hurt, and needy children again lose their benefits.

I voted for the amendment, offered by Mr. PEYSER on behalf of the New York State congressional delegation, which would have changed this discriminatory formula to one more similar to the existing formula, and would have restored New York's lost funds. The amendment was defeated by the House.

In an effort to aid those local educational agencies which would have been hurt by the new bill, I then offered my own amendment, a 100-percent hold-harmless provision, which would have insured that no local educational agency could receive less funds under the new bill than it had last year—fiscal year 1974—under the old formula. My amendment, however, would not have changed the formula—it would not have significantly changed the allotments of those districts which received large, or small, increases, under H.R. 69. We had a computer print-out run, which emphasized that it would only have insured that no local educational agency would be hurt by the new bill. It was, in my view, a fair and reasonable amendment, aiming to hurt no one but to help those approximately 500 counties including many in New York who would need help.

My amendment, too, was defeated.

In addition to the inclusion of this formula, I have grave reservations over the constitutionality of at least one busing amendment which was adopted by the full House, although it had previously been rejected by the Committee on Education and Labor. This amendment, I believe, is both disruptive and inflammatory, and will do little to respond to the present mood of rational reconciliation.

So I emphasize, again, that my vote today for this bill is a very qualified one. There is great room for improvement in the bill, and I for one will do all I can to see that the conferees on the bill significantly change provisions of the formula, including adding a 100-percent hold-harmless provision for title I, so that children throughout the country will be given a true opportunity to learn.

I believe that quality education should be a right for all Americans, whether they live in a city or a suburb, in New York or California. I am hopeful that this bill will be improved as it goes through the additional stages of congressional action.

Miss JORDAN. Mr. Chairman, when President Lyndon Johnson first proposed to the Congress legislation to achieve a national goal of full educational opportunity, he said:

> Nothing matters more to the future of our country: not our military preparedness—for armed might is worthless if we lack the brain power to build a world of peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for freedom is fragile if citizens are ignorant.

In proposing the Elementary and Secondary Education Act of 1965, President Johnson established for the Nation a pattern of Federal aid to States, and through them to local school districts, to assist those in poverty to achieve the goal of equal educational opportunity.

In President Johnson's message to the Congress in 1965 he did not propose a program for those lacking in educational attainment. He recommended the expenditure of $1 billion for "a major program of assistance to public elementary and secondary schools serving children of low-income families." He believed the poor student deserved special assistance from the Federal Government because "the burden of the Nation's schools are not evenly distributed. Low-income families are heavily concentrated in particular urban neighborhoods or rural areas. Faced with the largest educational needs, many of these school districts have inadequate financial resources."

Upon the President's recommendation, the Congress passed the Elementary and Secondary Education Act of 1965, including title I, financial assistance to local educational agencies for the education of children of low-income families. The principal motivation behind the passage of title I was the need to provide additional financial resources to school districts which were experiencing difficulty in funding adequate educational programs due to concentrations of low-income families.

Now, 9 years after the passage of the original title I program, the Education and Labor Committee has recommended to the House amendments which would assure that title I funds are distributed to States and school districts with the largest concentrations of low-income students. The committee has considered this bill for an entire year. Proposals which would have revised the title I program so as to resemble a general aid-to-education fund and proposals to assist students who have scholastic problems, regardless of income, were heard, considered, and rejected. These proposals were rejected largely because they did not fulfill the original purposes of title I—to assist educationally deprived children of low-income families.

The question before the House of Representatives during consideration of H.R. 69 is whether the formula recommended by the committee for distribution of title I funds allots the money to where the highest concentrations of children of low-income families reside. It is possible the House may consider amendments to the committee's bill which would have the effect of drastically changing the total emphasis of the title I program under the guise of correcting the so-called inequities in the formula. I would hope the House would reject these amendments. Unless the Congress and the administration are willing to appropriate significantly more funds to the title I program than in previous years, the House should reject attempts to adopt a formula which does not concentrate scarce title I funds on children of low-income families.

H.R. 69 contains additional provisions designed to improve the Nation's elementary and secondary education system. Among them is the establishment of a new program to provide Federal assistance to State and local educational agencies to establish community education programs, and to expand and improve existing programs. By tapping the educational resources of the entire community, including local recreation departments; and by utilizing the facilities of elementary and secondary schools during off hours, each community will be able to take full advantage of its school facilities.

H.R. 69 also contains amendments to the Bilingual Education Act to assure that valuable assistance to those students who have limited English speaking ability will continue to receive Federal assistance. The non-English speaking student must bridge not only a language gap but also a cultural gap. By providing assistance for the training of teachers, expanding the eligibility criteria for schools, and authorizing the appropriations of additional funds for the Bilingual Education Act, the Congress will have assisted students to bridge the gap between the culture of their mother tongue and that of the majority of Americans.

Mr. PERKINS. Mr. Chairman, regarding the amendment to section 803 of Public Law 874 contained in H.R. 69, I would point to the explanation on page 43 of the committee report. In addition, I would say this. In Oklahoma, there are certain situations where, to qualify for a home constructed by an Indian Housing Authority, a basis for qualification is that a portion of the person's restricted land be deeded to the said Housing Authority. This in turn lifts that restriction and, in the past, it has been ruled ineligible for Public Law 874 payments. It is the intent of the committee that this property being held by the Housing Authority shall remain Federal property for the purposes of Public Law 874 qualifications and payment of Public Law 874 funds. It is not the intent of this committee that these schools be penalized as a result of the restrictions being removed from this property while said property is held by the Indian Housing Authority.

Mr. BOLAND. Mr. Chairman, today we resume consideration of H.R. 69, the Elementary and Secondary Education Amendments of 1974. The whole thrust and direction of past Federal compensatory educational assistance programs will undoubtedly be changed by the decisions we will take in the course of our deliberations.

At issue, among other topics, have been: The formula by which funds for title I compensatory programs are distributed, the continued authorization of impact aid to areas affected by decreases in Federal employment, the bypass of local educational authorities upon their failure to provide for participation of private school children in title I programs, antibusing amendments and the consolidation under broadly arranged headings of some seven categorical aid programs.

Debate of the first named issue, the title I formula, has tended to hinge on two contentions. Supporters of the committee version favor a restructuring of the present formula, which simply computes the number of children from families earning $2,000 or less per annum and children from families with income above $2,000 per annum which are receiving aid to families with dependent children—AFDC—and multiplies this figure times one-half the average State or national per pupil expenditure, whichever is higher. This computation, it is argued, tends to be dominated by the ever increasing number of AFDC children. The AFDC program is administered with great discretion by the individual States, it has been pointed out, with the wealthier States increasing the benefits and number of recipients in much greater proportion than States with lower per capita incomes.

Accordingly, the committee formula proponents have reworked the formula as follows: The number of children from families considered below the poverty level is determined by reference to the so-called Orshansky index, a complex measure of poverty adopted by the Federal Government for application in many of its assistance programs. It is tied to such factors as the number of children in the family, the sex of the head of the household and the farm or nonfarm status of the family.

The number of AFDC children in the new committee formula are also determined with reference to the Orshansky poverty level, but only two-thirds of these children are included in the formula's calculation, which goes on to multiply the total of poverty level children and the AFDC two-thirds figure by 40 percent of the State's average per pupil expenditure. The formula allows for differences among the various States by guaranteeing payment of at least 80 percent but no more than 120 percent of the national average per pupil expenditure.

The advantage of this new formula, according to the committee's report, is that it will eliminate the extreme situations where the wealthier States get such disproportionate shares of title I funds.

Members of the House Education and Labor Committee who dissent from the committee reworking of the title I formula point out that it was adopted on the basis of figures and projections which are not compatible with the way in which it allots funds. This process masks the impact the new formula will have by showing statewide gains in educational funds without noting corresponding losses by densely populated counties within the State. As a result, these members charge that the revised title I formula is antimetropolitan.

Several proposals now before us would revise the new committee title I formula so as to more directly assist children whose achievement lags behind that of their peers. The predicate of these substitute formulas is that children from families with incomes above the poverty level experience underachievement and educational disadvantage. The feeling behind these amendments is that title I funds should be directed to areas where children are having difficulties in their schooling without regard to their families' income. Only then would the title I formula assist fully in pursuing the ends of the Elementary and Secondary Education Act. It also appears that even though proponents of such amendments reject income statistics as the major correlative for learning difficulties, the principle effect of both major amendments, those of Mr. O'HARA of Illinois and Mr. PEYSER of New York, would be to reduce the high percentage concentration of funds in rural poverty areas which the committee formula would achieve while providing across-the-board increases in educational allotments with appropriate hold harmless provisions.

Mr. Chairman, I supported that version of the title I formula which appropriates funds on the basis, not only of poverty, but on the basis of learning underachievement generally. I was confident that such a formula will also continue to channel large portions of title I funds into low-income and poverty areas, but not at the cost of educationally deprived children of whatever income level. The O'Hara amendment, which I endorsed, also provided the most funds for my home State of Massachusetts and for the Massachusetts cities and counties that I represent.

In addition, I support an extension of impact aid to areas affected by Federal employment drops. The committee bill contains only a 1-year retention of this feature, which is designed to help local educational agencies adjust to sudden decreases in the school age population due to shifting of Federal employees. In my own area the city of Springfield, Mass., and its surrounding communities were aided greatly when the Springfield Armory closed in 1968. Today, citizens in Springfield and Chicopee are facing the impact of a major air base phasedown at Westover Air Force Base. I think I need only point out that more than 9,000 Air Force personnel and their families have left the Westover complex over the last 3 years to indicate how important this type of aid can be to local educational agencies which are suddenly bereft of large numbers of students. I therefor urge the passage of the amendment offered by Mr. STUDDS of Massachusetts, which would extend the period during which this crucial assistance can be offered.

It is also my conviction, Mr. Chairman, that language now contained in H.R. 69, which requires the Commissioner of Education to bypass local educational authorities for their failure to involve private school students in title I programs is both appropriate and necessary. As the law now stands, funds would be completely cut off from LEA's should they not provide for the participation of eligible private school children. The provision for a bypass would help to avoid a complete funding cut-off where an LEA cannot comply with present law because of court orders. It also appears to insure more cooperation between LEA's and private schools and more real participation in title I programs by private school children, a condition that has not been satisfactorily worked out for the 9 years that ESEA has been in operation.

On the issue of an antibusing amendment, I feel that I must support the language offered by Mr. ESCH of Michigan. His amendment is the text of H.R. 13915, the Equal Educational Opportunities Act, which passed the House on August 17, 1972, and for which I voted. It prohibits the enforced busing of children to a school other than to that which is closest or next closest to their homes.

The premise of this amendment is that the failure of a local educational authority to attain a racial balance of students in its schools is not a denial of equal protection of laws under the 14th amendment. In fact, language in the Esch amendment goes on to say that the assignment of a student to the school nearest his home is not a denial of equal protection or of equal opportunity unless the assignment is made for the purpose of segregating students on the basis of race, color, sex, national origin, or the school itself was so located as to effect segregation. The amendment will simply call a halt to the massive, highly expensive and highly explosive busing of school children in attempts to achieve numerical parity of racial or other factors within a school system. It will further encourage other initiatives toward solv-

ing the still present and cancerous problem of discrimination in American education today. It will not encourage segregation, nor was it intended that it do so.

Mr. Chairman, this issue—to bus or not to bus—is one for which a resolution can never be advanced in our time without the strong opposition of many concerned and anxious citizens. It is an issue about which normally rational men often lose their objectivity. I am one of those who feels, however, that my commitment to civil rights for all the disadvantaged and discriminated against people of our Nation is not diminished by opposition to busing. From an end toward a worthwhile and requisite goal, it has become a sort of end to itself, with a moral and political identification as strong as the goals it was originally devised to serve.

I therefore oppose busing—because of the inconvenience, because of the expense, because of the health hazards involved, and not least because it has not served the real goal for which desegregation was the means to an end—equal educational opportunities. Busing has not successfully advanced that goal, perhaps principally because of its unpopularity with citizens on both ends of the bus routes. The people of my district are overwhelmingly opposed to forced busing.

A poll taken by my staff in 1972 indicated that 83 percent are opposed to busing "to overcome racial imbalance." Further, in Massachusetts we have a racial balance law that requires no less than a 50–50 proportional representation among students. This will require the busing of some 5,000 schoolchildren next fall in Springfield, Mass., at a cost of $1 million per year. Many of those students will be quite young. All will be uprooted from their neighborhoods. The cost will be staggering and the resultant drain on school funds for quality education, drastic. Legislation must be enacted to remedy situations such as this, but it must be emphasized in addition that it must come not only because of the cost, the dangers, and the inconvenience, but because busing does not and will not afford the kind of equal educational opportunities or even the basic schooling atmosphere in which learning can be advanced.

Mr. Chairman, I feel that one additional feature of the ESEA amendments before us deserves the particular attention of this body. The committee has restructured some seven existing categorical aid programs as two broad purpose programs for distributing Federal educational funds. These consolidations will only go into effect if total appropriations for the two new programs will at least equal the total aggregate appropriations for the seven programs during the preceding fiscal year.

Quite simply, the consolidations will bring about much needed reductions in the administrative redtape that has hitherto distinguished the process by which State and local educational authorities apply for Federal educational funds. One application will replace the eight that were previously required. Two grants will be made to LEA's instead of eight.

A whole host of proposals, contracts, agreements, guidelines and related documentation will disappear or be vastly reduced. The relief afforded by this cost reduction and simplification will be enormous. This is not to say that the aims of the seven aid programs or the programs themselves have not been useful, merely that their administration would benefit by a good housekeeping. Providing for a more realistic and gageable timetable and forms with which to work will greatly ease the problems of local educational authorities in determining their budgets and target objectives early on in their fiscal schedules instead of the guessing game they have hitherto had to play in waiting on appropriations, allocation and, of course, impoundment decisions taken in Washington.

Mr. Chairman, we conclude final consideration of the ESEA amendments after long hours of debate and voting. The final form that H.R. 69 will take depends heavily upon the consideration that we give to the important features I have mentioned. I beg my fellow Members to consider carefully their positions on these issues. I feel that the overall package must be approved if we wish to continue quality education for our children—whatever the circumstances of their families—and I feel that an acceptable compromise on the problems of education today is presented in the bill as amended by us.

Mr. BADILLO. Mr. Chairman, I cannot in good conscience support this measure because of the manner in which it so unjustly discriminates not only against New York City but numerous other urban areas as well as the serious damage certain provisions will do to the progress made in school desegregation in the 20 years since the historic Brown against Board of Education of Topeka decision. I intend to vote against H.R. 69 to protest what I believe to be the insensitivity of the Congress to the pressing needs of urban America and the retrogressive features which will deny equal educational opportunities to millions of schoolchildren.

Although a number of very wealthy counties in this land will receive substantial increases in Federal educational assistance under H.R. 69, some 90,000 New York City schoolchildren—a large percentage of whom represent minorities and the economically and socially disadvantaged—will be deprived of the much needed title I compensatory assistance. A cruel and needless hoax will be perpetrated on those youngsters who will be dropped from the program and denied those educational benefits which may very well make the difference between a meaningful education and an inability to enter adult life on an equal basis with their peers.

What is even more troubling is the fact that this Congress, in terms of transportation, housing, education, social services, and a number of other vital areas is seriously aggravating the urban crisis and is failing to take the initiative to provide substantive solutions to urban problems. I am unable to understand the indifference of many to the complicated and varied problems being experienced by our urban centers or why millions of fellow citizens should be so seriously shortchanged when it comes to educational assistance, transportation aid, the development of much-needed housing or the implementation of vital social service programs. It is becoming apparent that urban Americans are being forced into second-class status and are being denied that help which is essential for their survival.

Further, language in this bill represents nothing more than an appeal to the tide of fear and emotionalism which typically characterizes the debate on the schoolbusing issue. I fear that the antibusing provisions of H.R. 69—which must have been greeted with choruses of delight at the White House—will seriously hamper the capacity of the courts to provide relief to those whose constitutional rights to equal educational opportunities and to a desegregated education have been violated.

As I have observed on earlier occasions, busing is no panacea and is not the best and only answer to the longstanding problem of school segregation. There are a number of devices which have been successfully employed to achieve desegregation, such as the use of attendance zones, pairing of schools, construction of new educational facilities and education parks. In the Brown decisions the Supreme Court did not mandate that busing be undertaken to achieve a racial balance in the schools and this device has only been implemented as a last resort when all other measures have failed. I have proposed legislation to remove local land-use barriers to low- and moderate-income housing outside central poor cities in order to remove the patterns of housing segregation which directly lead to segregation in the schools. However, none of those who claim to favor an integrated education and simply oppose busing on some other grounds have cosponsored or otherwise endorsed my bill.

Housing desegregation is one of the most important remedies to achieve equal educational opportunities. However, until such time as meaningful efforts are undertaken to remove these damaging artificial barriers, we must have the tools with which to achieve desegregated schools and busing is such a mechanism. However, rather than moving forward to insure that all Americans have an opportunity to secure the best possible education under the most favorable circumstances, it would appear that the House prefers to maintain the status quo. Once again the "haves" are proceeding to limit the rights of the "have nots."

It is for these very fundamental principles of justice and equality for all schoolchildren that I am compelled to oppose the ESEA amendments and to reject the distorted priorities it furthers.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise to indicate strong support for H.R. 69, the Elementary and Secondary Education Amendments of 1974. I firmly believe adequate Federal aid to education is one of this Nation's highest priorities and one we should support in a very tangible way with this vote today.

Mr. PERKINS. Mr. Chairman, it has been brought to my attention that if H.R. 69 is not signed into law until May or June of this year and if the appropriations bill is much later than that, then the States may have serious difficulty in shifting to an administrative structure which can handle the new consolidations proposed in H.R. 69.

If, in fact, we do have this delay with H.R. 69 and the appropriations bill, I would like to suggest that the Office of Education arrange to receive "letters of intent" from States that they will within a few months of the beginning of fiscal year 1975 rearrange their administrative structures, and revise their State plans in order to comply with the provisions of the new consolidation title. Then, the Office would release the payments for the first quarter for these consolidations.

I believe that this course of action may help smooth the way for the consolidations.

Mr. ROY. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Texas (Mr. GONZALEZ).

This amendment addresses itself to an inequitable situation which has come as a result of a provision in the Postal Reorganization Act of 1970, which stated that Federal buildings using 50 percent or more of their space for postal operations be turned over to the U.S. Postal Service. These buildings were formerly considered the property of the General Services Administration.

On the surface, this transfer seemed like a logical, and indeed harmless, provision. However, it was later discovered that these building could no longer be considered Federal buildings for impacted aid purposes under Public Law 874, even though they housed other Federal agencies. This in turn affected the amount of impacted aid that the various school districts received.

Under Public Law 874, "Category B" students are defined as those children whose parents either work or live on Federal property. Because of the building transfer provision contained in the Postal Reorganization Act of 1970, these parents were no longer considered as "working on Federal property" and therefore their children could no longer be counted for impacted aid purposes by local school districts.

This situation has an adverse effect on at least 40 school districts in Kansas, a list of which follows.

Relief was temporariy granted to the school districts in Kansas and throughout the country with the enactment of the manpower development and training act amendments approved by the 92d Congress. Under this bill a 2-year grace period for these school districts was provided. However, this particular provision has since expired. A permanent solution is needed.

In an effort to grant permanent relief, I joined by distinguished colleague (Mr. GONZALEZ) in introducing such a bill, H.R. 12162, earlier this year. The amendment before us now is essentially the text of that bill.

I urge the Members of this body to vote for this amendment.

The list follows:

KANSAS

SECOND CONGRESSIONAL DISTRICT

Unif. S.D. No. 437, Topeka.
Unif. S.D. No. 501, Topeka.
Unif. S.D. No. 343, Perry.
Unif. S.D. No. 340, Meriden.
Unif. S.D. No. 337, Mayetta.
Oskalooka Unif. Sch. Dist. No. 341.
Shawnee Heights Unif. S.D. No. 450, Tesumseh.
Unif. S.D. No. 464, Tonganoxie.

THIRD CONGRESSIONAL DISTRICT

Shawnee Mission Rural H.S.D. No. 6.
Common S.D. No. 110, Overland Park.
Antioch C.S.D. No. 61, Overland Park.
Shawnee Common S.D. No. 27.
Roeland C.S.D. No. 92, Shawnee Mission.
Prairie S.D. No. 44.
Valley View C.S.D. No. 49, Overland Park.
Olathe Unif. S.D. No. 233.
Unif. S.D. No. 231, Gardner.
Bonner Springs Unif. S.D. No. 204.
Unif. S.D. No. 500, Kansas City.
Stanley Unif. S.D. No. 229.
Shawnee Mission Unif. S.D. No. 512.

FOURTH CONGRESSIONAL DISTRICT

Haysville Unif. S.D. No. 261.
Valley Center Unif. S.D. No. 262.
Unif. S.D. No. 260, Derby.
Maize Unif. No. 259, Wichita.
Unif. S.D. No. 265, Goddard.
Unif. S.D. No. 263, Mulvane.

FIFTH CONGRESSIONAL DISTRICT

Leon Unif. S.D. Jt. No. 205.
Douglass Unif. S.D. No. 39.
Rose Hill Unif. S.D. 394.
Andover Unif. S.D. No. 385.
Unif. S.D. No. 353, Wellington.
Unif. S.D. No. 356, Conway Springs.
Arkansas City Unif. S.D. No. 470.
Belle Plaine Unif. S.D. No. 357.
Osage City Unif. S.D. No. 420.
Unif. S.D. No. 434, Overbrook.
Unif. S.D. No. 454, Burlingame.
Marais Des Cygnes Valley D. No. 456, Melvern.
Lawrence Unif. S.D. No. 497.

Mr. DORN. Mr. Chairman, I support the Mink amendment to extend impact aid for 3 years.

The impact aid program has my strong support because I believe that the Federal Government, once it imposes a burden upon a local community, should share in bearing that burden. For instance, in many areas of South Carolina the Federal Government has decided to place military bases and installations and by placing these Federal facilities in our State, the land upon which these facilities stand has been removed from the tax rolls of local school districts. And yet, at the same time, the presence of those facilities means that more children are brought into local school districts to be educated. It would seem to me grossly unfair for the Federal Government to place local school districts at the disadvantage of having to educate more children with less money.

Therefore, I am in full support of the Mink amendment which would extend impact aid for the same period of time as the other elementary and secondary education programs.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) which will extend the Public Law 874 impact aid program for 3 years instead of only 1 as included in the bill.

There is no excuse for extending other educational programs for 3 years while leaving impact aid recipients hanging with an uncertain future.

This problem goes back, of course, to the continuing need to fund Federal educational programs in such a way as to allow local school administrators and teachers to be able to plan and budget in a responsible way.

If they never know what assistance they will receive they can only plan and budget by hypothetical guesswork. Then, if they receive less than they had guessed, they must cut back already started programs. If they receive more than anticipated, often they are unable to use the money as effectively as they would like to.

Public Law 874 allows the Federal Government to contribute funds in areas where the tax base is affected by Federal presence. If this assistance is not available, local tax payers must pay their own fair share and then some additional amount to make up for the Federal impact if they want to maintain a reasonable quality of educational instruction.

I recognize that the problem for Public Law 874 lies with those school districts surrounding Washington, D.C., where the Federal impact is generally beneficial rather than harmful. These school districts receive funding under the same formula as those in which the Federal impact on the tax base is detrimental.

There is no sense in ending the assistance to those areas in which it is essential, because it is nonessential in a few others. The formula can be revised to achieve a realistic assistance effort without being drastically ended.

In the meantime, while the House Committee on Education and Labor is considering this question, the Public Law 874 payments must be continued until a transition can be made.

The situation is best summed up by a letter and a resolution I have received from Mr. J. Win Payne, superintendent of the Napa Unified School District in California.

I insert the material in the CONGRESSIONAL RECORD so that it will be available to the Members of Congress while they are considering this issue.

The letter and resolution follow:

NAPA VALLEY UNIFIED SCHOOL DISTRICT,
Napa, Calif., March 11, 1974.

Congressman DON H. CLAUSEN,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN CLAUSEN: Enclosed is a copy of a resolution which was unanimously adopted by the members of the Napa Valley Unified School District Board of Education. The Napa Valley Unified School District is a below average wealth district and consequently, any loss in revenue from any source would be disastrous when we are operating on an extremely tight budget. In view of the fact that impact aid is jeopardized by Presi-

dent Nixon's proposal to restructure federal aid to education, the members of the Board of Education felt it necessary to express their concern to insure that suitable compensation for this federal impact aid continue to be provided in any modifications to Public Law 874, or superseding legislation, such as revenue sharing.

Sincerely,

J. WIN PAYNE,
Superintendent.

RESOLUTION OF NAPA VALLEY UNIFIED SCHOOL DISTRICT

Whereas, the Napa Valley Unified School District student population of 15,535 includes 2,881 pupils, 19 per cent of the total, whose parents are in the military services or are employees of the United States of America at the Travis Air Force Base at Fairfield-Suisum, California and Mare Island Naval Shipyard at Vallejo, California; and

Whereas, the bases at which these people are stationed contribute no taxable property for the support of public services, such as fire and police protection, planning, or education; and

Whereas, the area encompassed by the Napa Valley Unified School District is largely agriculture and residential, providing a living area for the military and civilian servants of the United States described above; and

Whereas, the income of this school district is severely limited because of the relatively small amount of industrial development existing within the district; and

Whereas, these United States Government activities create a demand for housing, education, and other public services which are necessarily supplied by the people of the area by their local property taxes, as supplemented by general income and sales taxes assessed by the state government; and

Whereas, these essential services cannot be provided by the people of this area at a level equivalent to those of neighboring areas unless they tax themselves at an exorbitant level; and

Whereas, the surrounding area communities, not burdened by these inequities, are able to provide greater resources per student for education, thereby supplying superior physical materials, providing smaller class sizes, and other superior learning conditions; and

Whereas, these circumstances place a burden of inequality upon the children of the military and civil servants of the United States of America and the children of their neighbors, thus conferring a second class citizenship upon these people in direct violation of the principles of equal opportunity which are a part of the foundation of this great nation:

Now therefore be it resolved that the Napa Valley Unified School District calls upon the Government of the United States of America to:

a. Insure that suitable compensation for this federal impact, similar to that provided by Public Law 874, continue to be provided to this school district in the future; and

b. Recognize that the apparent disparity of need among some districts now receiving aid under Public Law 874 does not alter the reality of adverse federal impact upon the children of the Napa Valley Unified School District; and

c. Provide in any modifications to Public Law 874 or superseding legislation, such as revenue sharing or federal aid to education laws, suitable guarantees that the children of the Napa Valley Unified School District shall not receive an inferior education because some of their parents are serving their country.

I, the undersigned, duly authorized Superintendent and Secretary of the Napa Valley Unified School District, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of said Board on March 7, 1974, at Napa, California.

J. WIN PAYNE,
Superintendent and Secretary.

Ms. ABZUG. Mr. Chairman, in view of my deep commitment toward the original purposes of the Elementary and Secondary Education Act, I am especially disturbed that I must vote against H.R. 69 today. But I cannot be a party to the pretense that an affirmative vote for this legislation would represent. We have before us a bill which purports to increase the educational opportunities for our disadvantaged children. Yet, because of the formula adopted for the distribution of title I funds, H.R. 69 penalizes a significant segment of the very population it was designed to assist.

Because of large concentrations of economically and socially deprived children on its AFDC rolls and because of a genuine commitment to its educational programs and its AFDC programs, as reflected by the expenditure of substantial sums, New York will be severely penalized by this new formula. The schools in New York City will lose at least $30 million in title I funds. More important, the children in our urban ghettos will suffer from the error of our ways.

Apart from the injustice caused by the title I formula, the Esch amendment does further violence to our so-called concern for improving educational standards. This provision, which purports to provide "equal educational opportunities," instead seeks to preserve the status quo, as reflected in neighborhood schools, and to prevent busing. It would allow the reopening of all court or HEW ordered desegregation plans which included busing. It would, in fact, overturn Supreme Court rulings which have recognized busing as a legitimate method of achieving desegregation. By so doing, the Esch provision restricts, abrogates and dilutes the due process and equal protection clauses of the Constitution, something which the Congress has no power to do.

Mr. Chairman, H.R. 69 will not benefit our children. The Nixon administration has not asked for enough money for education nor has the Congress authorized enough money to deal with our educational problems and we have attached an antibusing rider that will turn back the education of all children, especially poor, minority children, 20 years.

Mr. DON H. CLAUSEN. Mr. Chairman, H.R. 69 is a comprehensive modernization of the original Elementary and Secondary Education Act. Some significant changes have been made but the basic thrust of the initial enactment has not been substantially altered.

While I would have gone even further than the Education and Labor Committee in turning over additional authority and flexibility to teachers and administrators in local school districts, the committee has gone at least a step in that direction and I am pleased it has done so.

TITLE I

The compensatory education programs of title I are the most important Federal educational assistance programs and, in my judgment, are substantially strengthened by H.R. 69.

One of the strongest points of the committee bill is its inclusion of a new formula for the allocation of title I funds to replace the old, out-dated formula.

The new formula is more realistic and will be more responsive to the educational needs of our Nation's students. The new formula will redress an imbalance that has occurred with the old formula that permitted many wealthier areas to receive a larger share of the allocation.

The effect of the new formula will be to change the title I allocation so that Sonoma County will be increased 29 percent, Humboldt County is up 40 percent, Napa County, 35 percent; Mendocino County, 26 percent; Lake County, 11 percent, and Del Norte County, 36 percent.

These counties, for the most part, have lower per capita incomes than wealthier counties and therefore have a greater need for title I assistance and receive a greater benefit from it.

I have personally visited title I classrooms and recognize the effects the program is having on students who need it most.

Title I has been highly endorsed by nearly every one associated with it in northern California. Mr. Thomas H. Allen, principal of McKinleyville High School wrote me that—

> Title I has provided the impetus to develop a remedial reading program and has provided additional support for our remedial math program. It has been successful and our program has continued to improve over the years.

Superintendent Mitchell Soso of the Santa Rosa City Schools has been a vigorous and articulate supporter of title I programs. He calls title I a "glowing success" and has furnished me with data showing that title I students in his district achieve a rate of educational growth exceeding that of students offered the regular curriculum.

Parents, too, endorse the program completely. Rae Campbell of Santa Rosa wrote me about her son saying:

> I have just reviewed the test scores with Martin's school counselor and have been shown the vast improvement this concentrated, individualized program has brought about in my child's learning skills. For the first time in his eight years of school he feels successful.

I hope the House will recognize this success, Mr. Chairman, and approve the full title I program as recommended by the committee.

GRANT CONSOLIDATION

The Congress can help provide the fiscal resources to meet our growing educational needs, but only State and local education authorities and the classroom teachers can effectively make the hard decisions to apply these resources in the best way to meet the needs of our children.

That is why I strongly approve the provisions in H.R. 69 which consolidate several categorical grant programs into broader, less restrictive bloc grant programs. This course of action gives a greater range of educational options to

those closest to the student. I know the student will benefit greatly.

The good intentions of the Office of Education in Washington will never suffice for the understanding and knowledge of local teachers and local administrators.

BILINGUAL EDUCATION

The bilingual education assistance effort is expanded by H.R. 69 and this provision will have my full support. Bilingual education is becoming more commonly recognized as an essential element of any curriculum which serves children of limited English-speaking ability.

The committee hearings and its report on this bill clearly demonstrate the relationship between English-speaking deficiencies and a high drop-out rate. Bilingual education must not become a crutch for those whose first language is not English, it must become a vehicle for full participation in our society.

We have had some success with bilingual programs but an enormous, unmet need remains. Growing recognition of the need both within and outside the academic community will contribute to greater appreciation of the necessity for this effort.

ADVANCED FUNDING

Finally, every one of the programs in H.R. 69 has been hampered by the established and unresponsive appropriations process, that has appropriated enormous sums of money in the past, but has done so in a way that does not show the slightest recognition for the need for appropriate advanced planning and budgeting by the Nation's school districts.

The Congress must adopt—this year—the principle of "advanced funding" for education programs. The nature of the educational budgeting and administrative process is such that the ability to complete advanced planning is an integral part of the success of educational programs.

The Federal fiscal year begins on July 1 and that is the date we aim for to complete appropriations bills. But, even though the school year does not begin until September, most budgetary commitments are made by early spring.

The problem is compounded by the fact that the Congress never completes action on the appropriation on time and, in fact, educational institutions may be months into the school year before they have any specific idea of what to expect in the way of Federal assistance.

This policy, of course, is not within the scope of H.R. 69, Mr. Chairman, but we must turn our attention to it immediately if we expect the potential gains of H.R. 69 to be achieved.

In short, Mr. Chairman, H.R. 69 is a step in the right direction. Let us take that step.

The CHAIRMAN. The question is on the substitute committee amendment, as amended.

The substitute committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 69) to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes, pursuant to House Resolution 963, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee substitute? If not, the Chair will put them en gros.

The amendments to the commitee substitute were agreed to.

The SPEAKER. The question is on the committee substitute.

The committee substitute was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ASHBROOK moves to recommit the bill H.R. 69 to the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 26, answered "present" 1, not voting 25, as follows:

[Roll No. 121]

YEAS—380

Abdnor	Bowen	Carney, Ohio	Davis, Ga.	Karth	Robinson, Va.
Adams	Brademas	Carter	Davis, S.C.	Kastenmeier	Robison, N.Y.
Addabbo	Brasco	Casey, Tex.	Davis, Wis.	Kazen	Rodino
Anderson, Calif.	Bray	Chamberlain	de la Garza	Kemp	Roe
	Breaux	Chappell	Delaney	Ketchum	Rogers
Anderson, Ill.	Breckinridge	Clancy	Dellenback	King	Roncallo, Wyo.
Andrews, N.C.	Brinkley	Clark	Dellums	Kuykendall	Roncallo, N.Y.
Andrews, N. Dak.	Brooks	Clausen, Don H.	Denholm	Kyros	Rooney, Pa.
	Broomfield		Dennis	Lagomarsino	Rose
Annunzio	Brotzman	Clay	Dent	Landrum	Rostenkowski
Arends	Brown, Calif.	Cleveland	Derwinski	Latta	Roush
Armstrong	Brown, Mich.	Cochran	Devine	Leggett	Roy
Aspin	Brown, Ohio	Cohen	Dickinson	Lehman	Roybal
Asbalis	Broyhill, N.C.	Collier	Diggs	Lent	Runnels
Baker	Broyhill, Va.	Conable	Dingell	Litton	Ruppe
Barrett	Buchanan	Conte	Donohue	Long, La.	Ruth
Bauman	Burgener	Cotter	Dorn	Long, Md.	Ryan
Beard	Burke, Calif.	Coughlin	Downing	Lott	St Germain
Bell	Burke, Fla.	Cronin	Drinan	Lujan	Sandman
Bennett	Burke, Mass.	Culver	Dulski	Luken	Sarasin
Bergland	Burleson, Tex.	Daniel, Dan	Duncan	McClory	Sarbanes
Biaggi	Burlison, Mo.	Daniel, Robert W., Jr.	du Pont	McCloskey	Scherle
Biester	Burton		Eckhardt	McCollister	Schneebeli
Boggs	Butler	Daniels, Dominick V.	Edwards, Ala.	McCormack	Schroeder
Boland	Byron		Edwards, Calif.	McDade	Sebelius
Bolling	Camp	Danielson	Eilberg	McEwen	Seiberling
			Esch	McFall	Shipley
			Eshleman	McKay	Shoup
			Evans, Colo.	McKinney	Shuster
			Evins, Tenn.	McSpadden	Sikes
			Fascell	Macdonald	Sisk
			Findley	Madden	Skubitz
			Fish	Madigan	Slack
			Fisher	Mahon	Smith, Iowa
			Flood	Mallary	Smith, N.Y.
			Flowers	Mann	Snyder
			Flynt	Maraziti	Spence
			Foley	Martin, N.C.	Staggers
			Ford	Mathias, Calif.	Stanton, J. William
			Forsythe	Mathis, Ga.	
			Fountain	Matsunaga	Stanton, James V.
			Fraser	Mayne	
			Frelinghuysen	Mazzoli	Stark
			Frey	Meeds	Steed
			Froehlich	Melcher	Steele
			Fulton	Metcalfe	Steelman
			Fuqua	Mezvinsky	Steiger, Wis.
			Gaydos	Michel	Stokes
			Gettys	Milford	Stratton
			Giaimo	Miller	Stubblefield
			Gibbons	Mills	Stuckey
			Gilman	Minish	Studds
			Ginn	Mink	Symington
			Goldwater	Minshall, Ohio	Talcott
			Gonzalez	Mitchell, N.Y.	Taylor, Mo.
			Grasso	Mizell	Taylor, N.C.
			Gray	Moakley	Thompson, N.J.
			Green, Oreg.	Mollohan	Thomson, Wis.
			Green, Pa.	Montgomery	Thone
			Griffiths	Moorhead, Calif.	Thornton
			Grover		Tiernan
			Gude	Moorhead, Pa.	Towell, Nev.
			Gunter	Morgan	Udall
			Guyer	Mosher	Ullman
			Haley	Murphy, Ill.	Van Deerlin
			Hamilton	Murtha	Vander Jagt
			Hammer-schmidt	Myers	Vander Veen
				Natcher	Vanik
			Hanley	Nedzi	Veysey
			Hanna	Nelsen	Vigorito
			Hansen, Idaho	Nichols	Waggonner
			Hansen, Wash.	Nix	Waldie
			Harrington	Obey	Walsh
			Harsha	O'Brien	Wampler
			Hastings	O'Hara	Ware
			Hawkins	O'Neill	Whalen
			Hays	Owens	White
			Hébert	Parris	Whitehurst
			Hechler, W. Va.	Passman	Whitten
			Heinz	Patten	Widnall
			Helstoski	Pepper	Wiggins
			Henderson	Perkins	Wilson, Bob
			Hicks	Pettis	Wilson, Charles H., Calif.
			Hillis	Peyser	
			Hinshaw	Pickle	
			Hogan	Pike	Wilson, Charles, Tex.
			Holifield	Poage	
			Holt	Podell	Winn
			Horton	Powell, Ohio	Wolff
			Hosmer	Preyer	Wright
			Howard	Price, Ill.	Wydler
			Huber	Price, Tex.	Wylie
			Hudnut	Pritchard	Wyman
			Hungate	Quie	Yates
			Hutchinson	Quillen	Yatron
			Ichord	Railsback	Young, Alaska
			Jarman	Randall	Young, Fla.
			Johnson, Calif.	Rees	Young, Ga.
			Johnson, Colo.	Regula	Young, Ill.
			Johnson, Pa.	Reid	Young, S.C.
			Jones, Ala.	Reuss	Young, Tex.
			Jones, N.C.	Rhodes	Zablocki
			Jones, Okla.	Riegle	Zion
			Jones, Tenn.	Rinaldo	Zwach
			Jordan	Roberts	

NAYS—26

Abzug	Conlan	Rangel
Archer	Crane	Rarick
Ashbrook	Goodling	Rosenthal
Badillo	Gross	Rousselot
Bingham	Gubser	Satterfield
Chisholm	Holtzman	Steiger, Ariz.
Clawson, Del	Koch	Symms
Collins, Ill.	Landgrebe	Treen
Collins, Tex.	Martin, Nebr.	

ANSWERED "PRESENT"—1

Moss

NOT VOTING—25

Alexander	Erlenborn	Rooney, N.Y.
Ashley	Frenzel	Shriver
Bevill	Hanrahan	Stephens
Blackburn	Heckler, Mass.	Sullivan
Blatnik	Hunt	Teague
Carey, N.Y.	Kluczynski	Williams
Cederberg	Mitchell, Md.	Wyatt
Conyers	Murphy, N.Y.	
Corman	Patman	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. Corman against.

Until further notice:

Mr. Mitchell of Maryland with Mr. Blatnik.
Mr. Teague with Mr. Alexander.
Mr. Rooney of New York with Mr. Shriver.
Mr. Kluczynski with Mrs. Heckler of Massachusetts.
Mr. Bevill with Mr. Cederberg.
Mr. Murphy of New York with Mr. Frenzel.
Mr. Ashley with Mr. Conyers.
Mr. Patman with Mr. Blackburn.
Mr. Stephens with Mr. Erlenborn.
Mr. Carey of New York with Mr. Hanrahan.
Mrs. Sullivan with Mr. Williams.

Mr. MOSS. Mr. Speaker, I have a live pair with the gentleman from California (Mr. CORMAN). If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR CLERK TO MAKE CLERICAL AND CONFORMING CHANGES IN H.R. 69

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 69 the Clerk be authorized to make clerical and conforming changes in punctuation, section and title numbers, cross references and the table of contents to reflect the amendments of the committee.

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

There was no objection.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 69) just passed and include extraneous matter.

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

There was no objection.

CONFERENCE REPORT ON H.R. 6186, TO AMEND THE DISTRICT OF COLUMBIA REVENUE ACT OF 1947

Mr. ADAMS submitted the following conference report and statement on H.R. 6186 an act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions:

CONFERENCE REPORT (H. REPT. No. 93-955)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 3 to the bill (H.R. 6186) to amend the District of Columbia Revenue Act of 1947 regarding the taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SEC. 3. (a) Part C of title VII of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting at the end thereof the following:

"POLITICAL PARTICIPATION IN CERTAIN ELECTIONS FIRST HELD UNDER THIS ACT

"SEC. 724. (a) In order to provide continuity in the government of the District of Columbia during the transition from the appointed government to the elected government provided for under this Act, no person employed by the United States or by the government of the District of Columbia shall be prohibited by reason of such employment—

"(1) from being a candidate in the first primary election and general election held under this Act for the office of Mayor or Chairman or member of the Council of the District of Columbia provided for under title IV of this Act, and

"(2) if such a candidate, from taking an active part in political management or political campaigns in any election referred to in paragraph (1) of this subsection.

"(b) Such candidacy shall be deemed to have commenced on the day such person obtains from the Board of Elections an official nominating petition with his name stamped thereon, and shall terminate—

"(1) in the case of such candidate who ceases to be eligible as a nominee for the office with respect to which such petition was obtained by reason of his inability or failure to qualify as a bona fide nominee prior to the expiration of the final date for filing such petition under the election laws of the District of Columbia, on the day following such expiration date;

"(2) in the case of such candidate who is elected to any such office with respect to which such nominating petition was obtained, on the day such candidate takes office following the election held with respect thereto;

"(3) in the case of such candidate who is defeated in a primary election held to nominate candidates for the office with respect to which such nominating petition was obtained, on the expiration of the thirty day period following the date of such primary election; and

"(4) in the case of such candidate who fails to be elected in a general election to any such office with respect to which such nominating petition was obtained, on the expiration of the thirty day period following the date of such election.

"(c) The provisions of this section shall terminate as of January 2, 1975."

(b) The table of contents for part C of title VII of such Act is amended by inserting at the end of that part the following new item:

"Sec. 724. Political participation in certain elections first held under this Act."

(c) Section 771(e) of the District of Columbia Self-Government and Governmental Reorganization Act is amended by deleting "Part E" and inserting in lieu thereof "Section 724 and part E".

SEC. 4. (a) Section 7324(d)(4) of title 5, United States Code, is amended to read as follows:

"(4) the Mayor of the District of Columbia, the members of the Council of the District of Columbia, or the Chairman of the Council of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act; or".

(b) Notwithstanding any other provision of law, the provisions of section 7324(a)(2) of title 5, United States Code, shall not be applicable to the Commissioner of the District of Columbia or the members of the District of Columbia Council (including the Chairman and Vice Chairman), as established by Reorganization Plan Numbered 3 of 1967.

(c) Section 741 of the District of Columbia Self-Government and Governmental Reorganization Act is repealed.

And the House agree to the same.

CHARLES C. DIGGS, JR.,
DONALD M. FRASER,
THOMAS M. REES,
BROCK ADAMS,
ANCHER NELSEN,
WILLIAM H. HARSHA,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 6186) to amend the District of Columbia Revenue Act of 1947, regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

House Amendment No. 3 would provide that no person who is employed by the United States or by the government of the District of Columbia (including the Commissioner of the District of Columbia, the Chairman or Vice-Chairman, and members of the District of Columbia Council, as established under Reorganization Plan numbered 3 of 1967) shall be prohibited from (1) being a candidate in the first elections held under the District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198); and (2) if such a candidate, from taking an active part in political management or political campaigns in elections to the offices of Mayor, Chairman, or member of the Council. The exemption contained in Amendment No. 3 would terminate as of January 2, 1975.

The Senate Amendment would provide an exemption from the provisions of Section 7324(a)(2) of Title 5, United States Code for the present Commissioner of the District

of Columbia or member of the Council (including the Chairman and Vice-Chairman) as established by Reorganization Plan numbered 3 of 1967 in order to enable the present office holders to participate in the first elections without resigning.

The Senate Amendment would also provide an exemption from the provisions of Section 7324(d)(4) of Title 5, United States Code for the new offices of Mayor, Chairman and member of the Council as established by the District of Columbia Self-Government and Governmental Reorganization Act.

The conference substitute contains provisions of both the House Amendment and Senate Amendment as follows:

Section 3 of the conference substitute adopts the House language which would add a new section (Section 724) to the District of Columbia Self-Government and Governmental Reorganization Act. Section 724 provides that persons employed by the United States or by the government of the District of Columbia shall be permitted to be candidates in the first elections for the offices of Mayor, Chairman or member of the Council. The provisions further provide that if such employees are duly qualified candidates, they may take an active part in political management or political campaigns for such elections with respect thereto.

The exemptions are circumscribed and are intended to authorize federal and District employees to be candidates without resigning their employment. It is important to stress that participation in political management and political campaigns for such employees is limited to those who qualify as bona fide candidates. Candidacy is specifically defined in the conference substitute as the period of time from which the candidate secures a nominating petition until (a) the day following the day a person does not qualify to be a candidate by failing to secure the appropriate number of signatures; (b) 30 days after he loses in the primary election; (c) 30 days after he loses in the general election; or (d) if elected, the day he takes office.

The exemptions contained in Section 3 of the conference substitute would take effect on the day the residents of the District ratify the Charter (May 7, 1974).

The provision is intended to assure the widest possible participation in the first elections held under the self-government legislation. Section 3, however, terminates as of January 2, 1975.

While the exemption for District and federal employees terminates as of January 2, 1975, the managers intend to actively promote and support legislation assuring the widest possible participation in all District elections held subsequent to the first elections.

The managers agreed that the U.S. Civil Service Commission should be directed to review the administration and operation of this legislation to determine its effect on elections in the District of Columbia and that the Commission should report to the Congress its findings and recommendations. Since this requirement was deemed to be outside the scope of the conference, it is not included in the substitute. It is the sense of the managers that the U.S. Civil Service Commission make this type of review and analysis which shall be transmitted to the Congress on or before July 1, 1975.

Section 4 of the conference substitute adopts the Senate language which would provide an exemption from Section 7324(d)(4) of Title 5, United States Code (Hatch Act) for the offices of Mayor, Chairman, or member of the Council as established under the self-government legislation. The intent of this provision is to exempt such officeholders from the prohibition against participating in political management or political campaigns.

Section 4 would also provide an exemption from Section 7324(a)(2) of Title 5, United States Code for the Commissioner of the District of Columbia or members of the District of Columbia Council (including the Chairman and Vice-Chairman), as established by Reorganization Plan No. 3 of 1967.

This section was proposed to prevent a possible hiatus in the governance of the District of Columbia likely to occur, if during the transition period present officeholders were required to resign in order to seek elective office.

Section 4 would make such offices exempted on the day the residents ratify the Charter.

CHARLES C. DIGGS, JR.,
DONALD M. FRASER,
THOMAS M. REES,
BROCK ADAMS,
ANCHER NELSEN,
WILLIAM H. HARSHA,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES McC. MATHIAS, JR.,
Managers on the Part of the Senate.

REQUEST FOR ADJOURNMENT TO 11 O'CLOCK A.M. ON THURSDAY, MARCH 28, 1974

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, might I inquire as to the legislation to come before the House tomorrow?

Mr. McFALL. Yes, if the gentleman will yield for that purpose.

Mr. GROSS. Yes, of course.

Mr. McFALL. It is the intention of the leadership to bring two pieces of legislation before the House tomorrow. I am advised that the first bill will be the minimum wage conference report. Following the completion of that business, there will be the Foreign Assistance Disaster Act, which is on the whip's slate for this week.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

THE QUESTION OF IMPEACHMENT

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

Mr. PASSMAN. Mr. Speaker, one of my closest personal friends, a concerned citizen, a man of unimpeachable integrity, said to me forthrightly: "Why shouldn't President Nixon's requests be met?"

Here is the way he put it:

The President has requested, through his counsel, the right to participate in the impeachment proceedings before the House of Representatives Judiciary Committee. Those who would deny the President this basic fundamental right, compare the proceedings to a grand jury investigation. This is wrong because:

First. Impeachment proceedings cannot be compared to grand jury investigations.

Second. Grand jury investigations are traditionally secret and the House impeachment proceedings obviously will not be.

Third. If they are public, the President will be severely prejudiced because his counsel will not be present to cross examine witnesses to establish the truth or to introduce evidence.

Fourth. Statements made by witnesses in a public hearing may not be truthful. Thus, the case will be decided before television cameras before the President ever has the opportunity to present his side of the case.

Fifth. The President would have no recourse—there would be no opportunity for a mistrial or a change of venue.

Sixth. The denial of right to counsel would be denying a basic constitutional right guaranteed any other American.

Those who would strip the President of his right to counsel say there is no precedent for his requestioning. They are wrong because:

First. As far back as 1826, the House Judiciary Committee allowed the accused or his counsel to be present.

Second. In at least 19 separate instances, counsel for the defendant was present with the right to question witnesses and defend his rights.

Third. In one case—Judge Sherman, 1873—the committee refused to impeach because the defendant or his counsel were not present.

Fourth. In many cases, the accused has been given the opportunity to present witnesses, to cross examine, and to make statements in his own behalf.

I certainly hope my remarks will be accepted as they are intended, and that is in support of our President. My confidence in President Richard M. Nixon is firmer today than at any time since I have known him. He must be made of steel to take the harrassment and still function in a superb manner. Mr. Speaker, I was taught from childhood to stand up and be counted and never to be afraid to speak up and speak out when I thought I was right, and so long as I live, I shall pursue that course.

Mr. Speaker, I can well afford to be retired involuntarily in August for supporting principle. I can well afford to suffer humiliation for supporting principle. I can well afford to be ridiculed for supporting principle. But, I cannot afford to remain silent when I know very well that the time is overdue for those of us who know right and who want right to prevail to speak up and speak out to let the public understand that they are hearing only one side of the question about impeachment.

Therefore, repeating if I may, I cannot remain silent, I do not intend to remain silent, I am going to speak up in defense of our great President because the record is abundantly clear what this great man has done not only for this generation but for generations yet unborn. I want my views to be well recorded, and the only compensation I want is for the American public to be permitted to hear the other side of the

story and to give the President the right of defense at the proper place.

Even the critics, in their calm moments, certainly should understand that President Nixon's superb performance in foreign policy may very well have saved this Nation from obliteration. Mr. Speaker, there are those who are after our President's hide, and who, insofar as I know, have never made one complimentary statement in our President's behalf. Why should not our President be given credit for what he has accomplished in many, many areas which has benefited all Americans. Why do the critics have to dwell entirely on pointing out minor deficiencies rather than great accomplishments?

Now, may I say for the record, if I should not use whatever prerogatives are mine to speak up and defend, in my opinion, the greatest President we ever had when you evaluate his accomplishments correctly, then I would be honor bound to address myself to nine principle-building fraternal organizations of which I am a member and state that I could not live up to my solemn obligation to support principle as I swore I would do on my knees; therefore, I must ask for a demit and have my name removed from the rolls rather than disgrace those who are carrying on with courage and determination the great principles handed down by our forefathers.

Mr. Speaker, we have never had a bad President, some have been better than others. We have a great President at this time, and would not our country, our conscience, our constituencies and generations that are to follow be better off if we would, on bended knee, ask the Supreme Architect of the Universe to give us the wisdom and courage to demand that our President be given proper representation at the proper places at the proper time, and then give us the courage to put a stop to this unreasonable harrassment.

A VICTORY AGAINST SPN'S

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

Mr. KOCH. Mr. Speaker, Defense Secretary James R. Schlesinger last Friday authorized the removal of separation program numbers and reenlistment code numbers from all discharge papers. As you know, the Honorable LES ASPIN and I have been urging that this decision be made and we are the sponsors of legislation to effect that change. We were pleased to see that at the urging of over 50 Members of the House who were cosponsors of the bill, and through the efforts of House Armed Services chairman F. EDWARD HÉBERT, the administration changed its policy in this matter, voiding the necessity for legislation action.

At the time of discharge, a serviceman is given a discharge paper, DD form 214, Report of Separation from Active Duty, which contains a numerical code specifying the specific reason for release. The code, called separation program numbers—SPN's—can unfortunately penalize a veteran for life. The code numbers and what they designate, while intended to be confidential, have become publicly known. The consequent invasion of privacy may never end for a veteran with a prejudicial SPN. Employers who have been able to get copies of the number designation often use this information in an adverse way, undoubtedly preventing veterans from obtaining jobs when they were either equally or better qualified than the nonveteran applicant.

The SPN numbers which appear on honorable as well as undesirable and dishonorable discharges can be pejorative. In fiscal year 1973, 35,640 servicemen who received honorable or general—under honorable conditions—discharges were also branded with a SPN marking them as unsuitable. There were 21,000 identified as possessing "character and behavior disorders"; 10,000 others were labeled as suffering from "apathy, defective attitudes, and an inability to expend effort constructively," and nearly 3,000 were simply charged with "inaptitude."

Not one of these veterans was guilty of an offense under military or civilian law, and not one of them was allowed a hearing before an administrative board—nor was he permitted counsel. The SPN was in every case an arbitrary decision made by others, and the serviceman could have been completely unaware of its meaning or significance.

Under the new rules, the SPN's will be maintained in the file of the individual and releasable only at the request of the veteran.

Also, DOD regulations will provide that a veteran who would like a new discharge paper without a SPN number or reenlistment code number will be able to request it from the Defense Department as a result of this new policy.

However, I feel that it is not enough to let the veteran request a new discharge certificate. A great part of the problem has to do with the fact that veterans do not know that the SPN's exist on their discharge papers. I believe that the DOD should send without a request to all those veterans discharged since the early 1950's when SPN's were instituted, updated DD forms 214—superceding the discharge paper issued when they were discharged from the service—which would not show these SPN's or reenlistment code numbers.

I have written to Defense Secretary Schlesinger urging that he comply with this suggestion. I also believe that there can be coercion on the part of employers who request that veterans authorize the release of SPN's to them. I propose that the information not be supplied to an employer or third parties even with the veteran's consent, so as to protect the veteran against undue pressure. If my colleagues in the House concur, I would urge them also to write to Secretary Schlesinger. My letter to the Secretary follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1974.

Secretary JAMES R. SCHLESINGER,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Your recent action in authorizing the removal of Separation Program Numbers and reenlistment code numbers from all discharge papers deserves congratulation and support. It is a decision which, as you know, has been urged for a long time by many Members of Congress.

However, I feel that it is not enough to merely let the veteran request a new discharge certificate. A great part of the problem has to do with the fact that veterans do not know that the SPNs exist on their discharge papers. Their employers might know it—but they do not. Consequently, it is difficult to imagine that any substantial percentage of veterans would be aware they can request new papers.

It is the responsibility of the Department of Defense to guarantee that the rights to privacy of veterans is assured. To do this I believe that the DOD should send to all those veterans discharged since the early 1950s, when SPNs were instituted, updated DD Forms 214—superceding the discharge paper issued when they were discharged from the service—which would not show these SPNs or reenlistment code numbers.

I also believe that there can be coercion on the part of employers who request that veterans authorize the release of SPNs to them. I propose that the information not be supplied to an employer or third parties, even with the veteran's consent, so as to protect the veteran against pressure.

I urge your immediate consideration of these provisions in developing your regulations on this issue and I would appreciate your advising me of your position as soon as possible.

Sincerely,

EDWARD I. KOCH.

TODAY IN CONGRESS

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

Mr. VAN DEERLIN. Mr. Speaker, if public opinion of Congress is really as low as recent polls have suggested, one reason could be that many people have no real understanding of Congress and the way in which it works.

Perhaps there would be greater appreciation of the day-to-day routine here on Capitol Hill—possibly even a rise in our public esteem—if listeners in all 50 States were to share a radio program which is broadcast only in the Washington area.

This is "Today in Congress," a 10-minute wrapup on House and Senate activities by Joseph McCaffrey, heard each evening on WMAL radio. Like many colleagues, I often catch McCaffrey's summary while driving home from the Capitol. Jointly sponsored by the Rural Electrification Co-ops and the Communications Workers of America, this program is the only one of its kind—devoted exclusively to what is happening on the Hill.

In our customary concentration on television news, it may escape attention that some kinds of reporting are still best done on radio. "Today in Congress" offers the perfect example. McCaffrey gives listeners a tightly edited report on the full gamut of committee hearings and the day's important floor action from both sides of the Hill. As its windup, we always learn what to expect as the order of business for the day following.

The program has sometimes been referred to as "The Congressional Record of the Air." In my opinion, that borders on slander. The RECORD itself could never

be so crisp and informative. Joe McCaffrey, one of the truly experienced observers of congressional mores and manners, pares away all excess, unnecessary information and reports only what we really want—the essential facts.

By the very nature of our job, each of us is involved in only a small part of what has happened here on any given day. "Today in Congress" gives us an opportunity to get the big picture of Congress.

As one appreciative listener, Mr. Speaker, I take this occasion to thank Mr. McCaffrey, his station, and his sponsors for their invaluable service. I only wish it were available to the folks back home.

LIVESTOCK FEEDERS DO NOT HAVE IT SO GOOD

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

Mr. MAYNE. Mr. Speaker, I was glad to hear Secretary Butz announce at the White House yesterday that the Agriculture Department will buy $45 million of beef to improve prices to cattle feeders. The President has also ordered the Defense Department to buy more beef. These steps are welcome and long overdue as indicating an awareness on the part of the administration that family livestock feeders are indeed in deep trouble and need help. By no stretch of the imagination can they be included in the President's incredible statement of last Tuesday evening that "farmers never had it so good." I sent the President a telegram the same night protesting such a statement as grossly unfair and insulting to family livestock farmers and carried my protest in person the following morning to his principal farm advisers, including Secretary of Agriculture Earl Butz.

During the past week, the White House has been flooded with solid evidence that since mid-September cattle feeders have been taking ruinous losses which are now also hitting pork producers in a declining market. A delegation came from the Sioux County, Iowa, Cattlemen's Association to Washington to prove to presidential advisers on Saturday that they are losing from $100 to $200 per head and pork producers $12 per head. They also expressed their deep concern and disappointment that the President had not yet withdrawn or qualified his very misleading statement as having no valid application to independent livestock feeders. When no action had been taken by Monday, I again wired the President demanding an explanation or retraction of his statement. Tuesday morning I was invited to meet with the President and farm organization leaders. I told the President he would be committing a grave injustice if he failed to correct the misleading impression of the Houston statement and set the record straight as to the plight of family livestock farmers. Later in the day he did indeed acknowledge his keen awareness of their problem and his determination to be of assistance in remarks to the American Agricultural Editors Association. In addition to the beef purchase announced earlier by Secretary Butz, the President called on retailers to push beef sales by lowering their present swollen profit margins for the benefit of producers and consumers alike. He also pledged we will not again go down the road to controls. Mr. Speaker, these are steps in the right direction which I hope will be of some encouragement to family farmers engaged in the feeding of livestock. The President of the United States has acknowledged that for them, things definitely are not so good.

SMALL BUSINESS LOAN CHARGE-OFFS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. CLANCY) is recognized for 60 minutes.

Mr. CLANCY. Mr. Speaker, on November 16, 1959, the Cincinnati Planning Commission, of which I was a member as well as mayor of Cincinnati at that time, recommended disapproval of the zone change for certain acreage along Hamilton Avenue in the city of Cincinnati. This disapproval occurred after hearings and after reports by the city planning commission staff, which also recommended disapproval.

The motion to disapprove, which I seconded, carried unanimous. After that date, there were additional attempts to have this property rezoned for business purposes, but they were disapproved also. However, on December 10, 1965, after a public hearing was held, the city planning commission, which was comprised of some other persons, recommended approval of the zone change for this tract of land, and it was subsequently authorized by the city council of Cincinnati. I and my colleagues had recommended disapproval for many reasons.

To name a few, this land was located in an area that had many traffic problems, and also was in an area where there were relatively few inhabitants. Further, there were large shopping areas to the north and to the south on Hamilton Avenue within a distance of a few miles. We were also aware at the time that it was disapproved, that other shopping centers were contemplated within a radius of approximately 4 or 5 miles from this site.

After the zone change was approved in 1966 by council, which was by ordinance No. 95–1966, a shopping center known as the Ashtree Shopping Center, consisting of 33 stores of various sizes, was constructed on this site.

Shortly thereafter, or perhaps before, the Small Business Administration became interested in giving direct or guaranteed loans to business establishments which were to occupy this shopping center—17 direct or guaranteed bank loans by SBA were given, and I regret to say at this time, and only after a few years, 8 of the loans have been charged off. The chargeoffs that were given to us by the Small Business Administration for this one shopping center amount to $471,690.87. In addition, there were nine businesses that are no longer in business at this shopping center, and the loans made to these individuals amounted to $222,400; $757,100 was the total amount that was given in direct loans or guaranteed loans to people who were in business at the shopping center or were to be in business at the shopping center.

My staff investigation has revealed that some who received loans did not even occupy the stores where they were expected to conduct business.

Mr. Speaker, it is shocking to reveal to my colleagues today that there are now in this shopping center only four occupants:

First, a State liquor store, which was placed there to assist in the financial difficulties of the shopping center;

Second, a food stamp distribution center;

Third, a laundry and drycleaning establishment; and

Fourth, a television and radio business.

Twenty-nine of these stores are vacant. In addition to these charged off loans and those which we believe have been charged off but we have not received the information from the Small Business Administration in Washington, there are other small business loans charged off out of the Cincinnati office for Hamilton County.

I inquired through the Honorable ROBERT G. STEPHENS, JR., the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency, who was kind enough to secure for me information about the defaults of loans in Hamilton County during the last 5 fiscal years.

The following is a detailed list of borrowers concerned, the names and addresses of the companies, the Small Business Administration share of the approved loans, the names of the principals involved, and the amounts charged off:

These loans were charged off between the periods of July 1968 and June 30, 1973.

The first borrower's name and address is: Mallisa Transfer Co., 2687 Hillvista Lane, Apartment 8, Cincinnati, Ohio; the Small Business Administration share approved $25,000; and the principal and the amount charged off, Ernie Heffner, $17,203.04.

The next one is: Whaleys Sanitation, 1113 Wellspring Drive, Cincinnati, Ohio; the SBA share approved, $16,000; the principal, Alonzo Whaley; and the amount charged off, $11,927.10.

The next one is: Ashtree Village Appliance, 4781 Hamilton Avenue, Cincinnati, Ohio; the amount of SBA share approved, $60,000; the principal, Raymond P. Hughes; and the amount charged off, $61,576.97.

The next is: Village Hosiery Shop, 5033 Hamilton Avenue, Cincinnati, Ohio; the SBA share approved, $4,500; the principal, Rose M. Carr; and the amount of $4,906.65 charged off.

The next one is: A/OK PAK Corp.; $135,000 approved by the SBA; the principal, Louis Effron, president; and the amount charged off, $112,072.88.

The next is: Creative Soul, Inc., 807 North Crescent, Cincinnati, Ohio; the

amount approved, $45,000; the principal, Hugh Da How, president; the amount charged off, $45,994.47.

The next is: DBA Readmore, 4503 West Eighth Street, Cincinnati, Ohio; the share approved by SBA, $25,000; the principal, William Willingham; and the amount charged off, $23,353.76.

The next is: Milford Wrecking & Paving Co., 7948 Glendale Milford Road, Camp Dennison, Ohio; the amount charged by SBA, $25,000; the principal involved, Berwile Jackson; and the amount charged off $22,992.65.

The next is: Alexander Sales Corp., Silverton Western Auto; the amount approved, $48,600; the principal, James R. Alexander; and the amount charged off, $37,375.08.

The next is: Mary Margaret Dress Shop, 4781 Hamilton Avenue, Cincinnati, Ohio; the SBA share approved, $15,000; the principal, Mary M. Maloney; and the amount charged off, $14,747.70.

The next is the Ohio Valley Private Police, Inc., 121 West Benson Street, Reading, Ohio. The amount approved by SBA, $13,500. The principal, Malcolm P. Cantrell. Amount, $3,769.23.

The next Jacques Renee of Paris Botique, 1 Corry Street, University Plaza, Cincinnati, Ohio. Amount approved by SBA, $17,500. The principal, Marilyn Mokma. Amount charged off, $17,885.93.

Next is Act One, 426 Clinton Springs Avenue, Cincinnati, Ohio. SBA share approved, $13,500. The principal, Robert L. Bradlock. The amount charged off, $13,-515.05.

The next is Points East, Inc., 701 Greenwood Avenue, Cincinnati, Ohio. The Small Business Administration share, $10,000. The principal, Kenneth William McDaniel. Amount charged off, $10,174.54.

Next is International House, 593 Wyoming Avenue, Cincinnati, Ohio. Amount approved by SBA, $17,000. That is in the archives. There is a chargeoff of $17,-931.10 on that loan.

Next is Something Different, 3495 Burnet Avenue, Cincinnati, Ohio. The share approved, $40,000. The principal, William Edmondson. Amount charged off, $44,421.88.

Next is H. & S. Food Mart, Ashtree and Hamilton Avenue, Cincinnati, Ohio. Amount approved, $190,000. Principal, Carl Lawrence. $191,184.72 charged off.

The next is Images, Inc., 602 Main Street, Cincinnati, Ohio. Amount approved, $31,860. Principal, James J. Schifrin, president. The amount charged off, $27,065.24.

The next is Jarrells Record Shop, 10546 Roberta Drive, Cincinnati. Amount approved, $5,400. Principal, William L. Jarrell. Amount charged off, $4,631.15.

The next is McGees Remodeling, 518 Clinton Springs, Cincinnati, Ohio. The amount approved, $10,000. The principal, Oliver George McGee. Amount charged off, $9,151.69.

The next is the Lockland Sohio Service, 1 Mulberry Court, Apartment 60, Lockland, Ohio. Amount, $7,200 approved. The principal is O. W. Calimese, Jr. The amount charged off, $5,348.91.

Next is KYRK Florist Shop, 3441 Reading Road, Cincinnati, Ohio. The amount approved, $3,700. The principal, John W. Stallworth. The amount charged off, $3,-893.84.

The next is Sohio Findlay and Linn Service Station, Findlay and Linn Streets, Cincinnati. The amount approved, $10,-000. The principal, William C. Craig. The chargeoff, $7,423.97.

The next is Mayor Jewelry Co. of Ashtree. Hamilton and Ashtree Avenues, Cincinnati, Ohio.

The Small Business Administration's share approved, $50,000. Principal, Nathan Zoff. The amount charged off, $28,436.27.

Next is Ashtree Village Furniture, 7885 Greenland Place, Cincinnati, Ohio. The amount approved by the Small Business Administration, $35,000. Principal, Israel Margolis. Amount charged off, $30,246.76.

Next, Super Discount Distributors, 819 Main Street, Cincinnati, Ohio. Amount approved by the Small Business Administration, $17,500. Principal, Raymond H. Grote. Amount charged off, $13,927.64.

Next, Mary Margarets Fashion, 8983 Zodiac Drive, Cincinnati, Ohio. Amount approved by the Small Business Administration, $9,000. Principal, Mary M. Maloney. Charged off, $8,228.66.

Next, Golden Lion Inns, Inc., 8797 Sturbridge Drive, Cincinnati. Small Business share approved, $35,000. Principal, John Daniel Carroll. Amount charged off, $31,854.04.

Next, the Cincinnati Kids Restaurant, 2810 Woodburn Avenue, Cincinnati. Amount approved by the Small Business Administration, $7,500. Principal, Richard Boyd, Jr., and Richard Boyd, Sr. Amount charged off, $7,990.68.

Next, the Jiffy Quick Food Shop, 3500 Rading Road, Cincinnati, Ohio. Amount of Small Business Administration's share approved, $25,000. Principal, Babe Baker Enterprises. Amount charged off, $20,-733.83.

Next, Hackett Plumbing Co., 7312 Irwin Avenue, Cincinnati. Amount approved by SBA, $7,500. Principal, Robert T. Hackett. Amount charged off, $6,596.89.

Next, Village Hosiery Shop, Ashtree and Hamilton Avenue, Cincinnati, Ohio. The amount approved by the Small Business Administration, $10,000. Principal, Rose Carr. Amount charged off, $10,-349.05.

Next, Act One, 426 Clinton Springs Avenue, Cincinnati, Ohio. The SBA share approved, $24,900. The principal, Robert L. Braddock. The amount charged off, $26,258.05.

Next, DBA M. & S. Pony Keg, Small Business Administration share approved, $10,000. Principal, Otis Michael Kelly. Amount charged off, $10,019.52.

Next, H. & S. Food Mart, 4781 Hamilton Avenue, Cincinnati, Ohio. Small Business Administration share approved, $50,000. Principal, once again, Carl Lawrence. Charged off, $51,209.24.

As a further result of our investigation we found that nine of these charge-offs were never listed in any city directory.

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

Mr. CLANCY. I yield to the gentleman from California.

Mr ROUSSELOT. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, as a member of the Small Business Subcommittee of the Committee on Banking and Currency, and the full Banking and Currency Committee, we are grateful to the gentleman from Ohio (Mr. CLANCY) for bringing these issues to the floor at this time, and especially our full committee and the subcommittee that is now investigating very thoroughly the very subject which the gentleman from Ohio is now discussing.

I especially congratulate him because it is never popular to look into what has turned out to be a very bad situation for the Federal Government when substantial guarantees are involved on either leases or for businesses that potentially were not very real businesses to begin with. It is never popular to bring up this kind of discouraging material. Those of us on the Committee on Banking and Currency, who are looking into this issue as to what the Small Business Administration has done to try to protect the Government and the public interest against the kind of thing that the gentleman is bringing out, congratulate him, and we appreciate very much the detailed and thorough manner in which the gentleman has gone into this issue to make sure that we have facts. He has taken the time to make sure it is not just rumor. He has gone into the records, and he has really tried to search very deeply for the actual facts on the subject.

We thank him.

Mr. CLANCY. I very much appreciate the gentleman's remarks.

My staff has told me that of approximately 280 loans that have been made in Hamilton County, 72 of the businesses are not found in any city directory going back as far as 1968, unless they are operating under different names or at different locations These 72 loans consisted of over $3½ million. It may have been that a loan was obtained under one name and operated under another. This we could not determine.

We do know there is a loan to a Baxter Trucking Co., whose address is given at 582 Hale Avenue, Cincinnati 45229, that received a loan for $28,000, according to the information supplied to me by the SBA.

A member of my district staff discussed this matter with one William Baxter whom we believe to be the person to whom the loan was made. He has stated that he was never in the trucking business.

Another interesting feature of one of the charged-off loans was the one given to A/OK PAK Corp., 5210 Wooster Road, Cincinnati 45226, which is listed as receiving a loan of $135,000, of which $112,-072.88 was charged off. The officers of this company stated to me that they were unaware that their company was named as the entity that received the lease guarantee of $562,000. The A/OK PAK was listed as the organization that did receive the $562,000 from information that we received from the Cincinnati local Small Business Administration Office.

Another interesting development oc-

curred upon our inquiry of a $51,000 Small Business Administration guaranteed bank loan to one William Mallory who operated the Old Time Ice Cream and Candy Shop, which is no longer in existence in the Ashtree Shopping Center. In our discussion with local Small Business Administration officials, they told me and my staff members that William Mallory is promising payments when he sells other property. This leads me to the conclusion that if the loan is not charged off, certainly payments are or were overdue. For what period of time and for what amount, I do not know. But if he does own property, I am amazed to find that there is no second mortgage being held by the SBA as security for this loan. I have received this information from the SBA officials.

The Small Business Administration was an integral part of the establishment of the Ashtree Shopping Center, shown to be located in an unprofitable area known to be turned down by experts in the Planning Commission and Cincinnati City Council on several occasions.

But for some reason unknown to me it was shoved into existence against the above mentioned experience and advice. And, to repeat, all of those who received loans are no longer doing business at this location and these loans amount to approximately three-quarters of a million dollars.

It is a public disgrace that this situation occurred in my city and it is disheartening to say the least to drive by there and to see but four stores, again to repeat, two of which are public facilities.

This has been a disgraceful waste of the taxpayers' money and I am respectfully requesting the Small Business Subcommittee to include Cincinnati among the cities which are being investigated. I am convinced that from my limited investigation, a complete field investigation is warranted in light of the long list given but especially with the mistakes made in this shopping center.

The regulations of the Small Business Administration need to be changed so that we can be assured that, at future locations where business loans are approved, there is at least a chance for success of the business and to protect the taxpayers that I represent and the taxpayers throughout the United States who have invested their hard-earned money in such projects.

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

Mr. CLANCY. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, again I want to express my appreciation to the gentleman for bringing this important information to our House of Representatives and in turn to the committee. I would like to assure the gentleman I will do all in my power to make sure our subcommittee does continue the investigation in the city of Cincinnati especially as it relates to this project.

Mr. CLANCY. Mr. Speaker, I appreciate very much the interest of the gentleman and we can assure the gentleman we will cooperate 100 percent with anything the subcommittee desires to do.

Mr. ROUSSELOT. I thank the gentleman for a very detailed study.

GASOLINE CRISIS—FACT OR FICTION?

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE) is recognized for 10 minutes.

Mr. FORSYTHE. Mr. Speaker, since last December, Americans have been confronted with an unparalleled shortage of energy. Residents of areas not adequately served by mass transit have had to wait in long gasoline lines because they have no alternative to the car for commuting. Traveling salesmen and many small businessmen are faced with the possibility of not being able to earn a living. Homeowners have experienced staggering increases in energy prices.

In the past few months, the newspapers have been filled with stories about the energy crisis. Americans have been reading all the charges and countercharges made by Members of Congress—all the rhetoric that makes splashy headlines. But I urge my colleagues to stop talking and to start thinking and acting. It is small wonder that the American public is disgusted with the "leadership" exhibited by the Congress, while the rhetoric has become so thick that the distinction between fact and fiction is often lost. I do not think anyone has really, rationally looked at the data.

In 1947, domestic production of coal peaked—and has been declining ever since. In 1949, the United States became, for the first time, a net importer rather than a net exporter of energy. Domestic production of oil peaked at 11.3 million barrels per day in 1970 and has declined since then. Similarly, in the past 4 years natural gas production has leveled off and begun to decline. Delays in licensing and siting, and the failure to implement standardization have slowed the construction of nuclear power generating stations. At the same time, the demand for energy has increased to record highs.

If one examines the total availability of all oil products, heating oil, industrial fuel, motor gasoline, and jet fuel, the intersection of the lines of decreasing supply and increasing demand comes in the late 1970's or early 1980's. At that time, unless we take positive action, a real crisis will be unleashed upon the public.

At this point, I would like to insert into the RECORD data I have developed regarding the total availability of oil:

AVERAGE DAILY SUPPLY OF ALL OIL PRODUCTS IN THE UNITED STATES

	4 weeks ending—	
	Mar. 1, 1974	Mar. 2, 1973
Domestic crude oil production	9,178,000	9,371,000
Imports of crude oil	2,118,000	2,625,000
Imports of refined product	2,687,000	3,362,000
Total	13,983,000	15,358,000

What this chart shows is that the average daily supply of oil available in the United States during the month of February 1974, was 9 percent less than that available during the same month of 1973.

However, there is something very disturbing about February's overall 9 percent shortage. The next chart I have developed will highlight what is distressing to me:

Week ended	Total domestic crude oil production	Total crude oil stocks
Dec. 14, 1973	9,072,000	251,172,000
Dec. 21, 1973	9,188,000	249,218,000
Dec. 28, 1973	9,175,000	243,371,000
Jan. 4, 1974	9,129,000	239,552,000
Jan. 11, 1974	9,093,000	239,441,000
Jan. 18, 1974	9,179,000	231,170,000
Jan. 25, 1974	9,229,000	231,515,000
Feb. 1, 1974	9,234,000	229,979,000
Feb. 8, 1974	9,212,000	234,910,000
Feb. 15, 1974	9,153,000	234,972,000
Feb. 22, 1974	9,179,000	237,597,000
Mar. 1, 1974	9,166,000	237,344,000
Mar. 8, 1974	9,140,000	240,359,000

What these figures demonstrate is that as the screws of the oil shortage turned even tighter, domestic crude oil dropped—declining by 89,000 barrels per day between January 25, 1974 and March 8, 1974.

While less oil was being produced, more of what was being pumped out was being placed in storage tanks and not refined for use. Between January 25 and March 8, the amount of crude oil in storage rose 8,844,000 barrels.

When the last tankers arrived from the Persian Gulf, American oil companies pledged to increase domestic production and, between December 14 and January 25, did so. At the same time, crude oil stocks fell as more stored oil was refined for public use.

What I cannot explain is why, as the overall oil shortage became worse, did these trends reverse themselves? Why was less oil produced? Why was more oil that could be refined, put into storage?

These figures become even more distressing if one looks at the availability of the different types of fuel oil. The overall decline in oil availability—made worse by a sudden and strange decrease in domestic oil production and by someone's decision to store oil instead of refining it—has manifested itself in a shortage of every fuel type except gasoline. I submit that the shortage confronting this Nation has been a shortage of industrial fuel, heating oil, and jet fuel—not gasoline.

During the month of February 1974, the average daily amount of refined gasoline available in the United States—domestic and imported—was 6,129,500 barrels. For the same month in 1973, the average daily supply was 6,118,250 barrels.

Thus, during the month of February 1974, we had 1 percent more gasoline than we had in February 1973 when we had no gas lines. But to get a clear picture of the overall situation one must also know how much gasoline demand has increased during this period. It is interesting to note that demand for gasoline has, according to the Independent Petroleum Association of America, in-

creased only 1.3 percent. Combining an increased supply of 1 percent with an increased demand of 1.3 percent, the total shortfall becomes a meager 0.3 percent. If this shortage were distributed evenly across the Nation, it would represent a decreased supply of less than one half gallon per car per day.

Mr. Speaker, if this is indeed the case, why did we have long lines at gasoline stations? Why was there talk of rationing up until the very moment the Arab embargo was lifted? Why are many small business operations faced with bankruptcy? And finally, why do we need the Federal gasoline allocation system?

In view of the many questions raised by the statistics I have developed, I have asked the Federal Energy Office and the major oil companies to either show me where I am wrong or to explain the present crisis. If these figures cannot be explained by the experts, then the gasoline crisis will surely be exposed as a hoax. A hoax caused by the oil companies and worsened by the Federal allocation system. If these figures cannot be explained, someone had better be prepared to do some explaining of another sort to me and to the American people. And the explaining had better begin immediately.

It is essential, however, to point out that the data I cited on the extent of the gasoline shortage is accurate only because the demand for this product has declined due to the conservation measures adopted by the American people. Gasoline demand traditionally increases at an annual rate of 6 to 8 percent. The significantly smaller 1-year increase of 1.3 percent is the result of voluntary conservation measures that began in the last months of 1973. If demand had continued unrestrained or if we now abandon our conservation efforts, the shortage would be more severe.

Over 30 percent of our energy is wasted in one form or another—wasted in transmission, wasted in conversion from one form to another, and wasted in unnecessary usage. While we should not have a crisis we do have a shortage. Unrestrained gasoline demand, for example, could turn a negligible 0.3-percent shortage into a more serious 8.3-percent deficit. But even that is a far smaller shortage than the 15 percent previously cited by the administration. Still, an overall shortage of energy exists. What are its causes and what can be done to prevent that future crisis which lies ahead?

Part of the causal problem can be traced to Government policy—particularly tax policy.

The 27.5-percent depletion allowance enacted by Congress in 1926, which was reduced to 22 percent in 1969, has been boosted as a mechanism to encourage oil exploration. Instead of fulfilling that objective, the oil depletion allowance may have contributed to the overall energy shortage and could be a major factor in the creation of an energy crisis unless it is repealed.

One would assume that if Congress, in 1926, intended to develop an incentive to stimulate oil production, someone would have conducted an economic analysis to insure that the amount of the depletion allowance did not constitute a raid on the public Treasury. The fact is, however, that no such study was made. During the 1926 debate, Senator Reid explained his committee's proposal as follows:

> We are trying to get away from . . . uncertainties and to adopt a rule of thumb which will do appropriate justice to both the Government and the taxpayers. We find then that probably the best way to do it is to provide that an arbitrary percentage of the gross value of each year's yield be chalked off for depletion.

The debate on the Senate floor indicated that one arbitrary figure was as good as the next as several Senators offered amendments to increase the committee's 5-percent proposed allowance. One amendment even requested a 40-percent deduction. Economic justification was not a factor in the discussion as the Congress settled on a 27.5-percent depletion allowance.

Thus, from the beginning there is doubt about the economic justification of a 27.5-percent depletion allowance. The ensuing 47 years have, in my view, established the validity of that doubt. In fact, recent studies by the Treasury Department and the Library of Congress each concluded that the use of the percentage depletion allowance is of questionable significance as a method of encouraging production or retaining marginal wells. Further, the portion of the percentage depletion allowance received for foreign drilling operations has no effect on encouraging domestic production.

In the oil industry, drilling costs can immediately be written off if oil is not discovered and the company's investment in exploratory drilling fails to bring success. Thus, the Tax Code already offers protection to encourage exploratory drilling. If, on the other hand, oil is found, the company can deduct the tangible and intangible drilling costs—such as labor, materials, supplies, repairs, pipes, tanks, for example—which compose the capital costs of drilling. However, on top of these deductions, which enable the company to recover the costs of its investment, there is the percentage-depletion allowance.

Percentage depletion differs from the standard business depreciation allowance in that the amount which can be deducted under the percentage depletion allowance is not limited to the initial value of the investment. Thus, an oil company can recover the costs of its investment many times over.

The depletion allowance offers no real incentive to explore for new oil fields because there is no assistance to the company if oil is not found. The depletion allowance takes effect only when drilling is successful, and even then other mechanisms exist for recovering the costs of capital investment. The impact of the depletion allowance then is to encourage drilling into existing fields—not to encourage risky ventures in unexplored areas. It is, therefore, self-defeating. In fact, it would have cost the Government about half as much to pay for all of the dry holes drilled between 1969 and 1971 as to have allowed percentage depletion as an added bonus to existing tax incentives.

Furthermore, the operation of the depletion allowance offers the large vertically integrated oil companies, the firms which produce, refine, and market their own oil, an insidious opportunity to restrict entry into the refining industry by independent businessmen.

With the depletion allowance the major vertically integrated firms have an incentive to seek higher crude prices, since an increase in crude prices means an increase in profits because of the depletion allowance. At the same time, such concentration means that the refinery portion of the business can be run on paper thin profit margins. In other words, by boosting the prices they charge themselves, and by holding the profitability of refineries to slim margins, the major integrated oil companies can hold refinery profit margins very low, thus creating a barrier to entry into the refining business—and it is the expansion of our domestic refining capacity that is one of the most pressing needs in the years ahead.

I believe the evidence strongly suggests that the major oil companies, by using the depletion allowance to concentrate their profits in the production end of the business, deliberately allowed the naturally rising costs of refining operations to erect a barrier to entry into the refinery industry. Such a policy, of course, means that existing independent refiners could be squeezed out of the market and, in fact, it is widely reported that independent refiners were not earning competitive profits during the 1960's.

According to the Federal Trade Commission—FTC—the rate of return for refining averaged $1.03 per barrel during the 1950's. The FTC also estimates that a competitive rate of return was somewhere between 40 and 70 cents per barrel. Refining was an attractive investment in the 1950's.

Yet, during the 1960's, capital costs for refining doubled and one would thus expect that for refining to remain a profitable investment, the competitive rate of return would have to be somewhere between 80 cents and $1.40 per barrel, using FTC estimates. Similarly, one would expect the $1.03 per barrel average rate of return of the 1950's to rise commensurately. But this is not what happened. In the face of doubled capital costs, the rate of return in refining dropped 11 to 92 cents per barrel.

All of this was occurring at a time when the major oil companies were proclaiming the need to restrict the volume of oil imports into this Nation. A cry that was answered by President Eisenhower in 1959 with the institution of the oil import quota system.

Thus, an independent businessman interested in building a refinery found himself staring at shrinking refinery profit margins and at import quotas limiting his ability to get the product to run his contemplated refinery.

It is not surprising that there was an absence of independent entry into refining during the 1960's. Refining was an exclusive club that remained that way. Worse, it was a time when the Nation needed to expand its refining capacity to

meet the demands of the future—the future that has become our present.

The import quota system was finally also come to scrap the percentage depletion allowance. It was ill conceived, costly, inefficient, and anticompetitive. I am pleased, therefore, that the House Ways abandoned last year and the time has and Means Committee has approved legislation phasing out the depletion allowance. I hope the committee will also reexamine our entire tax code with respect to oil exploration incentives.

The Congress should also examine the system of foreign tax credits that has been established for the oil industry. In other nations, particularly those in the Middle East, the rights to oil rich lands are generally held by the government and, therefore, royalties—which are deductible from gross income for income tax purposes—are paid to these governments. In 1951, an Internal Revenue Service ruling held that these royalty payments were to be considered as income taxes instead of royalties. The effect was that instead of being deducted from gross taxable income, which is taxed at a rate of 48 cents per dollar, these royalties are deducted on a dollar for dollar basis from actual U.S. taxes owed.

This means that instead of receiving the standard 48 cents deduction for every dollar paid in royalties the oil companies receive a $1 deduction for every $1 in royalties paid—a windfall of 52 cents per dollar.

The IRS decision certainly served the oil companies by significantly reducing their tax obligations. The decision also meant that when Middle East sheiks decide to raise royalty payments, it does not cost the oil companies a cent—all they do is subtract it from their U.S. tax obligation. The only people the IRS decision does not serve is the U.S. taxpayer who foots the bill. A bill that came to $1.3 billion in 1970—enough to pay for a lot of mass transportation. This system of direct tax credits for royalties, established by IRS for the oil companies, is nothing more than another form of foreign aid and should be stopped.

I would like to turn now to the question of pipeline control by the major oil companies. In recent weeks, there has been a great deal of discussion about how the major oil companies have conspired, because of their control of the Nation's oil pipeline system, to deny independent producers access to the pipelines, thus preventing independents from shipping their products.

Mr. Speaker, this is an example of the demagoguery, unsupported by even a shred of evidence, that has been all too prevalent in the recent past. The pipeline issue is one myth that shoud be laid to rest and at this point I would like to insert into the RECORD two paragraphs from a letter written by the Independent Petroleum Association of America to Senator STEVENSON regarding legislation he introduced to insure that independent oil producers were not denied access to pipelines controlled by the major companies.

The Independent Petroleum Association of America is a national trade association representing approximately 4,000 independent producers of oil and natural gas in every producing region of the United States.

When you introduced this bill you said that it is aimed at helping restore competition in the petroleum industry by assuring independent producers access to pipelines owned by major oil companies. This is to advise that we are not aware of any producer who is having difficulty selling or moving his crude oil and we do not believe discrimination exists in this respect. The conclusion that independent crude oil producers may have difficulty securing shipment of their oil, and are subject to discrimination by pipeline companies is not supported by the experience of independent producers.

If we are going to responsibly address the issues surrounding a national energy policy, demagoguery has no place in our discussion. Now is the time to examine the data and where questions are raised to ask them. Now is the time for action based on fact, not fiction or emotion.

One of the areas that merits a few questions has to do with price rollbacks. Clearly we do not wish to have prices so low that the price of oil is below the cost of production. At the same time, however, the consumer must not be asked to pay prices which, because of the shortage, are artificially high—and which would lead to windfall profits. Defining the difference between a reasonable profit which will encourage energy exploration and price gouging is not, however, an easy task.

As each of us knows, the oil industry and the administration have been arguing that the price rollback Congress approved would be ruinous to the industry and discourage investment. The $5.25 per barrel rollback price voted by Congress, with the provision that the President could let prices rise to a maximum of $7.09 was, for this reason, vetoed by the President.

Yet, I do not understand how this contention is consistent with other recent statements by industry and administration spokesmen. In December 1972, the National Petroleum Council, composed of representatives from leading oil companies, asserted that to retain a feasible level of energy self-sufficiency, the price of crude oil would have to rise to $3.70 a barrel in 1975. The $3.70 price was based on the assumption that the oil finding rate would be extremely low. The council said that if finding rates were higher and therefore less drilling was required, the per barrel price would be somewhat lower. However, assuming low finding rates and adjusting for inflation, the $3.70 price in today's dollars would be $4.42 per barrel. Similarly, the Independent Petroleum Association of America in August of 1972 predicted a need for a per barrel price of $4.10 in 1975. In 1974 dollars, that price would be $4.55 a barrel.

Certainly these statements do not appear consistent with the present outcry that a $5.25 to $7.09 per barrel price will be ruinous and prevent exploration. Until someone explains to me why a price of $4.42 to $4.55—in 1974 dollars—that was projected as adequate 1 year ago by the oil industry, when industry spokesmen were already warning about an impending energy crisis, is now so inadequate, I will continue to support measures designed to cut prices from their current level around $10 per barrel.

This is why I voted in favor of price rollbacks during the debate on the emergency energy bill. This is also why on the final vote on the rollback provision I cast my vote against it—for the bill, as it was written then, was a hoax. It exempted from the rollback any well producing less than 30,000 barrels a day. That, Mr. Speaker, was a loophole through which not just the kitchen sink, but the entire neighborhood could be thrown. That loophole exempted over 80 percent of the oil industry from any price rollback. To support such a provision would be to perpetrate a fraud upon my constituents. As I said earlier, now is not the time for phony gestures, now is the time for responsible action.

Now that the President has vetoed the emergency energy bill, a veto the Congress should have overriden, let us proceed to fashion a realistic measure that will give the American public meaningful relief from soaring fuel prices.

At the same time let us cease all this nonsense about the high level of oil industry profits. It was once said that in every generation there has to be some fool who speaks the truth and I suppose in every Congress there also has to be some fool who speaks the truth. The fact of the matter is that the price tag on Project Independence, energy self-sufficiency by 1980, is about $255 billion. The other facts of the matter are even less well known and are avoided even more by headline grabbing politicians.

Between 1963 and 1972, the oil industry's ratio of net income to net worth averaged about 11.8 percent, slightly below the 12.2 average for total manufacturing. In the same time period, manufacturing profits rose 96 percent while oil industry profits rose 64.4 percent. In September of 1973, the rank of the 5 largest oil companies among the 800 most profitable firms on the United States was as follows: Exxon, 138; Texaco, 221; Mobil, 298; Standard Oil of California, 331; and Gulf, 385. And what no one has even bothered to point out is that the recent increases in oil company profits that sent every headline hunter screaming, have largely been the result of profits earned on the foreign production and foreign sale of oil. In 1973, 83 percent of Exxon's increased profits were from oil produced, refined, and sold in foreign, not domestic lands.

The point, Mr. Speaker, is that the American people are being duped by those who are afraid to tell them the truth. The issue before Congress should be—at what per barrel price will there be adequate funds to finance oil exploration and is the oil industry reinvesting its profits in energy exploration or are those profits lining the company's pockets. A $255 billion investment does not happen by wishing alone, it happens when the dollars are there.

The Congress has before it a very difficult choice—to allow the oil industry

to earn reasonable profits, and to tax those profits away if they are not reinvested in energy exploration—or to create a tax-supported Government energy research corporation. In either event, the ultimate cost is going to be borne by the man on the street, either as a consumer or as a taxpayer.

So let us stop talking and let us us get on with the business of developing our energy resources. Voting for slogans is no way to serve the people.

The problem with Congress today is that too many of its Members are too busy with slogans. Has anyone taken the time to point out that the United States faces a critical shortage of geoscientists, the men and women who represent the scientific talent behind energy research and development? Has anyone taken the time to ask if the present level of natural gas prices which are controlled by the Federal Power Commission are so low as to discourage investment and the expansion of exploratory drilling? The answer to both questions is no. Yet, these are central causes of the energy crisis.

Has action been taken to insure that the Government is not totally dependent on the oil industry for information with which to create a national energy policy? Again, the answer is "no."

Has anyone bothered to ask if we will really be gaining anything if we delay implementation of the 1975 clean air standards for automobiles and stick with the 1974 standards equipment? On this issue all too many Members of Congress have made up their minds and would prefer not to be confused by the facts. Nevertheless, the fact is that the 1975 automobile emission control equipment is more efficient than the 1974 equipment. General Motors, for example, predicts there will be a fuel economy gain of over 10 percent for their 1975 cars if the 1975 standards are implemented.

Has anyone taken the time to examine the special needs of small businessmen who depend on the continued operation of their vehicles? Has anyone studied the needs of commuters and traveling salesmen? Has anyone bothered to examine the needs of residents living in areas not adequately served by mass transit?

Mr. Speaker, the answer to all the questions I have raised is a resounding no. All the American people have been getting from the Congress, from the administration, and from the oil industry is talk—and more talk.

In the last 10 weeks, I have met with officials of the Federal Energy Office on five separate occasions to plead the case of my constituents. There is no question that my district has been shortchanged in the allocation system. And when I find that the total available supply of gasoline is only 0.3 percent less than it was 1 year ago, I see red. Nevertheless, I am pleased that my efforts, in conjunction with similar efforts by other members of the New Jersey delegation have resulted in an increased gasoline allocation to the State of New Jersey and to the Sixth Congressional District.

In Ocean County I worked with the board of freeholders, who had established a special energy action office, to develop the information to get more gasoline into that fast growing area. In Burlington and Camden Counties I wrote to every gasoline station in my district enclosing an FEO extra supply request form in an effort to get more gasoline for these counties. Unfortunately, my efforts have been hampered by the Federal Energy Office and the major oil companies who spend too much time studying these forms rather than processing them.

Yes, the State of New Jersey and the Sixth District will get more gasoline, and as the efforts I and other officials have undertaken come to fruition even more gas will flow into my district. But still no special consideration has been given to commuters residing in areas not adequately served by mass transit, to traveling salesmen, or to needs of small businesses whose profitability depends on keeping their vehicles rolling.

Present action, however, must be complemented by future planning. On March 8, I wrote the Federal Energy Office explaining that with the summer months approaching it was likely that many motorists would be making short trips to the seashore rather than taking longer vacations, thus creating a demand for gasoline that will be heavier than any previous year. It seems clear to me that using 1972 as the basis for allocating gasoline would result in even greater shortages in these areas.

Thus, in my March 8 letter, I asked the FEO to reevaluate its allocation program for seashore areas and to immediately commence planning for the logistics of moving additional gasoline into affected areas. To date I have not received an answer.

Mr. Speaker, mine is but one voice among 535 Members of Congress. But I intend to continue pressing for answers to my questions. I intend to continue pressing for responsible and meaningful action in the Congress and, for as long as it may exist, I intend to continue pressing the Federal Energy Office on behalf of the citizens of the Sixth District of New Jersey.

CONGRESSIONAL COUNTDOWN ON CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, by this time it is clear to virtually every competent observer that wage and price controls are a dismal failure. Treasury Secretary George Shultz and Cost of Living Director John T. Dunlop have come part of the way by supporting a decontrolled economy, except in the areas of energy and health. By doing so it appears that they have seen the futility of the present course.

Dean C. Jackson Grayson, of the School of Business Administration of Southern Methodist University, formerly in charge of the President's program of controls, has placed the question in a proper perspective. He declares that continued controls "will prolong shortages because of the lack of increased incentive—profits—to invest and expand quickly."

He said:

Management, labor, and capital will delay action or even flow elsewhere. The result could reach a point where arguments would be made that the Federal Government must invest to expand capacity through investment (to wit, the proposed Federal oil and gas corporation).

Dr. Grayson not only urges that wage and price controls end now but also recommends strongly against the establishment of standby authority to reimpose such controls. He states that—

If such an energy were created . . . it would be subject to continual pressure to reimpose controls, totally or selectively. The monitors would find it almost impossible not to take "action" even when price increases represented pure demand shifts. Prices would be determined as much by politics as economics. Secondly, the "responsibility" for control of inflation would be thought to rest in the hands of this agency instead of at the more fundamental levels of fiscal and monetary policy, increased productivity, structural reform to increase competition, and widespread acceptance of individual responsibility to help control inflation.

How much has inflation increased since President Nixon imposed wage and price controls upon the economy? With the imposition of such controls, it is difficult to know in real terms, for wages, and prices cease to have the meaning which is implicit in such figures under a free market economy.

Economist Gary North notes that—

With the imposition of controls, recorded prices no longer impart reliable information about supply and demand. Quality cutting, black markets, shortages, required extra purchases, time lost standing in line, time lost driving anywhere under the new speed limits on highways, have all combined to reduce true income even more than the statisticians indicate. And no one seems to know what statistics to use.

Consider these indications of the current confusion:

Newsweek of January 14 reports that the prestigious National Bureau of Economic Research lists overall price increases in 1973 as 5.2 percent.

U.S. News & World Report of January 28 reports that the cost of living rose 6.2 percent in 1973 and Herbert Stein, chairman of the President's Council of Economic Advisers, admits that the rate of price inflation was "about" 9 percent.

The Los Angeles Times of January 18, in a single story, reports (1) quarterly rate of price inflation, 1973: 6.1 percent, 7.3 percent, 7.0 percent, 7.9 percent—worst quarter since list in 1951: 13 percent.

Federal Reserve Bank, St. Louis Review, December 1973, reports that "average prices were up at a 6.8-percent annual rate as measured by the GNP price deflator during the first three quarters."

While the figures are not clear and precise, the trend of continuing inflation certainly is. Controls have in no way reversed this trend, but have produced dislocations in the economy, partially indicated by shortages of gasoline, paper, beef, and wheat. The longer controls remain, the more serious such dislocations and shortages will be, and the longer inflation is permitted to mount in this way.

The record of price controls goes as far back as human history. They were imposed by the Pharaohs of ancient Egypt, were decreed by Hammurabi, king of Babylon, in the 18th century B.C. and were tried in ancient Athens.

In 301 A.D., the Roman Emperor Diocletian issued his famous edict fixing prices for nearly 800 different items, and punishing violation with death. Out of fear, nothing was offered for sale and the scarcity grew far worse. After a dozen years and many executions, the law was repealed.

In Britain, Henry III tried to regulate the price of wheat and bread in 1202. Antwerp enacted price fixing in 1585, a measure which some historians believe brought about its downfall. Price fixing laws enforced by the guillotine were imposed during the French Revolution, though the soaring prices were caused by the revolutionary government's own policy of issuing enormous amounts of paper currency.

Economist Henry Hazlitt notes that—

From all this dismal history the governments of today have learned absolutely nothing. They continue to overissue paper money to stimulate employment and "economic growth"; and then they vainly try to prevent the inevitable soaring prices with ukases ordering everybody to hold prices down.

The time for an end to wage and price controls is now. They have once again proven their inevitable failure.

THIS CONGRESS MUST FACE THE ISSUE OF TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pensylvania (Mr. HEINZ) is recognized for 10 minutes.

Mr. HEINZ. Mr. Speaker, since first coming to Congress in 1971, I have been convinced that comprehensive tax reform is long overdue. On January 3, 1973, therefore, I introduced H.R. 636, "the Tax Policy Review Act," a bill identical to H.R. 15230, introduced in 1972 by Congressman WILBUR MILLS and Senator MIKE MANSFIELD.

H.R. 636 was actually designed to focus attention on the need for comprehensive review of our unnecessarily complicated and totally inequitable Federal tax code and did not discriminate against churches. But despite the fact that my bill would have mandated review of nearly every tax preference over a 3-year period as a means of forcing Congress to enact tax reform, some misinterpreted H.R. 636 as an assault on deductions for contributions to churches and religious groups. This, of course, was not the case at all. Its enactment would have forced a systematic review of tax deductions ranging from the huge tax loopholes for oil companies, to special treatment for capital gains, to deductions for charitable contributions and medical expenses.

By repealing over the next 3 years more than 50 tax deductions, exemptions and credits, H.R. 636 would have forced careful congressional study of our entire tax structure. Congress then would have been required to systematically study the Federal tax code, choosing which tax preferences to reapprove, which to modify and which to eliminate. This, of course, would have been consistent with the way Congress writes nearly all Federal laws other than the tax code.

After giving my bill further study, I have concluded that tax reform would not be best achieved by using the automatic termination procedures employed in H.R. 636. Despite assurances that the Congress would examine each provision most carefully and take appropriate action before the specified termination dates, some have misconstrued the purpose of these dates, with the result that their enactment might create uncertainties and undesirable effects, particularly for churches, religious groups, educational institutions, and other nonprofit organizations. I have, therefore, abandoned my efforts on behalf of H.R. 636 and turned my support to other, more direct reform measures such as an increase in the minimum tax on income that because of loopholes totally escapes taxation.

I personally support continuation of tax deductions for contributions to socially necessary and desirable causes, and in my mind contributions to religious, charitable, and educational institutions and organizations must have highest priority. In fact, I am confident that these important and beneficial deductions will never be abolished by Congress. Rather, truly comprehensive tax reform likely will result in strengthening these deductions, just as occurred in the 1969 tax reform law. It certainly stands to reason that as we close unnecessary loopholes, such as those for "hobby farming" and oil depletion allowances, more will be contributed to churches as people seek to take advantage of strengthened tax deductions for charitable contributions.

I believe Congress must enact tax reform now, if we are to restore peoples' confidence that our system treats all of us the same, not awarding special privileges to a select few. For too long now, lower and middle income Americans have carried an unfair, heavy tax burden because tax preferences and loopholes favor wealthy individuals and giant corporations, such as the oil companies. It is a national disgrace that in 1971, 15 Americans each with incomes in excess of one-half million dollars paid absolutely no Federal income taxes even though their adjusted gross income totaled over $15 million.

That is why I will continue my efforts to see that this Congress faces up to the important and long-neglected issue of tax reform.

ARTICLE FROM JOHANNESBURG STAR COMMENTING ON AFFECTED ORGANIZATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I wish to insert for the thoughtful attention of my colleagues an article from the Johannesburg Star of February 21 and 23 commenting on the affected organizations bill which prohibits the receipt of money from abroad for certain organizations and whose objective is stated as being "clearly to prevent a political or semi-political organization of which the Government disapproves from being kept alive by foreign money." I also wish to insert that part of the text of the address of the South African State President of February 1, 1974, relevant to the affected organizations bill. I would also like to insert the text of the bill. These are as follows:

FOREIGN CASH AID MAY END

(By John D'Oliveira)

CAPE TOWN.—Further Government action to control the Press is not contemplated in either of the two Bills aimed at increasing both the scope and the power of South Africa's security legislation.

Both the Bill to amend the Riotous Assemblies Act and the measure aimed at prohibiting certain local organizations from receiving money from abroad were read for the first time in the House of Assembly this week.

The United and Progressive parties have made it clear the measures will be vigorously opposed.

The one Bill will aim—according to its long title—at "the prohibition of the receipt of money from abroad for certain organizations . . ." and its objective is clearly to prevent a political or semi-political organisation of which the Government disapproves from being kept alive by foreign money.

It is understood that the measure will give the Minister of Justice powers to have an organisation investigated.

"AFFECTED"

A committee of three magistrates (one of whom must be a chief or regional magistrate) could be appointed to carry out a further investigation.

If a magistrates' committee investigated an organisation, the Minister could present its final report to the State President, who would have the power to declare it an "affected organisation."

Any person who interfered with or attempted to interfere with an investigation or who thwarted or attempted to thwart such an investigation would be guilty of an offence and liable to a R600 fine or one year's imprisonment or both.

It is understood that the amendment to the Riotious Assemblies Act is an attempt to modernise the legislation, to eliminate archaic definitions and to close loopholes similar to the one which allowed certain student demonstrators out of the authorities' net last year.

The new Bill makes provision for the banning of a gathering in public, irrespective of the number of people, and gives a magistrate increased powers to ban demonstrations.

WE ARE ALL "AFFECTED"

Who is going to be affected by the Affected Organizations Bill? Almost anyone at all, to judge from its breathtaking sweep. Anybody using money from abroad to "engage in politics"—and there is no attempt to define this—could invoke a R10,000 fine and/or five years in jail.

In theory the law could affect anyone from the Boy Scouts to a mission hospital or a Black scholarships fund. And this is not necessarily as farfetched as it may sound.

Assume, say, the Scouts accepted funds from their parent body abreast to help stage a multiracial jamboree here. Assume that the bursary fund, in inviting contributions from abroad, drew attention to the lack of educational opportunity for Africans.

Engaging in politics? By the Government's

standards, almost any questioning of its practices or policies is "political," and the rest could follow.

But of course, the Bill is aimed in the first instance at more obvious irritants to the Government—NUSAS, socially concerned churches, Race Relations, and bodies which help the dependents of political prisoners. The embryo African trade union movement could be "affected"; so could a highly respectable ideas forum like the US-SA Leader Exchange Programme.

Already there are a fistful of security laws to use against bodies which engage in anything like subversion. But now there is this mania about "foreign money" stirring up our social order. And so the State seeks yet more power. It seeks also to curb the individual liberty of law-abiding men to act and to organize.

Ask not who is hit by the Affected Organisations Bill. It affects us all.

BILL TO BEAT CASH AID

(By John D'Oliviera)

CAPE TOWN.—Harsh penalties—a maximum fine of R20,000 or 10 years' imprisonment or both—are provided for in the tough, new Security Bill aimed at prohibiting the flow of money from abroad to so-called "affected organisations."

This is one of the provisions of the Affected Organisations Bill, read for the first time in the House of Assembly this week.

It is clear that the measure is an extension of the improper Political Interference Act, which, inter alia, prohibited political parties from receiving money from outside South Africa. The Bill considerably extends the scope of measures aimed at the protection of State security and the present political system.

If the State President is satisfied that "politics is being engaged in by and through an organisation" with the aid of or in co-operation with or under the influence of an organisation or a person abroad, he will have the power to declare the organisation involved an "affected organisation" in the Government Gazette.

This action can only be taken if the Minister of Justice has considered a "factual report" on the organisation concerned by a committee of three magistrates.

The committee of magistrates is appointed, in turn, as a result of an investigation which the Minister of Justice is empowered to make if he suspects that an organisation or a person who directly or indirectly takes part in the organisation's affairs, is acting in contravention of the measure.

A key omission is the fact that the word "politics" is not defined in the Bill. This means that the scope of the measure is, at this stage, almost unlimited.

Once an organisation is declared an "affected organisation" no person may:

Ask for or canvass "foreign money" on the organisation's behalf.

Receive money from abroad for or on behalf of the organisation or receive or in any other manner handle or deal with such money with the intention of handing it over, or causing it to be handed over to such an organisation or with the intention of using it or causing it to be used on behalf of such an organisation.

Bring, cause to be brought, or assist in bringing, into South Africa any money for or on behalf of an affected organisation or in any other way handle money for or on behalf of an affected organisation.

Money in possession of an affected organisation at the time it is so declared may not be disposed of in any way—except that, within one year of an organisation's declaration as an affected organisation, the money may be paid to a registered welfare society which is not an affected organisation.

Contravention of these provisions of the Bill carries a maximum first-conviction penalty of a R10,000 fine or five years' imprisonment, or both. In the case of a second or subsequent conviction the maximum fine rises to R20,000 and imprisonment up to 10 years.

NAKED LUST FOR POWER—IV

The most damning indictment of the Riotous Assemblies Bill came this week from a defender of it. The Deputy Minister of Justice, Mr. Kruger, introducing the measure in Parliament, left no doubt whatsoever that this arrogant, meddlesome, autocratic and jittery Government is against protest, period.

The Bill has very little to do with curbing riots and avoiding mayhem, and a great deal to do with shutting people up. Mr. Kruger gave the game away in his speech.

He complained that people often attended a gathering just because it was not illegal, which makes it clear that the Government is not going to put up with even such a basic democratic right as listening-in to dissident views.

And he justified the need for more sweeping powers by explaining that a remembrance service at 4 pm could become a silent protest at 4:30 pm. So even silent protest is more than this Government can tolerate now?

Perhaps the most chilling thing of all, though, is to discover that the Government has come so far along the road to totalitarianism, so close to being a police state, that Mr. Kruger obviously cannot see anything wrong with the "reasons" he vouchsafes for the new legislation.

There is no sign of any awareness whatsoever that he is trampling upon a basic right.

We are left with the alarming thought that his Government . . . neurotically possessed by power-lust and self-induced fear—no longer knows nor cares what democracy is.

No one should be surprised at that.

It has been practicing for totalitarianism for a quarter of a century. Steady and continuous erosion of the Rule of Law has brought us to the donga of dead freedoms that we see now.

An article on Page Nine today reveals exactly how great has been Nationalist depredations into individual liberty.

The Government has restricted our right to speak, to meet, to hear all views. Through censorship it has barred us from the world of new ideas. It has introduced detention, house arrest, banishment, all without trial. It has extended hugely the number of forbidden topics. It has substituted Ministerial decree for judicial judgment.

It hires informers to spy on its citizens. It punishes without giving reasons. It uses commissions to conduct secret investigations into its people. It has given to us policemen and its faceless officials authority that once belonged to the courts.

And its naked lust for still more power will not be satisfied until it can order and control the movement—and the minds—of every last one of us. Be warned.

HOUSE OF ASSEMBLY

(By Bernardi Wessels)

The United Party battled for nearly five hours yesterday to amend two clauses in the contentious Riotous Assemblies Amendment Bill in a vain attempt to curb the Bill's sweeping powers.

But the Deputy Minister of Justice, Mr. Jimmy Kruger, held firm. He rejected the amendments and said during the protracted debate that the Bill would only satisfy him as it stood.

The Deputy Minister refused to listen to the urgings of Mr. Mike Mitchell, the UF spokesman for justice, to insert in Clause One of the Bill a definition of a "public place".

The Opposition said that as it stood, the Bill went too far and made unnecessary intrusions on the privacy of individuals who could not in any way be involved in the Bill.

Though repeatedly called on to do so, Mr. Kruger would not give specific examples of situations which he would be unable to cover by accepting Opposition amendments.

The Bill defines a gathering as being made up of any number of people and deletes the previous definitions of a public gathering and a public place.

Any gathering, anywhere, may be banned in terms of the Bill.

Mr. Kruger was charged by Mr. Lionel Murray, MP for Green Point, with wanting to control the entire country and with having declared a state of emergency without officially declaring one.

At one stage of the heated debate, Mr. Vause Raw, UP MP for Durban Point, accused the Government of "playing politics with security of South Africa".

SCOFFED

Mrs. Suzman said that in other countries the police maintained law and order and did not need the powers the Government was asking for.

Later, in dealing with Clause Two, Mr. Kruger conceded to Mr. George Hourquebie, United Party MP for Musgrave, that bridge games and board meetings could be affected by the Bill.

Nationalist had until then scoffed at United Party arguments on this score.

Mr. Hourquebie said that Mr. Kruger's approach—to wait and see how the courts dealt with the situation—was an extraordinary way of legislating.

Mr. Mitchell said that he was not concerned with bridge parties, but with the "myriad" private meetings which took place in any area and which would be affected by a blanket ban on "any gatherings", as allowed by the Bill.

"Is the Minister saying that he will declare a blanket ban and then exclude legitimate meetings? Is this the kind of restriction on lawful proper and private activities that is desired by the Government?" he asked.

STATE PRESIDENT'S ADDRESS

(Mr. Speaker and members proceeded to the Senate Chamber to attend the ceremony of the opening of Parliament, and on their return,

(Mr. Speaker took the Chair and read prayers.)

Mr. Speaker stated that at the opening ceremony he had received a copy of the State President's Address to members of the Senate and of the House of Assembly, which was in the following terms:

Mr. President and Members of the Senate:

Mr. Speaker and Members of the House of Assembly:

I am glad to welcome you to this the Fifth Session of the Fourth Parliament of the Republic of South Africa.

South Africa has not only maintained its international position but is expanding its relations and contacts with the outside world, despite certain limiting factors. Anti-South African activities abroad are acquiring greater sophistication and financial support. Use is also being made of international pressures, which are directed not only against Western countries cooperating with South Africa, but particularly against countries in Africa, thus inhibiting the full and open development of inter-governmental relations with more African states. The Government has nevertheless persisted in its efforts and has succeeded in extending contacts and co-operation not only in Africa but also in the wider international spectrum. Additional diplomatic missions have been and are being opened, and more ministerial and other government visitors come to the Republic every year.

I hope to have the honour soon of welcoming His Excellency General Alfredo Stroessner, President of Paragauy, to our country.

The renewed outbreak of hostilities between the Arab States and Israel led to the decision by the Arab oil-producnig countries to impose an oil embargo on several countries including South Africa, Portugal and Rhodesia. One of the reasons given for cutting off Arab oil supplies to South Africa is the alleged active part this country is supposed to have played in the recent Middle East war. Our policy of non-participation in the disputes of others is however traditional and well known, and South Africa has in fact played no part in that war. We like many others, firmly believe that world peace and economic progress can best be served by an equitable solution acceptable to both sides. We sincerely hope that the present moves will lead to positive results.

Events during the past year have again underlined the intricate network of relations and the interdependence in important matters between the Republic and its neighbouring States. The oil crisis has shown how one or more members of this group cannot isolate themselves from the effects of events threatening to disturb the economy of the others.

The Customs Union Agreement provides a framework within which there is an increasing amount of contact at ministerial and official level for tackling common problems in the economic field.

We have noted with abhorrence the actions of terrorists in Southern Africa and elsewhere, actions which have caused death or serious injury to innocent human beings.

Terrorism is a world-wide phenomenon which knows no boundaries, and it is to be strongly deplored that the international community is still unable to agree on action against it. Indeed, some Governments and international organizations give material help to terrorists, and efforts are being made at international forums to make certain forms of terrorism legitimate. It must be expected that terrorist activities involving better and more sophisticated weapons, will increase.

The United Nations continues to pass, by large majorities, even more virulent resolutions against South Africa, while turning a blind eye to the positive developments in this country.

Towards the end of 1973, the Security Council saw fit to end the Secretary-General's contacts with the Government of South Africa—contacts aimed at finding common ground with South Africa on the future of South-West Africa. The United Nations, created to ensure peace and good will amongst nations, is fast becoming an instrument for the fabrication of anti-South African propaganda and hatred. It is to be hoped that common sense will yet prevail and that it will be realized that by artificially creating a situation of confrontation the organizaton is defeating its own aims and undermining its principles.

A number of pressure groups in South Africa are trying to bring about unconstitutional political, social and economic changes in this country. These groups do not have in mind normal evolutionary change; they are bent upon radical, even revolutionary, political activities. Implicit in their call for change is the threat of internal violence.

A disturbing feature about the activities of these pressure groups is that practically all their funds emanate from abroad, in some cases from quarters which finance terrorist movements.

It has therefore become necessary for the Legislature to consider measures to ensure that these pressure groups do not succeed in artificially creating a particular political climate internally, and to prevent them from presenting a one-sided and distorted image of South Africa abroad and from accepting money from outside the borders of South Africa to further a cause which cannot find sufficient financial backing in the country itself.

LABOR—FAIR WEATHER FRIEND—XVI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the AFL–CIO created and underwrites the cost of the Labor Council for Latin American Advancement, which is supposed to be akin to the A. Phillip Randolph Institute. As far as I can tell, the first act of this new organization was to attack me, for reasons that are wholly unclear to me or anybody else, save a few enemies of mine who seem to enjoy considerable authority in the LCLAA.

One of those probably responsible for the attack on me was Franklin Garcia, who is one of the LCLAA's officers. And he certainly is in good part responsible for the refusal or failure of that organization to give me any response to my protests of their unfair and underhanded tactics, or retract the lies that they have issued about me.

Franklin Garcia is of course no A. Phillip Randolph, though he might like to think himself as such a person. It is not that he has not had a hard time. Lord knows, anybody who has ever tried to organize and maintain a union in the unfriendly legal and managerial waters of Texas has had a tough time. It is that Franklin Garcia is just not as big a man as he needs to be in order to see his ambitions fulfilled.

I think that one quality of greatness is the ability to remember who your friends are.

Franklin Garcia started his labor career in Dallas, Texas. I used to visit Dallas back in the fifties and early sixties, and it is true that in those days Dallas remembered Joe McCarthy well, and many fine citizens saw Communists under every bed, and on every bookshelf—and certainly in every union hall. Poor old Franklin, struggling in that poisoned atmosphere, could find no politician who would help out in any way, or even talk to him. I guess I must have been about the first politician who ever deigned to talk to Franklin Garcia in private, let alone refuse to hide the fact that I knew him.

It was not necessary for me to do this; no matter how vaulting my ambitions might be, I knew that in no conceivable election in this century, or possibly the next, could I ever win Dallas County. In fact, when I campaigned there, the local political reporters could not believe I was serious. But hopeless odds never deterred me from doing anything, so I campaigned in Dallas.

And I held out a hand of friendship to poor old struggling Franklin Garcia, though I could never hope to gain anything from it—because I believed in labor unions then and now.

Since those cold and bitter days, Franklin Garcia has found a measure of success. He has moved to San Antonio. He has organized some locals—and that is good. But he has also traveled to the Soviet Union to visit his brethren there, and somehow undergone other experiences that have caused him to forget the past, when his life was more difficult.

Maybe Franklin changed his mind about me because I have not always fought his struggles. But I am only one man, and cannot do more than one mortal. Whatever the reason, I now find that Franklin has forgotten who his one political friend was, back in the days when he needed one—anyone. It is such forgetfulness that undercuts great ambitions.

I have never harmed Franklin Garcia in any way. He knows that I have supported labor always, including the days when doing so positively damaged me. But now I find that he wants to paint me as a union buster. Why is this? One reason could be that poor old Franklin is, among other things, an ingrate.

Where are you, Franklin—Donde Estas, Frankolino—Franklin is not directly translated in Spanish? No Te Oigo.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, this past Monday I rose to remind my colleagues of Vietnam Veterans' Week, March 29 through April 4. Today I would like to call attention to an equally important observance. That is Employer Support of the Guard and Reserve Week, April 1 to 6. This special week has been designated by Deputy Secretary of Defense Clements to call attention to the need of employers to allow their employees to participate in active duty for training without losing vacation time they have earned. The fact that over 180,000 employers in the Nation do allow full participation by their employees in Guard and Reserve responsibilities has helped to make the Reserve components an important and equal partner in our Armed Forces.

As I have said many times before the citizen-soldier is the best buy the American taxpayer can obtain as far as our national defense is concerned. We, of course, must continue to have active duty forces, but the Reserve components can and are filling an important part of our total manpower needs for defense.

Mr. Speaker, the fact that a large number of American employers will allow their employees to participate in Guard and Reserve responsibilities without losing normal vacation time is an important incentive to Guardsmen and Reservists. However, there are other incentives which only we in the Congress can and must provide if the Reserve components are to remain a viable part of the Armed Forces.

I refer to such measures as full-time coverage under the servicemen's group life insurance program, retirement at age 55 following 20 years of creditable service, survivors benefits, and enlistment and reenlistment bonuses. I am prime sponsor of all these legislative proposals

in the House. I am pleased to note that the House passed the SGLI proposal last year and the matter is now under active consideration in the Senate. Only a few days ago, the gentleman from New York (Mr. STRATTON) gave us assurances that his subcommittee would soon be looking into the possibility of enlistment and reenlistment bonuses for reservists and guardsmen. I am pleased that at last we are moving forward on these proposals and urge my colleagues to support these bills.

Mr. Speaker, again, I remind my colleagues of the importance of making note that April 1 to 6 will be Employer Support of the Guard and Reserve Week.

CONGRESSMAN DRINAN SPONSORS MEDICARE REFORM ACT OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN), is recognized for 20 minutes.

Mr. DRINAN. Mr. Speaker, prospects of national health insurance legislation in the immediate future are obscured by fundamental disagreements in the Congress over the extent of benefits to be provided, the degree of Federal involvement, the means of financing and cost sharing and the mechanism for providing protection from catastrophic illness. Older Americans face the highest incidence of illness and disability. Their population is increasing faster than the rest of the population. At present they represent 10 percent of the population and an astonishing 20 percent of the poor. Their median income is less than one half of their younger counterparts and 85 percent of them have at least one chronic condition. Older Americans cannot and should not wait any longer for congressional action to resolve the inability of the present medicare program and other programs to pr. vide comprehensive quality health care.

For the past 2 years the American Association of Retired Persons and the National Retired Teachers Association which have the largest membership organizations representing older Americans, have devoted their efforts to the need for comprehensive quality health care as a matter of basic entitlement of the elderly. I am today introducing the Comprehensive Medicare Reform Act of 1974 which incorporates their recommendations and represents a culmination of efforts to provide full health insurance to older Americans.

This legislation builds upon the existing medicare program with the aim of improving and extending it from a limited program to a national health plan for the aged and disabled. I feel that this legislation will serve as a model for future national health insurance programs.

The bill provides for unlimited inpatient and outpatient hospital coverage, unlimited skilled nursing facility services, intermediate care facility services and home health care services. Taking into consideration the fact that dental problems, eye trouble and the need for prescription drugs all increase in old age, the bill would include coverage of dental care, prescription drugs, medically necessary devices such as eyeglasses, hearing aids, prosthetic devices and walking aids as well as the services of optometrists, podiatrists, and chiropractors. It would also include the cost of ambulances and other emergency transportation.

I have been particularly interested in securing the coverage of outpatient prescription drugs under medicare. At present total charges for prescription drugs run three times higher for older Americans than for the younger population. This represents the need for expensive maintenance drugs by the elderly who more than any other segement of the population suffer from heart conditions, strokes, arthritis, diabetes, and cancer.

The out-of-pocket payment for health care costs in 1972 by the elderly was three times the amount paid by nonsenior citizens. In 1969 medicare met 46 percent of the elderly's health bill but today it meets only 42 percent of that cost. The decline is due to inflation and weaknesses in the medicare structure which need to be strengthened.

The Comprehensive Medicare Reform Act would provide a new structure. It would broaden the program to include a full range of medical services and it would improve the administration of the medicare progam while attempting to control health costs.

Parts A and B of medicare would be combined into a single integrated program with a single trust fund. Financing would come out of general revenue. The requirement for premium payments and the deductable would be eliminated.

Coverage would extend for the first time to all persons over age 65, including public employees, teachers, policemen, and firemen.

The legislation includes an innovative provision for the coverage of catastrophic illness based upon an income related ceiling.

The legislation incorporates all present medicare cost control and utilization review provisions with payment being made only to participating providers who have filed an agreement with the Secretary of the Depatment of Health, Education, and Welfare.

The additional cost of the medicare reform measure upon enactment would be approximately $3 billion in increased Federal cost. This could be met by general revenues. In his health message to the Congress the President indicated that the $6 billion Federal costs of his national health insurance program could be financed out of general revenue with no additional taxes. The cost of this program would be met in the same way.

Enactment of this legislation would provide a security to which the aged are entitled. No period of life requires such a spectrum of health services as that of old age. The current Federal and State efforts are unable to provide many of these vital health components. The Comprehensive Medicare Reform Act of 1974 is designed to meet these pressing needs.

60 MINUTES: ON THE MILITARY DISCHARGE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, I wish to take this opportunity to commend the excellent special report on our military discharge system which was aired on CBS News' "60 Minutes" March 24, 1974. This is an important and topical issue which deeply affects the lives of hundreds of thousands of Americans. With 27 of my colleagues I have introduced H.R. 12144 to remedy many of the current inequities so clearly demonstrated by "60 Minutes." I urge my colleagues to read the following transcript of the broadcast, to become more familiar with this issue and to join me in sponsoring legislation to remedy the lack of due process and the abundance of harm which is part of current discharge procedures:

OFFICER. Good morning, Privates.

PRIVATES. Good morning, sir.

OFFICER. At ease, Privates. Keep your eyes on me. Privates, your Marine Corps careers are at their very beginning. Nevertheless, it is essential that you are aware of the various ways that it can eventually end.

WALLACE. The military itself takes pains to warn the soldiers, like these Marine recruits, about the value of an honorable discharge.

OFFICER. There are five types of discharges given by the Marine Corps. They are: Honorable . . . General . . . Undesirable . . . Bad Conduct . . . and Dishonorable. The only type of discharge that you should be actively seeking is an Honorable one. Any discharge other than Honorable could adversely affect you for the rest of your life.

WALLACE. One way in which a less than honorable discharge can plague a man is by giving him a tough time in the job market. Most Government agencies and many large companies ask veterans about their discharges. Some employers look on a bad discharge as tantamount to a prison record.

Then as recruits also learn they may one day want veterans benefits. Most men with undesirable or bad conduct discharges, and all with dishonorable discharges are cut out of all VA benefits. And that means everything from unemployment insurance right after they get out of the service to the GI Bill for Education, to medical benefits.

Most bad discharges it turns out are handed out to the men who can least afford the economic consequences, the poor, the high school dropout, the Chicanos and blacks . . . like Thomas Aiken who lost an eye fighting in Vietnam.

In 1968, Private Thomas Aiken who had already won a Bronze Star in Vietnam was hit by shrapnel in his eye and chest during bloody fighting like this around Khe Sanh. According to the Army, once back in the United States, Aiken persistently refused to obey orders. But according to Aiken, a piece of shrapnel, still lodged in his right eye, was giving him serious trouble. Over the following months Aiken went AWOL seven times.

AIKEN. I left because I couldn't take it no more. After coming back from Vietnam, being wounded, almost dying, to be harassed the way I was. Sergeants kicking my bunk, pulling me out of bed, officers challenging me knowing I can't strike them. Like if I strike them I could go to jail for a year. All these things. And after a while it got to a point where I was like losing my mind. And if I didn't get away from the Army, from that type of life, I felt myself—I would go crazy or hurt somebody or hurt myself. So I had to leave and come home and get my mind together.

WALLACE. Finally, after three court-martials, Aiken accepted an undesirable discharge. But that time his right eye could only distinguish day from night. Over the months that followed he applied to the Veterans Ad-

ministration Office in New York for benefits. He was turned down because of his undesirable discharge.

AIKEN. The way it went, I had to go to different doctors. I finally had to go to a city hospital. And they tried, they tried their best to save it. When I went in there they told me that there was a possibility that I had to lose the eye, that I may lose the eye because it was that bad. And they tried to save it but they couldn't. They told me they had to take it out.

Anything less than an honorable discharge you can't get work nowhere. Right now, I can't get work anywhere. I've been to the telephone company. I've been to the gas company. I've been to the—I've been everywhere. Everywhere. I've been to United Parcel, I've been everywhere. And I served. I went to Vietnam. I'm not downing anybody that didn't go. The way I feel now I wish I didn't go. But I did go. I am one of those that did go. One guy when I was in the VA, he told me that I couldn't even get a flag when I die. You know, the flag they give you to put over your coffin. He said I couldn't even get a flag. That's how bad it was. That's what I can't get, I can't get nothing from them.

WALLACE. Tom Aiken had been warned about the consequences of an undesirable discharge. But, former Private George Austin found out there is one discharge problem that soldiers are never warned about. Austin served in the Air Force. His discharge papers have "honorable" written on them. Supposedly just as good as any other veterans. But after getting out of the service he was turned down for veterans preference jobs at two federal agencies. He had to settle for a clerical job he really didn't want at an Oakland, California hospital.

In 1970, Austin had enlisted in the Air Force. He wound up at Travis Air Force Base near Oakland. He was never formally disciplined in the military, though he did take part in a number of non-violent, off-base, peace demonstrations. Finally, his commanders decided it would be better for both Austin and the Air Force if he left. He agreed to go, but only with an honorable discharge.

It was almost two years after getting that discharge that Austin finally heard news reports about something called "Service Separation Numbers" . . . three number codes stamped on the discharge papers of every veteran giving the reason for the discharge.

There are hundreds such numbers, many of them unfavorable . . . covering everything from homosexuality to bedwetting. George Austin's number is 265 which, if you know the code, and many employers do, stands for "personality and character disorder."

What is the character and personality disorder that you have?

AUSTIN. It's beyond me. I don't have a character disorder.

WALLACE. Do you have any idea why they would put that on there?

AUSTIN. Well, I would say to notify my prospective employer that possibly identify me as one who took part in anti-war—anti-war—in the anti-war movement in general.

WALLACE. As a kind of troublemaker maybe?

AUSTIN. No. As—just to penalize me for my political beliefs. It should have been explained to me that my discharge papers would be coded and this number would be put on. I was led to believe that I was going to get an honorable discharge under honorable conditions and that was the only condition of my discharge. And that was the sort of bargaining that went on and I accepted it. It looked good to me.

CAPTAIN. It's my understanding that you're going to be charged with some offenses of Absent Without Leave, is that correct?

PRIVATE. Yes, sir.

WALLACE. But the standard case, the typical case of a man with discharge problems is this one. A young man, eighteen years old, in trouble with the military for what in civilian life could be a minor offense. Following standard procedure, his military counsel tells him that he can waive his right to a court-martial and take an undesirable discharge instead.

CAPTAIN. Well, I'm going to tell you about an undesirable discharge, also, so that I'll make sure that you understand it. In all probability you will not receive any rights, benefits or entitlements from the Veterans Administration. . . .

WALLACE. The advantage to the military is that it enables them to get rid of troublemakers . . . to fire them, as it were, without having to go through the rigamarole and expense of a court martial. The advantage to the soldier is that it gets him out immediately. And despite all the warning about bad discharges, that is all the young soldier usually wants . . . out.

CAPTAIN. Why do you want to do this? This is a bad discharge from the service.

PRIVATE. I just don't like the Army.

CAPTAIN. Do you particularly care what type of discharge you get?

PRIVATE. Not now.

WALLACE. That was just like the case of Joseph Meyers, who lives with his parents in the rundown Kensington section of Philadelphia. These days he manages the small, barely profitable family grocery store. And back in 1969, when he was seventeen, Joe dropped out of high school, volunteered for the paratroops and wound up with the 82nd Airborne at Ft. Bragg, North Carolina. He says that he liked military life, but then, as his mother tells it, trouble struck back home. First, with this fifteen-year-old brother.

MRS. MEYERS. He had come home on weekends and found the problem of his brother being on drugs. And he and his brother were very close at the time. And he seemed to be able to handle him better than the father. At the time all this was going on, my mother was dying of cancer. And Joseph was very close to his grandmother. And in fact, he was there constantly with her.

JOE MEYERS. I tried to go through the regular Army channels to get stationed closer to home or to get a hardship discharge.

WALLACE. And what happened?

JOE MEYERS. I got ran around in circles for about three or four months more.

WALLACE. As the Army tells it, Joe didn't produce convincing enough evidence to back up his request. As Joe tells it, his immediate superiors refused to listen to his case.

JOE MEYERS. So I went to my Captain. He says, "Well, I can't do nothing about it." But he says, "The best bet is to go AWOL. Turn yourself in. You'll get stationed closer to home where you'll get discharged from".

WALLACE. Who told you this?

JOE MEYERS. My Captain.

WALLACE. Told you to go AWOL?

JOE MEYERS. Right.

WALLACE. Joe went AWOL . . . Absent Without Leave. He came home twice and stayed home for a total of three months. Did he help by going AWOL, truly, Mrs. Meyers?

MRS. MEYERS. Well, it really helped me. I felt that it was helping me and I knew how much he was trying to help his brother.

WALLACE. And then what happened?

JOE MEYERS. Then I was apprehended by the police.

WALLACE. Here?

JOE MEYERS. Right.

WALLACE. And then what did they do with you?

JOE MEYERS. They let me sit in jail for about a month. In the regular stockade or jail, the same thing as jail, I imagine. I'd never been in jail before. And I was pretty upset.

WALLACE. An Army lawyer then offered Joe that choice between an immediate undesirable discharge from the service or a court-martial which might have meant more time in the stockade. And Joe was quick to accept the discharge.

Well, now, today, Joe's younger brother is in prison, his mother has had a heart attack, and Joe Meyers has discovered what he had been told about a bad discharge is all too true.

JOE MEYERS. Well, I really didn't think it would have that much of an impact on my life as it had, you know.

WALLACE. How much of an impact has it had?

JOE MEYERS. Well, I could have used it to go to school, right.

WALLACE. You mean you would have gotten help from the GI Bill?

JOE MEYERS. Right.

MRS. MEYERS. He wanted to go into business administration. That's what he wanted.

WALLACE. So no help from the Government on that.

MRS. MEYERS. And we couldn't afford to send him to school.

WALLACE. Right. And what about getting jobs?

JOE MEYERS. It's hurt me getting jobs too.

MRS. MEYERS. I feel he deserves another chance. He was only a boy.

WALLACE. There is one hope for another chance. One way for veterans to try and get a bad discharge or a separation number changed. Each of the Services has a Board which sits in Washington to hear such appeals. One morning a few weeks ago, Joe Meyers met in the Pentagon with a Red Cross representative, who was going to help him present his case to the Army Review Board.

ADVISOR. All right, I want you to try and be relaxed as you can. The Army Board is made up of five Colonels. You want to be careful about one thing, they're men with long experience in the service and your best hope in there is to be completely honest with them.

WALLACE. But relatively few veterans make such appeals. They know that only sixteen percent of those who try are successful.

Many familiar with the system feel that what is really needed are not more lenient appeal boards, but a drastic change in the whole system of military discharges.

Beverly Hills Attorney, Richard Fox, has, for a fee, represented scores of men with discharge problems. He thinks the military should be just like any other employer.

FOX. For example, if any major corporation, Xerox, IBM, CBS, either discharges one of its employees or the employee quits, you don't have to go around for the rest of your life with a discharge certificate from that corporation. Why can't the armed forces just give a discharge without characterizing it?

WALLACE. And then if the company wants to know more about you?

FOX. Then they can get your permission to look into their background, the same way as a company is authorized, if you apply for employment with it, to check with your previous employers. You give your consent to the company to do this by virtue of the fact that you have applied for the employment.

WALLACE. Though many in the military continue to defend the discharge system, there seems to be a growing number of officers who feel that changes need be made. That's what we found while talking to the five Colonels who sit on the Air Force's Discharge Review Board.

Should a young man, who was a very young and immature man, who did certain things wrong, should he have that tagging him for the rest of his life? Should he have it in his record?

COLONEL. That's a difficulty. We realize that this hurts the individual. But Mike, you've got to understand that every individual when he came into the service was an immature young man. I also was eighteen years old. I find that it is—to earn an honorable discharge is a very simple thing. You must go

to some trouble to earn an other than honorable discharge.

WALLACE. But Colonel Errol Franklin questioned the practice of putting those coded separation numbers on discharges.

Col. FRANKLIN. When the future employer looks at this——

WALLACE. He immediately knows.

Col. FRANKLIN. Right away, he's tagged you. And I don't think this is fair. I don't think that if I'm a homosexual, I don't think that a man ought to look on my discharge and look at that number and say, "Oh, he's a homosexual." I don't think that's right.

WALLACE. Midway in our discussion, Major General Jean Holm, who commands the Board, came in. And I asked her what she thinks about the discharge system?

Gen. HOLM. Well, I have kind of mixed feelings on it. I think maybe we need a new look at the way we do it.

WALLACE. Why is it necessary to go about it a different way? What's wrong with the way it's done now, General Holm?

Gen. HOLM. Because I don't like the idea of the man having to carry around these kinds of discharges in his hand for the rest of his life. Or until he gets it changed.

WALLACE. You mean——

Gen. HOLM. I'm merely questioning, as I think we ought to, because these cases bother us. I've been here since last March. And I think it bothers everyone who sits and listens to these cases.

FLORIDA'S "POLITITHON 1970"

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I understand the House will be considering again soon the matter of reforming our system of financing political campaigns. It has seemed to me that we could deal with at least part of this problem if we would provide for public service efforts to give the voters more information about all the candidates competing for election in a particular campaign.

Education television could be utilized for this purpose much more than it has in the past. We had a very successful effort in Florida in the 1970 campaign which demonstrated what could be done if we were to provide the incentive and financial support for similar efforts throughout the country during each major election.

I would like to insert after my remarks and call to the attention of the House the following excellent account of the Florida "Polititon 1970" written by Dr. Art Pollock, chairman of the Liberal Arts Division at Brevard Community College in Melbourne, Fla.:

PUBLIC BROADCASTING AND POLITICS: FLORIDA'S "POLITITHON 1970"

(By Art Pollock)

Art Pollock, who earned his Ph.D. in communication from Florida State University in 1972, is chairman of the Liberal Arts Division at Brevard Community College, Melbourne, Florida.

Born of a desire to reduce the spiraling costs of present-day election campaigns, on October 28, 1970, the State of Florida pioneered an innovative political campaign broadcast beamed over noncommercial radio and television stations throughout the state. Backed by state legislative mandate, funded by a $25,000 grant from the Florda State Department of Education, and produced by public television station WPBT of Miami, *Polititon '70* was presented as an open-ended broadcast forum, running in excess of four hours and featuring candidates for statewide office as well as an explanation of the seven proposed amendments to the Florida constitution listed on the November 3 ballot.

The information is presented in the belief that those concerned about the relationship between politics and television can learn from the Florida experiment. On that supposition, the following pages offer a retrospective look at *Polititon '70*, including events leading up to the broadcast, a descriptive account and assessment of the program itself, post-program reactions and effects, and some closing commentary on the future of noncommercial political broadcasting.

BACKGROUND

Florida's efforts to maintain the strict nonpartisan nature and appearance of its noncommercial television system had historically denied stations the right to program political candidates under state law:

None of the facilities, plant or personnel of any educational television system which is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement or advancement of any political candidate. . . .

In 1967, however, the Florida legislature moved to loosen this restriction to enable "experimental" programming of candidates during the 1968 and 1970 general elections. (Assurance that noncommercial broadcasters were never federally restricted from airing political candidates and that state restrictions were of doubtful legality came when the Maine Supreme Court overturned a restrictive statute similar to Florida's in that state's noncommercial television regulations.)

As mandated, Florida's first experimentation with this form of programming occurred during the 1968 general elections. With the national Nixon-Humphrey-Wallace presidential contest claiming top attention, Florida had only modest interest in its own statewide general election ballot. Races for State Supreme Court seats and for a term on Florida's Public Service Commission drew little attention, a fact which left the spotlight open for an unusually competitive campaign for the United States Senate seat of retiring George Smathers. The battle between Edward Gurney, a conservative Republican Congressman and Leroy Collins, a progressive former Democratic Governor of Florida during the Eisenhower years, was expected to be the feature attraction in Florida's first noncommercial television experiment in political candidate programming.

Initial plans to have four hour-long debates between the senatorial contestants fizzled out when Gurney's campaign staff decided to accept for only two of the four proposed programs. As a result, the State Educational Television and Radio Advisory Council settled on half-hour programs for each of the three State Supreme Court races and an additional half-hour program featuring nominees for the Public Service Commission. While these 1968 programs drew neither the interest nor the critical acclaim that *Polititon '70* would receive two years later, they gave Florida a head start in political programming on noncommercial television.

Growing out of the same advisory council meeting at which final plans were set for the 1968 experimental broadcasts was a suggestion that future legislation might even further liberalize Florida's laws regarding political broadcasts on noncommercial television. Florida House Speaker Ralph Turlington had favored using two of the allotted hours spurned by the Gurney campaign to present a program on current issues of importance to the state legislature, boosting such as being equally as educational as the programs involving candidates for election. Although many agreed, opinion prevailed that the spirit of the 1967 legislation called for exposure of candidates alone in the experimental broadcasts. Prior to the meeting's adjournment, however, State Superintendent of Education Floyd Christian suggested the possibility of future state legislation specifically aimed at allowing programming of the nature Turlington supported. What ultimately followed in the 1970 legislature was Turlington's House Bill 3851, which generally allowed all forms of balanced political broadcasting on Florida's noncommercial stations and lifted as well the experimental clause attached to the 1967 legislation as it pertained to the 1968 and 1970 elections. The new proposal passed in the Florida House of Representatives and in the Florida Senate and became effective July 1, 1970.

The advisory council lost no time, meeting on June 26 to determine just how the new ruling could be best implemented in the 1970 general election. Two basic ideas for broadcast presentation emerged. The first provided for 11 separate hours of broadcasting, with the time to be divided among statewide candidates qualifying for the November general election. A second idea called for a 4-to-5 hour continuous broadcast, again featuring all statewide candidates bidding for office on November 3. The council decided upon the latter recommendation, and all Florida noncommercial stations were invited to submit proposals. Interested parties were required to include in their proposals: (1) a detailed list of production costs; (2) consideration for compatibility with radio simulcasting; (3) provision for compliance with Federal Communications Commission broadcast regulations; (4) potential for informing a broadcast audience about the candidates and the election issues; and (5) potential for demonstrating the value of a statewide educational broadcasting service. Proposals were submitted by three noncommercial Florida stations, WPBT of Miami, WJCT of Jacksonville, and WEDU of Tampa.

Accompanying the council's mid-July award of the broadcast grant to WPBT were some specific suggestions for station officials. These included recommendations pertinent to radio coverage of the program and to the use of film documentaries. The former reaffirmed the council's intent to provide for radio simulcasting and suggested the incorporation of appropriate audio cues into the WPBT format, while the latter suggested possible incorporation of film documentary concepts into the WPBT format to help give listener-viewers a clearer picture of Florida's top offices of government.

On July 28, two weeks after the advisory council's decision to go with the WPBT proposal, the state cabinet voted its final approval of the expenditure of $25,000 in State Department of Education moneys specifically budgeted for noncommercial political broadcasting in 1970. The anticipated cabinet consent came in a 5-to-1 vote.

THE BROADCAST

In the two months that followed the signing of the contract by WPBT president George Dooley and state education chief Christian, the Miami station arranged for personnel and facilities to stage the innovative broadcast. The program would originate from Miami Beach Auditorium, site of the Florida-produced *Jackie Gleason Show*, and public TV stations in Pensacola, Tallahassee, Gainesville, Jacksonville, Tampa, Orlando, and Miami would carry the program. Noncommercial radio stations in Tampa and Tallahassee would simulcast the proceedings and, in addition, commercial stations in areas where noncommercial programming was unavailable could also arrange to carry the broadcast. According to WPBT officials, this put *Polititon '70* in reach of virtually every Floridian.

Actual program content for the marathon

production would include for each statewide office on the ballot; a two minute color film describing the duties of the particular office; introduction of candidates for that office; delivery of a statement by each candidate; questions from members of representative statewide organizations selected to sit in the studio audience; questions solicited from the general public; and finally, for United States Senate and gubernatorial contenders, a summary statement from each candidate. One informative feature for listeners and viewers not familiar with the background of the candidates was the concept of introducing each candidate with a brief sketch of his career attainments. Prepared by the production staff in conjunction with each candidate or his designated aide, each script attempted to present information accurately, crisply, and fairly. Only the gubernatorial segment of the program prefaced these sketches with a feature that added little to potential listener-viewer information gain. Prior to the reading of the biographical introduction prepared for each of the nominees for Governor, respective Lieutenant Governor candidates preceded their running mates on stage with introductory remarks of their own. Unsurprisingly subjective, pompous, and even rambling, these additional "introductions" suffered in comparison with the far more credible and enlightening flow of potentially instructive facts supplied when the scripted introductions were used alone.

Another program segment embodying high informational value was presented midway in the broadcast, detailing the seven proposed amendments to the Florida constitution. Each proposed amendment was assigned to one of the seven regional broadcast announcers participating in *Polititthon*. Each announcer in turn read his assigned amendment as it appeared on the ballot and briefly explained the issue. The proposals were discussed in both formal and lay wording. While such proposed amendments as approval of the vote for eighteen year-olds received considerable prebroadcast publicity, the majority of proposals listed on the ballot had been either infrequently or superficially discussed during the campaign by Florida news media. By presenting new information and by complementing previous campaign discussion of the proposed amendments, this feature offered prospects for increasing the number of well-informed voters.

On the other hand, time blocks set aside for personal statements by the candidates did not always reflect such high potential for information gain. Candidates' opening statements, for example, were often little more than polished bits of campaign rhetoric prepared and practiced in advance of *Polititthon '70's* airing. In contrast, candidates' closing statements, which followed each question-answer segment, were more spontaneous and, as a result, potentially more instructive.

The question-answer segments themselves gave listener-viewers opportunity to form personal opinions about the candidates and their stand on various political issues involved in Florida's 1970 general election campaign. This particular feature was most effectively presented in the gubernatorial segment of the program, when each candidate had a total of 16 questions to answer. By comparison, only 3 questions each for the Public Service Commission candidates and the contenders for state cabinet positions seemed barely adequate.

REACTION/EFFECT

For several days after its airing, Florida newspapers accorded considerable attention to *Polititthon '70*, the obvious focal point of late October campaign activity. An Associated Press broadcast-reaction piece contained positive quotes on the program from the chairwoman of the Democratic Party in Florida, from the program's moderator, and from a Florida State University professor of government. *The Miami Herald* editorially labeled *Polititthon '70* in the tradition of the "highest standard of media public service" and the *St. Petersburg Times* pronounced it deserving of "a permanent spot in the politics of the state that gave it birth." An October 31 editorial in the *Orlando Sentinel* called the program "public television at its best," and *The Tampa Tribune* expressed "hope that the trailblazing Polititthon becomes a standard. . . ."

The Corporation for Public Broadcasting (CPB), interested enough to organize a Miami-based coincidental telephone survey to find the size of the October 28 audience, announced that 304,235 persons had watched the broadcast. "For what it was—an entire evening of dispensing information about candidates and offices . . . ," executive producer Jerome Schnur called the achieved audience "a very creditable figure." Although potentially the most useful assessment of *Polititthon '70*, the survey proved to be one of the least telling. While it came up with percentage figures for the audience in each of the seven cities from which the telecast emanated, as well as each hour's share of the audience in each city, such figures were rendered of little or no significance due to the absence of other bases for comparison. The CPB survey did not reveal how *Polititthon '70* fared against opposing commercial programming. There were no research efforts provided by CPB to compare a station's *Polititthon* share of the audience with its anticipated or normal share of viewers. And finally, although the CPB survey figure that 304,235 persons watched the broadcast, no breakdown of the viewing audience was undertaken to determine such things as how many registered voters were among the viewing audience, how much information listeners attained from the program, or how, if at all, voting was affected by the televised appearance of statewide candidates. Executive producer Schnur's inclination to label the audience figures "creditable" could hardly be called an objective observation.

By another standard, however, that of personal listener-viewer response, reaction to the program was undoubtedly greater than usual. According to WPBT's boast, "Channel 2 has been deluged with mail from viewers, without one single negative comment." Similar boasts by other stations carrying the broadcast seemed to verify WPBT's claims that audience response, in the form of letters and telephone calls, was overwhelmingly laudatory, suggesting far greater audience interest in *Polititthon '70* than in regularly scheduled noncommercial programming.

In addition to favorable audience response, *Polititthon '70* also received critical peer acclaim. In April 1971, the University of Georgia's School of Journalism honored *Polititthon '70* (and CBS–TV's *60 Minutes*) with prestigious George Foster Peabody Radio and Television Awards in the television news category, calling the Florida production "a model form and structure for future political programming, utilizing public broadcast facilities at modest and reasonable cost." *Saturday Review*'s 1971 Television Awards similarly honored the program "for demonstrating public television's unique opportunities for pre-election presentation of candidates and issues at extraordinarily low cost."

COMMENT

While *Polititthon '70* was deserving of much of the general acclaim it received for its efforts in presenting this preelection special, there were certainly weaknesses and inadequacies inherent in the production. For example, the program's length of over four consecutive hours was probably ill-advised. Listeners and viewers would indeed have had to be diligent to tune in at seven p.m. and remain interested, or even awake, past eleven o'clock. The production would probably have been far more attractive if spread over a series of evenings in shorter doses of time. Moreover, its informational function would have been greatly improved. Expecting an audience to recall anywhere near a totality of the information about every candidate and all the proposed constitutional amendments on the statewide ballot was indeed unrealistic. Then too, the program certainly came too late in the campaign. Many voters interested enough to tune in and stay with the program probably had their minds made up about the races at so late a stage in the campaign. For candidates who wished to impress the undecided, or even change the minds of those who were previously committed to an opposing candidate, *Polititthon '70* was too near the end of the campaign to offset the overall "images" previously established through the extensive use of commercial media. In addition, its lateness in the campaign did little to lessen candidate expenditures, the impetus for this state-funded project.

While much of Florida's *Polititthon '70* production concept could be retained, other interested states could easily modify some aspects of this type programming to accommodate their own needs and to achieve ultimate campaign impact in noncommercial political telecasts. For example, the one-night marathon programming concept could yield to a series of shorter broadcasts, ranging in time from before a state's first primary election to a final telecast just before the general election in November. Under this concept, states with an extensive election ballot and many candidates running for each office, could focus on fewer offices and candidates per broadcast and, on selected programs, could additionally feature discussion and debate on key issues, referendum questions, and proposed constitutional amendments. Far less imposing on listener-viewers than a single marathon broadcast, a series of programs would give more extensive and individualized attention to the featured offices and realistically afford those tuned in with a potentially more distinct and lasting impression of the candidates and their stand on issues. A series of broadcasts would also give "polititthon" type programming an opportunity to play a part earlier in campaigns, having a chance for greater possible impact on voter decisions and upon the ultimate goal of helping to reduce excessive campaign expenditures. With these potential benefits to be derived, there is no reason why the production concept of a statewide broadcast such as *Polititthon '70* could not be of equal or greater benefit when implemented at the local and national levels as well.

FACING UP TO GUN CONTROL

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, sooner or later the Congress is going to have to face up to the necessity of legislation to end the growing public danger that exists because of the widespread possession of guns, particularly cheap handguns, by the most lawless elements in our society.

The upsurge in shootings of law enforcement officers and the continued high level of crimes against private citizens, ranging from ordinary muggings to first degree murder, committed with handguns all compel the obvious conclusion that the existing legal framework is inadequate to protect the public from the lawless gunslingers.

Hardly a day passes that I do not read in the newspapers of Akron, Ohio, which is only a medium size city, about some new senseless killing brought about because some deranged, desperate or just plain drunk individual had quick access to a handgun. Only last week in Akron, an 18-year-old youth was indicted for an utterly senseless murder committed in the course of an attack on a completely strange husband and wife at a shopping center. Ironically, the youth was in violation of a parole from a previous sentence for murder for which he was tried as a juvenile delinquent.

The opponents to gun control laws take the position that what is needed is to impose stiffer penalties for crimes committed with guns. How blind can you get? The youth in the case I have just referred to already faces a possible death penalty. How can you get any stiffer penalty than that? Ohio already has stiff penalties for possession of concealed weapons. Obviously, this law had not the slightest effect on that crime or thousands of others.

Last September 8 was my 55th birthday. It was also the day a 19-year-old constitutent was stopped by the police for hot rodding. When the policemen started toward his car, he raised a rifle to the window. Understandably, the police did not wait to ask questions. He was shot and killed. Afterward, it was learned that the young man was a drug addict and had already been in the hospital several times for treatment.

At the end of these remarks, I intend to offer for the RECORD a copy of a letter I received from the girlfriend of that 19-year-old written to me on the day after he died. Her touching plea is poignantly epitomized in one sentence of her letter:

If only that 19 year old boy hadn't had a gun.

Of course, we have laws on the books prohibiting the sales of guns to certain classes of persons, including those convicted of serious crimes and those having records of certain types of mental illness. Obviously, these laws are inadequate, as both of the cases I have cited so tragically demonstrate.

Mr. Speaker, the plain unvarnished truth is that there are just too many guns, especially handguns floating around in our country and that it is almost incredibly easy, and cheap, for anyone to buy a handgun.

I think it is high time we punctured the absurd myths that have been propagated by the irrational elements of the antigun control lobby. These myths are epitomized in the frequently seen bumper sticker which says "When Guns Are Outlawed Only Outlaws Will Have Guns." This slogan sets up a beautiful "straw man," by implying that someone is trying to outlaw all guns. I know of no significant movement in this country to ban the possession of all guns.

On the other hand, there is a significant body of opinion in favor of requiring registration of guns and limiting the right of registration and possession in the case of persons who have a record of prior convictions, mental illness, drug addiction, or other special characteristics which would make it clearly dangerous for them to possess guns.

Anyone who says that kind of gun control will not work either ignores or is unaware of the experience of areas where such laws have been in effect for a very long time. The city of New York, as is well known, has a law which requires all guns to be registered within 72 hours and makes it a felony to possess an unregistered gun. While this is still no guarantee that guns will not find their way into the hands of the wrong people, it is no coincidence that the number of crimes committed with guns in New York City is far lower than in any other major city in the country.

In England, where even more rigid controls on guns have been in effect for many years, and where even the police are restricted from carrying guns except in extraordinary circumstances, the murder rate for the whole country is lower than the murder rate in most of the States and even most of the smaller cities in the United States.

An interesting contrast is offered by FBI statistics which indicate that relatively more people are murdered in Southern cities of the United States than in other metropolitan areas. For example, FBI statistics show Atlanta leading the Nation in 1972 with 23 killings per 100,000 population. Of 43 metropolitan areas reporting 12 or more homicides, 42 were located in Southern and border States.

One reason for this, according to Dr. Eugene Czajkoski, chairman of the Criminology Department at Florida State University, is the general absence of, or less stringent, gun-control legislation in southern cities, as compared with northern cities.

Each Member of Congress will, of course, have to determine for himself what the attitude of his constituents is to the problem of gun control. However, I believe a consensus is developing across the country on this subject and, if my own district is any indication, it is a consensus in favor of reasonable gun-control legislation.

Tabulations have just been completed on the responses to the fourth annual questionnaire that I have mailed to all of the residences in the 14th Congressional District of Ohio. The figures are based on a return of 11,500 questionnaires containing answers by 18,990 men and women. Sixty-one percent of these answering indicated that they felt that all guns should be registered or that all private ownership of guns should be prohibited. An additional 18 percent favored a ban on the sale of cheap handguns. Only 13 percent felt that the right to own guns should not be restricted in any way. The exact question asked in the questionnaire and the percentages of answers are as follows:

[In percent]

	His	Hers	Total
Which of the following statements is closest to your views on gun control legislation?			
(a) The right to own guns should not be restricted in any way	14	11	13
(b) There should be a ban on the sale of cheap handguns but no controls on other guns	20	16	18
(c) All guns should be registered by their owners and there should be strict penalties for possession of unregistered guns	49	59	54
(d) All private ownership of guns should be prohibited	5	8	7
(e) Undecided	2	4	3

The House and Senate both have pending bills to ban the ownership of handguns, except guns designed for sporting purposes. While far from being a solution, these bills would help lead us in the right direction. It is time we started to press for their enactment.

The text of the letter from my constituent that I referred to follows:

SEPTEMBER 12, 1973.

DEAR MR. SEIBERLING: Today is a sad day. My friend is dead. They buried him today. Shot down by police bullets.

I'll try to make my point and tell the story. Lonnie Helmick, of 450 Stevenson Ave., Ellet, was hotrodding in the area. The police were called. They stopped Lonnie, and when they started towards his car, he raised a rifle to the window. Lonnie was shot just below the left eye.

That was Saturday, Sept. 8. He died yesterday. 19 years old.

The police reports didn't tell all, though. Lonnie was a dope addict. Only 10 years old and he'd already been in Fallsview several times. Mostly to "burn out" from his drugs. (A drunk would "dry out").

Lonnie wasn't a bad person. You must believe me. Before drugs, he was like the most wonderful person on earth.

If Lonnie hadn't had a gun, he'd be alive right now. And maybe in a hospital burning out from all the drugs that left needle marks all over his body.

If only that 19 yr. old boy hadn't had a gun. Please do something to ban all the guns. I know that you already know all the violence.

Now I see that the J. C. Penny Co. is having a sale on all their firearms. I think it's sickening.

If guns were not so easily obtained, another friend would be alive today. She shot and killed herself, purposely, last month.

Please vote to ban all guns.

Years ago, Lonnie Helmick got hurt. Inside. Too deep for any doctor to ever see. All these years it was like Lonnie was looking for a painkiller. Through all his Booze & Drugs. I guess now he finally found it. I just don't believe it was necessary.

Please vote for a strict gun control law.

Sincerely,

DEBI ELLEN BECKET, age 17.

TOOL REPLACEMENT BY SELF-EMPLOYED WORKERS FROM METRIC CONVERSION

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, antimetric forces and other such groups think that the strongest argument they have against the present bill, H.R. 11035—Metric Conversion Act—is that there is no economic provision for the worker. Ergo, they insist that the legislation be rewritten to provide workers with metric tools—at the taxpayer's expense.

In the face of the fact that most large

corporations and small industries that have converted or are in the process of conversion have provided free of charge the new tools their employees need, the antimetric groups move to their next contention that it is the self-employed worker who will bear the brunt of conversion and will suffer the most. I think that it would be instructive to look at this charge and see just how true to false it may be.

While it is impossible to determine precisely how many self-employed workers will be faced with tool replacement cost resulting from metric conversion, some rough estimates can be made by examining data from the Bureau of Labor Statistics—BLS. The BLS reports that in 1973 the U.S. labor force numbered 89.8 million workers. Of that number, 5.3 million self-employed.

Breaking down this total of self-employed workers, BLS provides the following figures for those trades that are "measurement sensitive" in regard to tools:

Trade:	Workers
Carpenters	200,000
Other construction trades	327,000
Cabinet makers	12,000
Machinists, etc	5,000
Metal craftsmen	10,000
Auto mechanics, etc., including repairmen	126,000
Other mechanics	102,000

Of these categories, the first three would seem to me minimally impacted, needing primarily new rules and squares. Most construction tools—saws, hammers, screwdrivers, pliers, trowels, shovels, and so forth—are not "measurement sensitive."

The remaining four categories, totaling approximately 243,000 persons, that is, about one-fourth of 1 percent of the total labor force, include those self-employed workers who might encounter substantial tool replacement needs during the conversion period to metric.

It should be noted that about half of these are auto mechanics, many of whom probably have some metric tools already because of the large influx of foreign cars in this country in the past 20 to 25 years.

While there undoubtedly are other classes of self-employed persons who ultimately may find it necessary to replace some tools, those with significant needs should fall in the categories listed above.

In conclusion, it is obvious that the charge that the Nation's workers will be hurt by a change to metric measurement because of the tremendous costs of tool replacement is for the most part untrue and misleading. There probably is not a person in the country who would not like to receive a free box of metric tools. However, in the legislation at hand, H.R. 11035, we are advocating a gradual conversion so that costs will be minimal to everyone. Most importantly, we are insisting that costs fall where they may. Thus, there is no need for mischievous amendments to be added to the present legislation, especially when they would result in burdening the taxpayer.

THE CRIMINAL JUSTICE INFORMATION SYSTEMS ACT OF 1974

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, recently I introduced a bill to regulate the dissemination of criminal justice records (H.R. 13164). This legislation is necessary to guarantee that no individual's rights to privacy is intentionally or unintentionally violated by the Government.

Federal, State, and local law enforcement agencies collect information on many individuals in the performance of their duties. In the past decade, rapid advances in technology have made the collection and dissemination of this information more far-reaching and effective than ever before. I do not believe that police agencies are using criminal justice information in any improper way. However, the potential for abuse is great.

While we must be vigilant to protect the rights of those individuals who come in contact with the criminal justice system, we must be equally vigilant to protect society in general. We must not hinder or obstruct any law enforcement agency from effectively combating crime in the name of protecting individual privacy.

There are those who would deny valuable police information to the very agency that collected it. I believe that no record should be sealed up and hidden from view if the possibility exists it may be valuable in a criminal investigation. I believe that a police department should be able to use all of its files to screen an applicant for employment in that police agency.

Furthermore, I believe that certain agencies of both the Federal and State government must use criminal justice information to make certain that the integrity and reputation of that government agency remains intact. State licensing and regulating agencies need access to certain types of police records if they are to effectively protect the public welfare.

This legislation, along with other proposals on this subject, will be carefully considered by the Committee on the Judiciary. I believe that the bill I have introduced will aid the committee in reaching a fair, effective and balanced final recommendation on this important subject.

HEARINGS URGED ON NIXON ACTION AGAINST BEEF CONSUMER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have today written to Congresswoman LEONOR SULLIVAN, chairman of the Consumer Affairs Subcommittee of the Banking and Currency Committee, asking her to hold hearings on the issue of newly announced beef price supports. The Nixon administration yesterday announced that it had decided to purchase $45 million worth of beef to alleviate a depression in the prices of this commodity.

This move immediately caused meat and grain prices to soar, and I feel that this is an assault on the ability of the consumer to purchase his basic subsistence needs.

I find this policy incredibly inconsistent, since the President has insisted on no price controls on food in order to allow competition to bring prices down. Yet, now, when the prices are finally dropping, the administration is stepping in and buying millions of dollars' worth of meat to keep the prices high.

What is even more ironic, is that this move comes shortly after the Department of Agriculture's announcement to terminate its surplus commodity program to institutions, since no surplus commodities now exist. The administration is determined to assist big agrobusiness at the expense of the poor. It is willing to purchase foods at market value in order to bolster farm prices, while it refuses to purchase these same foods for the needy.

The administration continually talks about the benefits of the law of supply and demand—and lets it occur when it helps the big farmer. However, when supply and demand would favor the consumer, the administration takes action to raise prices to profit the big farmer, and lets the consumer suffer.

I would urge my colleagues to join in pressing for hearings and legislation on this vital matter, so we can once and for all determine the intentions of the Nixon administration with regard to its food distribution and purchasing policies, and protect the consumer against them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. SHRIVER (at the request of Mr. RHODES), through April 6, on account of official business.

Mr. MITCHELL of Maryland (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. FRENZEL (at the request of Mr. RHODES), through April 3, on account of official business.

Mr. CORMAN, for today after 4:30 p.m., on account of official business.

Mr. CEDERBERG (at the request of Mr. RHODES), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Mr. FORSYTHE, for 10 minutes, today.

Mr. CRANE, for 5 minutes, today.

Mr. HEINZ, for 10 minutes, today.

(The following Members (at the request of Mr. STARK) to revise and extend their remarks and include extraneous material:)

Mr. DIGGS, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes today.
Mr. DRINAN, for 20 minutes, today.
Mr. STOKES, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN to revise and extend his remarks.

Mr. MCKAY to revise and extend his remarks made in the committee today on H.R. 69.

(The following Members (at the request of Mr. COHEN) and to include extraneous material:)

Mr. SYMMS.
Mr. WINN.
Mrs. HECKLER of Massachusetts.
Mr. BROWN of Ohio in two instances.
Mr. ANDERSON of Illinois in two instances.
Mr. ESHLEMAN.
Mr. CLANCY.
Mr. MCCLORY in three instances.
Mr. WYMAN in two instances.
Mr. HOSMER in two instances.
Mr. STEELMAN.
Mr. CHAMBERLAIN.
Mr. DELLENBACK.
Mr. CRANE in five instances.
Mr. MCCOLLISTER in 12 instances.
Mr. FROEHLICH.
Mr. ARENDS in two instances.
Mr. HUBER.
Mr. BOB WILSON in three instances.
Mr. STEIGER of Arizona.
Mr. RHODES.
Mr. BRAY in three instances.
Mr. BROWN of Michigan.

(The following Members (at the request of Mr. STARK) and to include extraneous material:)

Mr. DINGELL in five instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. BRASCO in 12 instances.
Mr. MILFORD.
Mr. FUQUA in five instances.
Mr. STOKES in five instances.
Mrs. BOGGS.
Mr. DRINAN in three instances.
Mr. GUNTER.
Mr. HARRINGTON.
Mr. REID.
Mr. GIAIMO in 10 instances.
Mr. ROYBAL.
Mr. WALDIE in three instances.
Mr. BURTON.
Mr. BINGHAM in five instances.
Mr. MAHON.
Mr. HAMILTON in 11 instances.
Mr. STARK in five instances.
Mr. PICKLE in three instances.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and under the rule, referred as follows:

S. 939. An act to amend the Admission Act for the State of Idaho to permit that State to exchange public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2446. An act for the relief of Charles William Thomas, deceased; to the Committee on the Judiciary.

S. 3052. An act to amend the Act of October 13, 1972; to the Committee on the Judiciary.

S. Con. Res. 73. Concurrent resolution authorizing the printing of additional copies of a committee print of the Senate Select Committee on Nutrition and Human Needs; to the Committee on House Administration.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did March 26, 1974, present to the President, for his approval a bill of the House 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, and for other purposes.

ADJOURNMENT

Mr. STARK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, March 28, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2093. A letter from the President of the United States, transmitting a draft of proposed legislation to reform the conduct and financing of Federal election campaigns, and for other purposes (H. Doc. No. 93–247); to the Committee on House Administration and ordered to be printed.

2094. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to further amend the Agricultural Marketing Act of 1946; to the Committee on Agriculture.

2095. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report that no use was made of funds appropriated in the Department of Defense Appropriation Act, 1974, or the Military Construction Appropriation Act, 1974, during the first half of fiscal year 1974, to make payments under contracts in a foreign country except where it was determined that the use of foreign currencies was not feasible, pursuant to section 736 of Public Law 93–238 and section 109 of Public Law 93–194; to the Committee on Appropriations.

2096. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to further amend and extend the authority for regulation of exports; to the Committee on Banking and Currency.

2097. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of the proposed delegation of certain authorities to act by the Commissioner on Aging to officers of the Department of Health, Education, and Welfare not directly responsible to him, pursuant to 42 U.S.C. 3011(a); to the Committee on Education and Labor.

2098. A letter from the Commissioner of Education, Department of Health, Education, and Welfare, transmitting his comments on the national uniform standards suggested by the National Commission on the Financing of Postsecondary Education, pursuant to section 140(d) of Pubic Law 92–318; to the Committee on Education and Labor.

2099. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board for fiscal year 1973, together with the reports covering the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, 9, 10, and 12, and subzones 3–A and 9–A, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13053. A bill to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years, and for other purposes (Rept. No. 93–954). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee of conference. Conference report on H.R. 6186. (Rept. No. 93–955). Ordered to be printed.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1016. Resolution providing for the consideration of H.R. 11989. A bill to enhance the public health and safety by reducing the human and material losses resulting from fires through better fire prevention and control, and for other purposes (Rept. No. 93–956). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1017. Resolution providing for the consideration of S. 2770. An act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services (Rept. No. 93–957). Referred to the House Calendar.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 8101. A bill to authorize the Secretary of Transportation and the Secretary of Defense to detail certain personnel and equipment to the Fish and Wildlife Service; with amendment (Rept. No. 93–958). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 13760. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND (for himself and Mr. BLATNIK):

H.R. 13761. A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 13762. A bill to amend the Internal Revenue Code by increasing the personal exemption from $750 to $850 and for other purposes; to the Committee on Ways and Means.

By Mr. CARNEY of Ohio:

H.R. 13763. A bill to limit the quantity of iron and steel scrap which may be exported from the United States to 6 million tons annually during the next 3-year period; to the Committee on Banking and Currency.

By Mr. CRONIN:

H.R. 13764. A bill to prohibit the exportation of fertilizer from the United States until the Secretary of Agriculture determines that an adequate domestic supply of fertilizer exists; to the Committee on Banking and Currency.

By Mr. DANIELSON:

H.R. 13765. A bill to extend the act of October 15, 1971, providing for the creation of a limited copyright in sound recordings, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina:

H.R. 13766. A bill to extend certain programs under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. DELLUMS:

H.R. 13767. A bill to amend the Budget and Accounting Act of 1921 to provide for investigations and expenditure analyses of the use of public funds; to the Committee on Government Operations.

By Mr. DENHOLM:

H.R. 13768. A bill to repeal that portion of the Emergency Highway Energy Conservation Act establishing a national maximum speed limit; to the Committee on Public Works.

By Mr. DRINAN:

H.R. 13769. A bill to amend the Social Security Act to extend entitlement to health care benefits on the basis of age under the Federal medical insurance program (Medicare) to all persons who are citizens or residents of the United States aged 65 or more; to add additional categories of benefits under the program (including health maintenance and preventive services, dental services, outpatient drugs, eyeglasses, hearing aids, and prosthetic devices) for all persons entitled (whether on the basis of age or disability) to the benefits of the program; to extend the duration of benefits under the program where now limited; to eliminate the premiums now required under the supplementary medical insurance benefits part of the medicare program and merge that part with the hospital insurance part; to eliminate all deductibles; to eliminate copayments for low-income persons under the program, and to provide, for others, copayments for certain services or items but only up to a variable income-related out-of-pocket expense limit (catastrophic expense limit); to provide for prospective review and approval of the rates of charges of hospitals and other institutions under the program, and for prospective establishment (on a negotiated basis when feasible) of fee schedules for physicians and other practitioners; to revise the tax provisions for financing the medicare program and increase the Government contribution to the program; and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS of Colorado:

H.R. 13770. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. FREY:

H.R. 13771. A bill to provide for a Veterans' Administration Hospital in Brevard County, Fla.; to the Committee on Veterans' Affairs.

By Mr. FROEHLICH:

H.R. 13772. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

By Mr. GUNTER:

H.R. 13773. A bill to establish a commission to review the proposed closing of any military installation; to the Committee on Armed Services.

By Mr. GUYER:

H.R. 13774. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

H.R. 13775. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 13776. A bill to amend title 18 of the United States Code to penalize the seeking or acceptance of clemency in furtherance of a scheme to obstruct justice; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 13777. A bill to promote and regulate interstate commerce by requiring no-fault motor vehicle insurance as a condition precedent to using any public roadway in any State or the District of Columbia; to the Committee on Interstate and Foreign Commerce.

By Mr. McEWEN:

H.R. 13778. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. MINISH:

H.R. 13779. A bill making an appropriation for fiscal year 1975 for the expenses of the National Institute of Neurological Diseases and Stroke in connection with dystonia; to the Committe on Appropriations.

H.R. 13780. A bill making a supplemental appropriation for fiscal year 1974 for the expenses of the National Institute of Neurological Diseases and Stroke in connection with dystonia; to the Committee on Appropriations.

By Mr. MINSHALL of Ohio:

H.R. 13781. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 13782. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid program; to the Committee on Ways and Means.

By Mr. REID (for himself, Ms. ABZUG, Mr. BRASCO, Mr. BROWN of California, Mr. COTTER, Mr. DELLUMS, Mr. EDWARDS of California, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. MOSS, and Mr. WALDIE):

H.R. 13783. A bill to investigate the relationships between those persons engaged in the provision of accounting services to major oil companies and said companies, to require integrated major oil companies to file with the Federal Trade Commission accounting reports for each and any of their four levels of operation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself and Mr. CLAY):

H.R. 13784. A bill to amend the Social Security Act to extend entitlement to health care benefits on the basis of age under the Federal medical insurance program (medicare) to all persons who are citizens or residents of the United States aged 65 or more; to add additional categories of benefits under the program (including health maintenance and preventive services, dental services, outpatient drugs, eyeglasses, hearing aids, and prosthetic devices) for all persons entitled (whether on the basis of age or disability) to the benefits of the program; to extend the duration of benefits under the program where now limited; to eliminate the premiums now required under the supplementary medical insurance benefits part of the medicare program and merge that part with the hospital insurance part; to eliminate all deductibles; to eliminate copayments for low-income persons under the program, and to provide, for others, copayments for certain services or items but only up to a variable income-related out-of-pocket expense limit (catastrophic expense limit); to provide for prospective review and approval of the rates of charges of hospitals and other institutions under the program, and for prospective establishment (on a negotiated basis when feasible) of fee schedules for physicians and other practitioners; to revise the tax provisions for financing the medicare program and increase the Government contribution to the program; and for other purposes; to the Committee on Ways and Means.

By Mr. RIEGLE (for himself, Ms. HOLTZMAN, Mr. ROSENTHAL, and Mr. STOKES):

H.R. 13785. A bill to amend the Social Security Act to establish a program of food allowance for older Americans; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 13786. A bill to amend title II of the Social Security Act to provide that increases in monthly insurance benefits thereunder (whether occurring by reason of increases in the cost of living or enacted by law) shall not be considered as annual income for purposes of certain other benefit programs; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 13787. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers and other health professionals of the uniformed services; to the Committee on Armed Services.

By Mr. SLACK:

H.R. 13788. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. STEELMAN:

H.R. 13789. A bill to amend title 38 of the United States Code to extend the veterans' educational assistance delimiting period from 8 years to 9 years in order to insure that no veteran loses his educational assistance entitlement while Congress considers legislative proposals extending such delimiting period to more than 9 years; to the Committee on Veterans' Affairs.

By Mr. STEIGER of Arizona (for himself and Mr. RHODES):

H.R. 13790. A bill to authorize the Secretary of the Interior to make grants to assist States in developing and implementing land use planning policies, to provide land use planning directives to Federal agencies for planning of the public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN (for herself, Mr. MURPHY of New York, Mr. CLARK, Mr. JONES of North Carolina, Mr. BIAGGI, Mr. STUDDS, Mr. ANDERSON of California, Mr. SNYDER, Mr. FORSYTHE, and Mr. PRITCHARD):

H.R. 13791. A bill to amend section 2 of title 14, United States Code, to authorize icebreaking operations in foreign waters pursuant to international agreements, and

for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TAYLOR of Missouri:

H.R. 13792. A bill to authorize the Administrator of the Environmental Protection Agency to promote to Assistant Surgeon General commissioned officers of the Public Health Service assigned to the Agency; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 13793. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 13794. A bill to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes; to the Committee on Agriculture.

By Mr. ASPIN:

H.R. 13795. A bill to prohibit any State or unit of local government from imposing a property tax on any railroad right-of-way or roadbed used in interstate commerce; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 13796. A bill to amend the Small Business Act to provide for loans to small business concerns affected by the agency shortage; to the Committee on Banking and Currency.

H.R. 13797. A bill to amend title 23 of the United States Code to authorize a grant program for research and development of alternative fuels for motor vehicles; to the Committee on Public Works.

By Mr. DELLUMS:

H.R. 13798. A bill to provide for disclosure of information by executive departments to committees of Congress; to the Committee on Armed Services.

H.R. 13799. A bill to provide for the receipt of testimony and information from executive agencies and bodies; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 13800. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for cooperative housing corporations, condominium housing associations, and certain homeowners' associations; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 13801. A bill to extend and improve the nation's unemployment programs and for other purposes; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 13802. A bill to establish improved nationwide standards of mail service, require annual authorization of public service appropriations to the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BOLAND, Mr. BRASCO, Mr. BROWN of California, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CLAY, Mr. CULVER, Mr. DOMINICK V. DANIELS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTROY, Mr. FORD, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HINSHAW, Miss HOLTZMAN, Mr. MCSPADDEN, Mr. MOAKLEY, Mr. MOSS, and Mr. PODELL):

H.R. 13803. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide income and payroll tax relief to low-income and moderate-income taxpayers; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SEIBERLING, Mr. STARK, Mr. STUDDS, Mr. VIGORITO, Mr. WILLIAMS, Mr. CHARLES H. WILSON of California, Mr. WON PAT, Mr. YATRON, and Mr. THOMPSON of New Jersey):

H.R. 13804. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide income and payroll tax relief to low-income and moderate-income taxpayers; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.J. Res. 954. Resolution designating the song "America the Beautiful" the Bicentennial hymn for 1976; to the Committee on the Judiciary.

By Mr. JARMAN:

H.J. Res. 955. Joint resolution requiring the President to submit to Congress a report concerning importations of minerals which are critical to the needs of U.S. industry; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 956. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single 6-year Presidential term; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 957. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. SLACK:

H.J. Res. 958. Joint resolution requiring the President to submit to Congress a report concerning importations of minerals which are critical to the needs of U.S. industry; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. COHEN, Mr. HARRINGTON, Ms. BURKE of California, and Mr. GUDE):

H.J. Res. 959. Joint resolution to authorize the President to proclaim the last week in June of each year as "National Autistic Children's Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H. Con. Res. 451. Concurrent resolution to express the sense of Congress that for fiscal year 1975 the Administration on Aging fund long-term and short-term training programs under title IV of the Older Americans Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWNING:

H. Res. 1012. Resolution to express the sense of the House with respect to the allocation of necessary energy sources to the tourism industry; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (for himself and Mr. FRASER):

H. Res. 1013. Resolution authorizing the printing as a House document of the proceedings incident to the presentation of a portrait of Hon. Charles C. Diggs, Jr.; to the Committee on House Administration.

By Mr. OWENS (for himself, Mr. CEDERBERG, Mr. CHAPPELL, Mr. GILMAN, and Mr. MATSUNAGA):

H. Res. 1014. Resolution to express the sense of the House with respect to the allocation of necessary energy sources to the tourism industry; to the Committee on Interstate and Foreign Commerce.

By Mr. OWENS (for himself, Ms. ABZUG, Mr. CLEVELAND, and Ms. SCHROEDER):

H. Res. 1015. Resolution to amend the Rules of the House of Representatives to provide for the broadcasting of meetings, in addition to hearings, of House committees which are open to the public; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII,

416. The SPEAKER presented a petition of the Borough Assembly, Greater Anchorage Area Borough, Alaska, relative to an urban planning study for watershed management in the Cook Inlet region of Alaska which was referred to the Committee on Public Works.

EXTENSIONS OF REMARKS

SUPPORT FOR THE NATIONAL SUMMER YOUTH SPORTS PROGRAM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 27, 1974

Mr. PEYSER. Mr. Speaker, on February 27, I introduced, with Mr. CLAY and Mr. BELL, a bill to extend the national summer youth sports program. Yesterday I was joined by 34 cosponsors in reintroducing this bill.

One of my constituents, Mr. Warren Jackson, has worked in this program and is an active supporter of the program. I am enclosing an article which he wrote and which other Members should be interested in reading.

A COMMON CAUSE FOR GOOD HELPS BRIDGE PARTY LINES

(By Warren Jackson)

A portion of what America is supposed to be about came to the nation's capital to crystallize, for the American people and its legislative leaders, how a successful federally funded program can work if it is administered properly and if those involved really and truly do "give a damn."

In the past five years, on an annual budget of $3 million, 105 collegiate institutions have directed the National Summer Youth Sports Program (NSYSP) under the auspices of the National Collegiate Athletic Association.

The program tries and has been successful in practically all instances of providing for the nation's disadvantaged the basic fundamentals of athletic instruction coupled with educational and cultural enrichment.

The portion of America I mentioned earlier came to Washington to support a new bill for continuance of the NSYSP. Some talked and some listened. The bill is being co-sponsored by Rep. Peter Peyser (R-N.Y.), Rep. Bill Clay (D-Mo.) and Rep. Alphonzo Bell (R-Calif.).

Peyser's tenacity and bulldoggedness on NSYSP has to be admired. A year ago he filed a request for the program's continuance. It never got out of committee. This year with assistance it appears he might make it through committee and towards a possible vote.

PEYSER EMPHATIC

In his opening remarks, Peyser was emphatic in his personal endorsement. "If all federal money was spent as well as it is in this program (NSYSP), this country would be in much better shape."

Bill Clay also put things into perspective when he said, at the televised press conference with Howard Cosell, "When we speak of the disadvantaged, meaning the blacks, Spanish and the poor whites, we no longer can speak and act on strict party lines."