

I have furnished Senator Cotton with a courtesy copy of this letter.

Sincerely,

Secretary.

REQUESTED AMENDMENTS

Amendments Requested by the Department of Health, Education, and Welfare to H.R. 15931 91st Congress, First Session in the Senate of the United States:

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

AIR POLLUTION CONTROL

1. Page 12, line 18, strike out "\$108,800,000" and insert in lieu thereof "\$102,800,000".
2. Page 12, line 199, strike out "\$45,000,000" and insert in lieu thereof "\$30,000,000".

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

3. Page 14, line 11, strike out "\$360,302,000" and insert in lieu thereof "\$354,002,000".
4. Page 14, line 12, strike out "\$47,500,000" and insert in lieu thereof "\$41,200,000".

HOSPITAL CONSTRUCTION

5. Page 17, line 1, strike out "\$176,123,000" and "\$81,800,000" and insert in lieu thereof "\$153,923,000" and "\$50,000,000".
6. Page 17, line 6, strike out "\$90,900,000" and insert in lieu thereof "\$100,000,000".
7. Page 17, line 11, strike out the following

"DISTRICT OF COLUMBIA MEDICAL FACILITIES"

"For grants of \$3,500,000 and loans of \$6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457) to remain available until expended."

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

8. Page 20, line 9, strike out "\$146,334,000" and insert in lieu thereof "\$137,668,000".

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

9. Page 20, line 14, strike out "\$106,978,000" and insert in lieu thereof "\$101,256,000".

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

10. Page 20, line 19, strike out "\$103,694,500" and insert in lieu thereof "\$102,389,000".

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

11. Page 21, line 2, strike out "\$164,644,000" and insert in lieu thereof "\$154,288,000".

GENERAL RESEARCH AND SERVICES

12. Page 21, line 24, strike out "\$76,658,000" and insert in lieu thereof "\$69,698,000".

HEALTH MANPOWER

13. Page 22, line 15, strike out "\$234,470,000" and insert in lieu thereof "\$224,220,000".

DENTAL HEALTH

14. Page 23, line 14, strike out "\$11,722,000" and insert in lieu thereof "\$10,887,000".

BUILDINGS AND FACILITIES

15. Page 24, line 9, strike out "\$1,900,000" and insert in lieu thereof "\$1,000,000".

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

16. Page 26, line 18, strike out after "titles" the numeral "II".

17. Page 26, line 22, strike out the following "\$252,393,000; of which \$50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of Act of 1965; \$116,393,000" and insert in lieu thereof "\$220,393,000, of which \$156,

18. Page 27, line 1, strike out the following "\$17,000,000 shall be for guidance, counseling, and testing under title V-A of said Act of 1958".

19. Page 27, line 5, strike out "\$5,000,000" and insert in lieu thereof "\$15,000,000".

20. Page 27, line 8, strike out "\$25,000,000" and insert in lieu thereof "\$10,000,000".

21. Page 27, line 12, strike out "\$386,160,700" and insert in lieu thereof "\$240,185,700".

22. Page 27, line 18, strike out the following:

"INSTRUCTIONAL EQUIPMENT"

"For equipment and minor remodeling and State administrative services under title III-A of the National Defense Education Act of 1958, as amended, \$43,740,000: *Provided*, That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of \$40,740,000 for grants to States and on the basis of \$1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of \$2,000,000."

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

23. Page 28, line 7, strike out "\$520,567,000 of which \$505,500,000" and insert in lieu thereof "\$440,167,000 of which \$425,000,000".

24. Page 28, line 18, strike out "." and insert

"*Provided further*, That the amount to be paid to an agency pursuant to said title (except section 7) for the current fiscal year shall not be less, by more than 5 per centum of the current expenditures for free public education made by such agency for the fiscal year 1969, than the amount of its entitlement under said title (exception section 7) for the fiscal year 1969."

EDUCATION PROFESSIONS DEVELOPMENT

25. Page 28, line 23, strike out "\$107,500,000, of which \$18,250,000" and insert in lieu thereof "\$103,750,000, of which \$15,000,000".

HIGHER EDUCATION

26. Page 29, line 18, strike out "\$871,874,000" and insert in lieu thereof "\$771,774,000".

27. Page 30, line 12, strike out the following "and \$33,000,000 shall be for grants for construction of other academic facilities"

28. Page 30, line 17, strike out "\$222,100,000" and insert in lieu thereof "\$155,000,000".

VOCATIONAL EDUCATION

29. Page 31, line 5, strike out "\$391,716,000" and insert in lieu thereof "\$347,216,000".

30. Page 31, line 7, strike out the following:

"\$20,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and \$5,000,000 for work-study programs under part H of said Act."

31. Page 31, line 13, strike out "\$2,800,000" and insert in lieu thereof "\$1,680,000".

32. Page 31, line 18, strike out "\$17,500,000" and insert in lieu thereof "\$15,000,000".

LIBRARIES AND COMMUNITY SERVICES

33. Page 31, line 23, after "I" strike out "II".

34. Page 32, line 5, strike out "\$148,881,000, of which \$35,000,000" and insert in lieu thereof "\$117,709,000, of which \$27,500,000".

35. Page 32, line 8, strike out the following:

"\$9,185,000, to remain available through June 30, 1971, shall be for grants for public library construction under title II of such Act."

36. Page 32, line 17, strike out "\$6,737,000" and insert in lieu thereof "\$4,500,000".

37. Page 32, line 22, strike out "\$5,063,000" and insert in lieu thereof "\$4,000,000".

EDUCATION FOR THE HANDICAPPED

38. Page 33, line 11, strike out "\$100,000,000, of which \$29,190,000" and insert in lieu thereof "\$91,850,000, of which \$29,250,000".

RESEARCH AND TRAINING

39. Page 33, line 22, strike out "\$85,750,000" and insert in lieu thereof "\$95,250,000".

40. Page 34, line 7, strike out "." and insert the following:

"and \$9,500,000 to remain available through June 30, 1971, shall be available under said Cooperative Research Act for experimental schools."

SOCIAL AND REHABILITATION SERVICE

GRANTS FOR REHABILITATION SERVICES AND FACILITIES

41. Page 37, line 16, strike out "\$464,783,000" and insert in lieu thereof "\$461,283,000".

42. Page 37, line 23, strike out "\$4,050,000" and insert in lieu thereof "\$550,000".

MENTAL RETARDATION

43. Page 38, line 23, strike out "\$37,000,000 of which \$12,031,000" and insert in lieu thereof "\$33,000,000, of which \$8,031,000".

MATERNAL AND CHILD HEALTH AND WELFARE

44. Page 38, line 11, strike out "\$284,800,000" and insert in lieu thereof "\$282,400,000".

TITLE IV—GENERAL PROVISIONS

45. Page 60, line 19, after "408." insert "Except as required by the Constitution".

46. Page 61, line 1, after "409." insert "Except as required by the Constitution".

47. Page 61, after "410." strike out the following:

"No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian."

and insert in lieu thereof

"In the administration of any program provided for in this Act, as to which the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

Mr. COTTON. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. COTTON. Do I correctly understand that it is clearly the policy of the Federal courts and the Department of Justice to deny, in some cases at least, the right of the student to attend the school of his choice, and the choice of his parents or guardian, because of his race or color?

Mr. SCOTT. I can answer that. It is not the intention of the Department of Health, Education, and Welfare or the Department of Justice, acting through sui respondendi to deny such a thing. The letter from the Secretary points out that that is not the role of HEW, or the Department of Justice I might add; but points out that the courts have already, in many instances, decreed that freedom of choice plans that result in discrimination are illegal.

Therefore, there are some freedom of choice plans, I understand, which would be entirely legal which might create no court problem at all but, insofar as the courts have or shall hereafter determine a freedom of choice plan to be

illegal, the Department of Health, Education, and Welfare and the Department of Justice have nothing to do except to abide by the law. That is the point.

Mr. COTTON. But in many cases, then, are there some cases where the law does deny the right of the student to attend the school of his choice because of his race or color. Right?

Mr. SCOTT. I would not say that I can agree it is because of his race or color. The courts have, at times, ruled illegal certain freedom of choice plans which they feel are discriminatory against one race or another because of his race or color.

Mr. COTTON. I do not want to nit-pick here, but I find myself somewhat confused after all these years in which we have been voting on civil rights and on matters of discrimination. This talking about freedom of choice plans is one thing, but freedom of choice is another. I find it extremely difficult in this simple section, 410, where it says:

Sec. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

If, in controlling the money that we take from the taxpayers and spend under this HEW bill, by the simple proposition that we will not allow anyone to be denied the right, strictly because of race or color, if that is inconsistent with the courts and the policy of the Department of Justice, then it seems to me that all these years we have been marching up the hill and marching down again.

I cannot conceive of how anyone thoroughly devoted to stopping discrimination because of race or color can go on record voting against this section.

Mr. SCOTT. If the Senator would permit me to explain, perhaps to adumbrate the point a little bit here, I think the misunderstanding is because of the emphasis he has placed on the words "race or color."

The "race or color," as stated in that paragraph, is not the thought of the paragraph which creates the difficulty. What the section does, as now written in the bill, is to leave to the parent or guardian of any student the right to determine where that student shall go and, in so doing, by that seemingly innocuous phrase, substitutes the right of every parent in that area for the right of the school district.

Heretofore, in America, the school district determined where the student would go and where the area would be. The school district sets up the schools. It hires the teachers. It provides all the facilities which will be available. It provides for the standards, the rules, and the guidelines, whether someone goes to a primary school, an elementary school, a grammar school, or a high school, on account of certain qualifications.

To make the point, what this amendment does is to say to all the school districts of America, "You no longer have any authority over the children. Only the parent decides where they go."

Mr. COTTON. I think I understand what the Senator is saying. I am not trying to confuse the issue, but if I understand him correctly, if a plan has been approved by a court—

Mr. SCOTT. Or by a school district.

Mr. COTTON. Or by a school district, reasons other than strictly race or color, that that plan is proper and can be pursued for reasons of school administration.

Mr. SCOTT. If it is not otherwise a violation of the law, yes.

Mr. COTTON. The courts decide whether the motives of the plan are race or color or whether the motives are proper motives of administration.

Mr. SCOTT. The courts decide.

Mr. COTTON. Is it any more difficult for the Secretary of Health, Education, and Welfare to pass on the motives and decide whether someone is denied a right to go to a school for reasons of race or color, or for reasons of school administration, than it is for the Department of Justice or the courts?

Mr. SCOTT. I would answer the Senator from New Hampshire by saying that it is not a question of whether it is difficult for the agency to decide that matter, but the fact is the courts decide the matter. The school district and not the Department of Health, Education, and Welfare, whose office is solely for the purpose of administering the law as they find it, as they receive it from the courts. If the courts have then said that certain freedom of choice plans are illegal, and if Congress comes in now and says that the Department of Health, Education, and Welfare cannot administer the law as the courts have decided it—and that is what this section provides—then we have administrative chaos in the office of HEW, because they cannot enforce the law. They do not make the judgment.

Mr. COTTON. Mr. President, to prevent chaos, we have to authorize the use of the taxpayers' money to follow a course, even if the Secretary of Health, Education, and Welfare knows right well that the decision of the court took into consideration and was based, at least partially, on the matter of race or color.

Mr. SCOTT. Mr. President, I thank the Senator.

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

Mr. SCOTT. I yield.

Mr. MURPHY. Mr. President, it seems to me that the key words, as the Senator has pointed out, are race or color, which, again, seem to be unnecessary because under the Constitution this would be unconstitutional. Therefore, I do not understand an objection to the section.

Mr. SCOTT. Mr. President, what is illegal by determination of the courts, I may say to the Senator, is not the reference to race or color, which is merely a phrase which defines the problem, but what is illegal is the so-called right of the parent or guardian to supersede the right of the school district in determining what is to be done.

Mr. MURPHY. It does not say that. The entire section is based on the key words, race or color. If we take them out, in my judgment it becomes discriminatory.

Mr. SCOTT. Mr. President, not at all. The key words here are, "the right or

privilege of attending any public school of his or her choice as selected by his or her parent or guardian." That is what the courts have said.

Mr. MURPHY. It says, "because of his race or color." We are not in disagreement. I believe that what the Court says is proper. But this change says they cannot do it on the basis of race or color alone.

Mr. SCOTT. I am glad we are not in disagreement. I think we are merely endeavoring to struggle out of a morass of confusion.

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

Mr. SCOTT. I yield.

Mr. DOMINICK. Mr. President, I have been supporting the Senator on these amendments. I do not know that I can support the Senator on this amendment. I do not understand why he takes the position he did.

It seems to me that we should not require the assignment of children to a school solely on the basis of color. If they are to be assigned on the basis of school district or divisions within a county by a school board for convenience, that would be all right.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. DOMINICK. But when we start to assign them solely because of color, it seems to me that we have something that is fundamentally opposed to the Civil Rights Act as well as the Constitution. I do not understand how we can authorize the use of Federal funds to do something which we think is in violation of the Civil Rights Act and the Constitution.

Mr. SCOTT. Mr. President, I can only say that the purport of the Jonas amendment is to permit any student to go to any school he wishes to attend if he shall be so designated as attending that school by his parent or guardian. And it forbids the use of HEW funds to implement any plan. And if we leave out the words "race or color" and then come back to it, I think the Senator will see what I mean.

Mr. DOMINICK. I do, because I was on your side.

Mr. SCOTT. It says, "The right or privilege of attending any public school of his or her choice." With this amendment, whether it is because of race or color, any parent or guardian can make a determination and can remove from the school district the right to make that decision. It is in the hands of the parent or guardian to say, "I am exercising freedom of choice." If there is discrimination against any child on account of race or color, the Secretary has said, "Don't ask me to try to enforce this, because the courts have said it is illegal. I cannot enforce it." And that is administrative chaos.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ERVIN. Mr. President, I yield myself such time as I may require.

This is the first time that anyone has been bold enough to assert on the floor of the Senate that we will do mischief if we restore some little liberty to the parents of children by forbidding HEW to spend money to deny those children the right to attend their school because of their race or color.

Mr. TALMADGE. Mr. President, may we have order in the Senate, so that we can hear the Senator?

The PRESIDING OFFICER. There will be order in the Senate so that we may hear the Senator from North Carolina.

Mr. ERVIN. Mr. President, I have stated several times on the floor of the Senate that this constant agitation on racial matters has impaired our national sanity. I think that in this instance it has dethroned it.

I ask Senators to read what this says. It says:

No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

In other words, all it says is that HEW cannot spend any of the funds appropriated by this act to deny a child, solely on the basis of his race or color, the right of attending the school selected for him by his parents.

I am not impressed when a bureaucrat objects to having any of his authority diminished. I think the most healthful thing that could happen in this country would be to take some of the authority away from the bureaucrats and give free-back to the people of this Nation. This provision, section 410, not only recognizes that a parent should be allowed to select the school for his child, but it also recognizes the Brown decision and implements the Civil Rights Act of 1964.

This is not such a great freedom of choice measure as it is a measure to prevent children from being denied the right to go to a particular school on account of their race or color. Yet, we are asked by those who would strike section 410 to tell the Department of Health, Education, and Welfare that it can use funds to deny a child the right to attend a school on account of his race or color. Such action is exactly what the Brown case said was unconstitutional.

Down in my country about the turn of the century, we had a very fine bricklayer, but he was a poor theologian. His name was John Watts.

John would go out and ask the little country churches that had no pastors to let him preach. One day he was preaching away in this little country church.

Another of the citizens of my county, Joe Hicks, who had had several drinks of Burke County corn, came staggering by. I have heard rumors to the effect that Burke County corn is a very potent beverage. When Joe Hicks saw John in the pulpit he staggered up the aisle, dragged him to the door and threw him out. He was indicted for disturbing a religious worship, and the jury returned a verdict of guilty. Judge Robinson, the presiding judge, evidently had about the same appraisal of John's preaching abil-

ity and theological knowledge as Joe Hicks displayed, so he sought some way to let Joe off as light as possible.

He said in a stern voice:

Mr. Hicks, when you were guilty of this unseemingly conduct on the Sabbath Day you must have been so drunk as not to realize what you were doing.

Joe Hicks said:

Your Honor, I had had several drinks but I wouldn't want Your Honor to think I could stand by and hear the word of the Lord being mummicked up like that without doing something about it.

Mr. President, we have heard this phraseology of section 410 mummicked up by the distinguished minority leader. He is worrying about what school boards in the States might do or have to do. This has no application to the school boards in the State. This only applies to HEW, and that is all it says. It says:

You cannot use funds appropriated to carry out a plan which would deny to a child the right to attend the school selected by his parent or guardian because of his race or color.

We had references to the 14th amendment a little while ago. There is not a syllable in the equal protection clause which places any limitation whatever on the freedom of a parent or on the freedom of a schoolchild, none whatever. The only limitation is a limitation upon the power of a State and its subdivisions; and here we would say that HEW, by reason of this provision being struck out, can use the funds appropriated to it to require a State to deny a child the right to attend a school because of the child's race and color. I say opponents of section 410 have been mummicking up acts of Congress.

For example, we passed a law that is in perfect harmony with the Jonas amendment. Here is what it said. I refer to title IV of the Civil Rights Act of 1964:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That provision states in about as plain English as can be done that in assigning students to public schools, agencies of the State shall not take into consideration a student's race or color. Yet, the proposal of the distinguished Senator from Pennsylvania to strike out the Jonas amendment is a proposal, in effect, to allow the Department of Health, Education, and Welfare to use the funds appropriated to it by this act to compel school boards to deny schoolchildren the right to attend the school selected by their parents because of the race and color of those schoolchildren.

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

Mr. ERVIN. I yield.

Mr. CASE. I take it the Senator does not contend that apart from this section there is any inhibition on a local school board from using whatever means it thinks desirable to eliminate racial segregation in its own schools.

Mr. ERVIN. No. It prohibits HEW from telling the school board that they will not get any funds unless they bar chil-

dren from the school on account of race or color. That is what it says.

Mr. CASE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. CASE. I think the Senator somewhat understates what the section says, but apart from that, that was not my question. If the Senator will permit me, I shall repeat my question.

Mr. ERVIN. The English language is my mother tongue. I think I understand what it says when it speaks plain English.

Mr. CASE. I was not asking the question about what this section states. I said apart from this section is it true a local school board is not disabled from using whatever means it wants to achieve racial balance in its system?

Mr. ERVIN. This does not apply to the local school board; it applies to HEW.

Mr. CASE. But apart from this, is it wrong, is it against the law for a local school board to attempt to desegregate its schools.

Mr. ERVIN. No, it is not.

Mr. CASE. Will the Senator yield further?

Mr. ERVIN. I only have a limited period of time.

Mr. CASE. I am sure the Senator would allow time on the bill, and I do want the Senator to use it. This is of great interest to us, my colleagues, and me, if the Senator will permit me to include myself in that happy group. On this section, now—

Mr. ERVIN. I assure the Senator it would be a much happier group if they were willing to give freedom of choice to the parents of schoolchildren and say that the right to assign children in schools should not be denied by HEW on account of race or color. That is what the section says.

Mr. CASE. I suggest to the Senator that his statement of the effect of this, and, indeed, its terms, in spite of his great command of the English language—which he should not have to brag about because all of us would testify to it—but in spite of that what the Senator said about this is not an adequate description. It would not just prevent HEW from forcing the school board, but it would also apply to the local school board.

Mr. ERVIN. That is not what it says. The section states:

Sec. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Mr. CASE. May I state the question one other way. Does the Senator contend that even if this section should be agreed to and stay in the bill it would be possible for Secretary Finch to give to any school board funds to help it work out a program of desegregation that it decided on including, if you will, assignment of pupils?

Mr. ERVIN. Not if that plan undertook to deny a child's parents the right to select a school for him because of

the race or color of the child. That is what it says.

Mr. CASE. Thus limiting the right, am I right, that this section as it stands is designed to do, of a school board?

Mr. ERVIN. It puts the limitation on HEW. It says HEW cannot use the money to implement a plan which denies the right to any child to attend a school because of his race or color.

Mr. CASE. No. It says "no part of the funds" shall be used. That includes anybody, including a school board.

Mr. ERVIN. It says none of these funds shall be used to implement a plan which denies, on the basis of race or color, the right of a child to attend a school selected by his parents.

Mr. CASE. Exactly; and that means a plan whether promulgated by HEW or a local school board.

Mr. ERVIN. I would like to yield more time to the Senator—

Mr. CASE. Would the Senator respond to that question? By whomever that plan is promulgated, the funds are denied for that kind of plan?

Mr. ERVIN. That is right.

Mr. CASE. I thank the Senator.

Mr. ERVIN. It denies funds to be used for any plan that denies a child the right to attend a school selected by his parents, because of his race or color. That is plain English, and should be easily understandable.

Mr. President, I was speaking of the equal-protection clause. The equal-protection clause is one of the simplest provisions in the Constitution. It is so notwithstanding attempts by bureaucrats and some Federal judges to make it obscure. All it says is that no State shall deny to any person within its jurisdiction the equal protection of the laws.

That is a very good provision. What it intended is to prevent a State from having one law for one man or one group of men and another law for another man or a group of men when those men or those groups are in like circumstances.

It is also just as clear as the noonday sun in a cloudless sky that when a school board opens all the schools within its jurisdiction to children of all races and permits those children or their parents to select the school that they will attend, that is the most perfect compliance with the equal-protection clause that can be devised. This is true simply because a freedom-of-choice plan of this nature treats everybody, all parents and all children, of all races, exactly alike, and oceans of judicial sophistry cannot wash out this plain truth.

There is a decision in the Supreme Court called *Green* against New Kent County. The facts in that case are simple. The opinion itself is ambiguous and murky. It lays down no fixed or understandable or workable rules. I might say to my brethren from the cities of the North, where they have large colored populations segregated in residential sections, that that is a decision which, if it means anything, applies to de facto segregation, and not what some are pleased to call de jure segregation.

I say that for this reason. Three years before Justice Brennan wrote the opinion in that case, the school board of New

Kent County had abolished the last vestige of State imposed segregation, and had extended to the children of that county, both black and white, full freedom to attend whichever one of the two schools in the county that they wished to attend.

The only obligation placed on the States by the *Brown* decision and the only obligation placed on the States by the Civil Rights Act of 1964 is that they will not discriminate against any child by denying him the right to attend a school on account of his race.

We are in the unfortunate situation in this country today of disregarding the very sound advice given to us by one of the wisest of our sons, Benjamin N. Cardozo, chief judge of the Court of Appeals of New York, and afterward Associate Justice of the Supreme Court of the United States. Justice Cardozo said that when we strike off one set of shackles, we ought not to substitute for them another set of shackles. Yet that is precisely what HEW is trying to do today. It is trying to substitute for outlawed State imposed segregation, federally coerced or federally briefed integration.

So in the *Green* case, where the children of New Kent County were allowed perfect freedom of choice, the Court struck down the system in that county. The Court did say, however, that freedom of choice could be used. The Court said that that freedom of choice in this case did not comply with the second *Brown* requirement that children should be admitted to school on a nonracial basis.

If this holding means anything, it means that where there is de facto segregation, and not just de jure segregation, there cannot be freedom of choice unless the black and the white children of the school district mix themselves racially in the schools in a manner pleasing to the Supreme Court Justices.

The Supreme Court Justices in that case did not say what would please them, but they struck down that system. They destroyed freedom in a de facto segregated community—segregated as far as the schools were concerned because the children wanted it that way.

The Senator from Michigan made a very fine plea for freedom of choice in such instances when this matter was before the Senate on February 17, in another form. I speak of Senator GRIFFIN.

Senator GRIFFIN said at that time:

It is common knowledge that other minority groups sometimes live together and choose to go to school together out of choice. People of Polish descent and people of the Jewish faith often do so. Perhaps in some instances it is because of discrimination. If there is discrimination, that is wrong and we should do something about that.

If it is by choice, then are we going to say that because there is an imbalance in a particular school that, ipso facto, we have de facto segregated schools and we must bus these people across town?

Like Senator GRIFFIN, I happen to entertain a conviction that people segregate themselves in society on the basis of race because they choose to do so, and that in so choosing they are acting in

obedience to a natural law. It is not surprising to me that forced integration has proved a failure, because the American people love liberty and they do not like coercion. The United States is supposed to be a free society and we are told that was the reason that this country was founded.

Despite the fact, HEW wants to convert little children, both black and white, into helpless puppets on a bureaucratic string. We find here in the Senate this same sentiment that we must rob little children of their choice, and that we can do that by permitting HEW to use funds to deny a child the right to attend the school selected by its parents, even on the basis of the child's race or color. The Jonas amendment would prohibit this action.

God gave little children to their parents. He did not give them to the bureaucrats in HEW. It is time that we took the children away from HEW and gave them back to their parents.

Children are now being denied the right to attend their neighborhood school because of their race or color. They are denied that right under plans formulated by HEW. HEW says to some students, "You cannot attend your neighborhood schools either because there are too many children of your race and color there already, or because we need children of your race or color to mix the races in some school elsewhere."

That is all that the Jonas amendment, section 410 of this bill, undertakes to prohibit. It just says that HEW will give to the people the right to select the school their children shall attend, and that when they select the school their children to attend, their children shall not be denied access to that school by the use of funds appropriated to HEW on account of the race or color of those children.

There is no doubt of the fact that HEW is denying children the right to attend their neighborhood school because of their race. It has done it all through North Carolina. It is doing it every day. It takes little children who live across the street from schools and denies them the right to attend those schools on account of their race or color, either because there are too many of their race and color already in those schools, or because they need some of their race and color to mix the schools elsewhere.

That is denying the right to attend school on account of a child's race or color, and that is all the Jonas amendment undertakes to prevent, by providing that the funds of HEW shall not be used for that purpose.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Is not that diametrically opposed to what the *Brown* decision held in 1954, when it held we must be colorblind and not color conscious?

Mr. ERVIN. Yes. In other words, those who want to favor forced integration of schools against the will of the people are like the man who was lost in the wood one night, and was found by a satyr who took the man to his home. It was cold,

and as they were approaching the satyr's home the man blew on his hands. The satyr said, "What are you doing that for?"

He said, "To warm my hands."

When they got to the satyr's home, the satyr set a smoking dish of porridge in front of the man, and the man blew on the porridge. The satyr asked, "What are you blowing on the porridge for?"

He said, "To cool it."

The satyr said, "Out with you. I will have nothing to do with a man that blows hot and cold with the same breath."

HEW blows hot and cold with the same breath. It says you must assign children to schools without taking their race into consideration, and in the next breath it says you must assign children to schools on the basis of their race or color. All that the Jonas amendment undertakes to do is to say that HEW can use all the funds appropriated to it which are to be used by it to keep a State agency from denying a child the right to attend a school on account of its race or color, but it cannot use funds appropriated to it to do exactly the opposite, and deny a child the right to attend the school selected by its parents on account of the child's race or color.

As I have stated, the New Kent County case is a case which has no meaning other than the meaning that you can have freedom of choice in a school system if the children exercise their freedom of choice in a manner pleasing to Supreme Court Justices, but you cannot have freedom of choice in a school system if the children exercise their freedom of choice in a manner displeasing to Supreme Court Justices.

The holding in the Green case is a distortion of our Constitution, which was intended to establish a free society. The American people do not hold their freedom by any such arbitrary, capricious, tyrannical, and slender judicial thread as that.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, before the Senator yields the floor, will he yield for one question?

Mr. ERVIN. I yield.

Mr. HOLLAND. Mr. President, I understood that the decision in the Brown case meant that it was held by our highest court to be unconstitutional to deny to any student, because of his or her race or color, the right or privilege of attending any public school. Am I correct in that understanding?

Mr. ERVIN. That is exactly what it held, and that is exactly what the Civil Rights Act of 1964 says.

Mr. HOLLAND. I call to the Senator's attention that this amendment, section 410, uses those very words, and I read it:

No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

The additional words are added to show that the public school chosen by a student was the choice of the parent or guardian.

I ask the distinguished Senator if it is not the fact that this amendment, in essence, simply holds that no part of the funds contained in this act shall be used to fund a denial of the right announced in the Brown case.

Mr. ERVIN. That is right. It is certainly right down the road and in complete harmony with the Brown case.

However, those who believe in forced integration want to take it both ways. They want to blow hot, and use the Brown case, and then blow cold and arrive at a decision completely opposite to and in conflict with the Brown case.

Mr. HOLLAND. I just want to ask the distinguished Senator if it is not his understanding, in construing this section that the word "deny"—the denial—relates to the following words: "because of his or her race or color"; that the denial is because of race or color.

Mr. ERVIN. Yes. That is exactly it.

Mr. HOLLAND. I thank the Senator. I cannot see how anyone who claims to believe that the constitutional right announced by the Brown case should be enforced could oppose the enactment of this amendment.

Mr. ERVIN. I cannot, either, unless they are so bent on forced integration that they want to uphold the Brown case where it will produce forced integration and violate it where that violation will produce forced integration.

In other words, they want to take away all the liberty from the parents and schoolchildren in America to accomplish these objectives. Any Senator who believes that America should be made a free society and that the children which God gave to the parents should be given back to them and taken away from HEW ought to vote against the amendment proposed by the distinguished minority leader.

I yield to the Senator from Mississippi such time as he may use from the time I have remaining.

Mr. STENNIS. I thank the Senator. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 22 minutes.

Mr. STENNIS. Mr. President, as one who has given special attention to these amendments and the subject matter, I respectfully submit to the Senate that this is what the amendment means, as I see it.

The key words begin on line 5 and end on line 6: "because of his or her race or color."

The Supreme Court of the United States, in the case of Brown against Board of Education, in 1954, clearly held that a State or any subdivision thereof could not deny to any person admission to a school—any person who was otherwise eligible—on account of race, color, or national origin. That was a basic, simple, fundamental, elemental holding, and they based it on the Constitution of the United States. That is controlling; that is the law.

The amendment under discussion really says that HEW shall not do this very thing. That is the key word, as I see it, in this amendment: HEW shall not deny to any student, because of his or her race or color, the right or privilege of attend-

ing any public school of his or her choice, as designated by the parents.

We talk about race and color. What color are we talking about? It does not always mean black people or other people of color. It includes white people. They are people, too. They should not be discriminated against.

That is the effect, in a way, of what is happening now, when children are in a place where they have a right to be and they are hauled out for the purpose of balancing the rolls—numbers, or a certain proportion—mixing. This goes back to the fundamentals. It is in keeping with the amendment adopted by the Senate last week that provides, as a matter of policy, that what is done shall be done uniformly.

What the Supreme Court struck down was a law that discriminated according to color; and now, in these requirements, whatever they are, it just says there cannot be discrimination against anyone, regardless of color. I think that is a rather simple, elemental, and fundamental thing. It is based solely on that point, as I understand it.

I hope that the Senators will give it proper attention. It is a new amendment. I believe they will reach that conclusion; and if they do, it will be compelling that they vote to keep that provision in the bill.

I conclude my remarks.

Mr. SCOTT. I yield 2 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. I appreciate very much the time yielded.

Mr. President, the issue is almost the same as we have faced right along. We are told that because X is wrong, Y should be condoned. That is essentially what the argument here is.

The key to the amendment proposed by the Senator from Pennsylvania (Mr. SCOTT) relates to the word "plan," which is at line 3, page 61:

No part of the funds . . . shall be used to provide, formulate, carry out, or implement, any plan . . .

That plan must be presumed to be a lawful plan. If it is an unlawful plan, it obviously cannot be aided by HEW. So if it is a lawful plan, it is not a plan which discriminates contrary to the law. It is a plan which has been devised after a freedom of choice plan of a given school district has been turned down either by a court or HEW.

Under section 410 of the act, notwithstanding that a court may order a new plan or that HEW may accept it, HEW would be prohibited from giving any funds to aid in implementing it. That is what it comes down to. If it is a lawful plan, it is a plan which does not unlawfully discriminate, and it must be a plan which is substituted in some way by a court or by HEW for a freedom of choice plan.

Notwithstanding the fact that an unlawful plan containing a freedom of choice provision may have been displaced by a lawful plan, this section, if it stood, would deny HEW the authority to provide any money to implement that lawful plan because the unlawful plan contains freedom of choice.

It seems to me that we are being asked to stand on our heads, and I hope very much the Senate will not do that.

Mr. SCOTT. Mr. President, the purpose of the amendment, as I see it, is to discourage Federal help to the school districts; because, under section 410 there is no way to get Federal help, the Department advises me, except under the freedom-of-choice provision. It is the only course permitted by the amendment, and that course is illegal, under many court rulings.

I am willing to yield back the remainder of my time.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I rise in support of the amendment offered by the Senator from Pennsylvania.

The enactment of section 410 of the bill would contravene the constitutional obligation of every school district to provide for public schooling on a nondiscriminatory basis.

In this respect, section 410 goes further than the original Whitten amendments which have been debated here in connection with the Mathias amendment.

It introduces more directly upon the traditional jurisdiction of local school boards and of State legislatures to set educational policy. And the provision would establish, in effect, a statutory right of "freedom of choice" for all parents and students under Federal law.

Mr. President, nearly 2 years ago the Supreme Court ruled, in the case of Green against New Kent County Board of Education, Va., that freedom of choice is not constitutionally permissible unless it achieves an end to illegal segregation in the schools. Moreover, experience with freedom of choice desegregation plans indicates that in most cases such plans are not effective in overcoming discrimination.

Section 410 ignores this experience and the decisions of the Federal courts by attempting to legalize freedom of choice in all situations—regardless of whether it accomplishes equal opportunity for minority students.

In addition, it would appear that section 410 negates and overrides the traditional powers reserved to the States and to local authorities in the field of public education.

For section 410 would deny Federal education funds to school districts which voluntarily sought to desegregate its schools by an assignment plan other than freedom of choice. It would deny to school districts Federal funds if they chose to obey the order of a Federal court to desegregate in a manner contrary to freedom of choice. And it raises the possibility that every single school district that is now desegregating by methods other than freedom of choice would be encouraged to go back on their commitments or otherwise risk a loss of Federal funds.

In short, the enactment of section 410 on the part of Congress would place school districts in a wholly untenable position. Any school desegregation on the part of a school district—whether

ordered by the courts, pursuant to State law, or voluntarily undertaken—if it conflicts with freedom of choice, would carry the risk of a termination of Federal funds.

Mr. President, under title VI of the Civil Rights Act of 1964, and under the Constitution, school districts have the affirmative obligation to desegregate in the event of a finding of discrimination.

Section 410 would not make their task any easier. In fact, it can be argued that the provision merely serves to complicate and confuse the legal responsibility which rests with school districts and local authorities. Section 410 does not—and cannot—remove a constitutional obligation; however, it does make the job more difficult for educational officials all across the country who have attempted and are attempting to comply with the requirements of the law.

There is no question but that section 410 would sanction a return to the pattern of separate schools for whites and for Negroes.

Most school districts with which the Government has negotiated meaningful desegregation would be tempted to return to ineffective freedom of choice—which in many instances is merely a euphemism for the dictum "separate but equal." That is what freedom of choice has amounted to in practical terms. It seems to me that, with the enactment of the Civil Rights Act of 1964, the Congress crossed this bridge many years ago.

I therefore urge my colleagues to vote for the pending amendment to strike section 410.

Mr. SCOTT. I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT (when his name was called). On this vote I have a pair with the distinguished Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the distinguished Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. NELSON (when his name was called). On this vote I have a pair with the distinguished Senator from Louisiana (Mr. LONG). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACK-

SON), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

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

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Kentucky (Mr. COOK) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 43, nays 32, as follows:

[No. 73 Leg.]

YEAS—43

Alken	Hart	Mondale
Anderson	Hartke	Muskie
Bellmon	Hatfield	Pearson
Boggs	Inouye	Pell
Brooke	Javits	Proxmire
Burdick	Kennedy	Randolph
Case	Magnuson	Ribicoff
Cooper	Mansfield	Schweiker
Cranston	Mathias	Scott
Dole	McCarthy	Smith, Maine
Eagleton	McGee	Tydings
Fong	McGovern	Williams, N.J.
Goodell	McIntyre	Young, Ohio
Griffin	Metcalf	
Harris	Miller	

NAYS—32

Allen	Ellender	Murphy
Baker	Ervin	Russell
Bennett	Gore	Sparkman
Bible	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Byrd, W. Va.	Holland	Talmadge
Cannon	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Jordan, N.C.	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.
Eastland	McClellan	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Allott, against.
Fulbright, against.
Nelson, for.

NOT VOTING—22

Bayh	Jackson	Prouty
Church	Long	Saxbe
Cook	Montoya	Smith, Ill.
Dodd	Moss	Stevens
Fannin	Mundt	Symington
Goldwater	Packwood	Yarborough
Gravel	Pastore	
Hughes	Percy	

So Mr. SCOTT's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, may I at this time, yielding time on the bill, ask the majority leader what the further program is.

Mr. MANSFIELD. Mr. President, it is my understanding that there are amendments to be offered by the distinguished Senator from Virginia (Mr. SPONG), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from New York (Mr. JAVITS), and the distinguished Senator from California (Mr. MURPHY).

I would like, with the permission of the two last-named Senators and the manager of the bill, to ask unanimous consent that on the Javits and Murphy amendments there be a time limitation of 20 minutes, the time to be equally divided between the sponsors of the amendments and the manager of the bill.

Mr. SCOTT. Mr. President, 20 minutes on the Javits amendment and 20 minutes on the Murphy amendment.

The PRESIDING OFFICER. Is there objection to a time limitation on the Murphy and Javits amendments? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding on the Spong amendment that there is a 2-hour limitation.

Mr. SPONG. Mr. President, I believe the limitation is 1 hour; 30 minutes to a side. I would certainly hope not to use 2 hours. If I may state what happened on yesterday, the Senator from Montana thought that the Senator from Nebraska (Mr. HRUSKA) might have the same amendment. The effect was that he asked for 2 hours, an hour to the side. I said that I thought that an hour would be agreeable to me.

Mr. SCOTT. Mr. President, I ask that the unanimous-consent agreement previously entered into be modified. If the majority leader has no objection, I would ask him now to pose a modification on the time limitation for the amendment of the distinguished Senator from Virginia.

Mr. MANSFIELD. The minority leader may state it.

Mr. SCOTT. Mr. President, would the Senator from Virginia agree to a modification of the time limitation on his amendment to 1 hour to be equally divided?

Mr. SPONG. That is agreeable.

Mr. SCOTT. I ask unanimous consent that there be a time limitation on the Spong amendment, the time to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, has the Chair put the question?

The PRESIDING OFFICER. The unanimous-consent agreement has been

agreed to. There will be 20 minutes on the Murphy and the Javits amendments and 1 hour on the Spong amendment, and 2 hours on the Hruska amendment.

Mr. SPONG. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Virginia (Mr. SPONG) proposes an amendment as follows:

On page 28, line 15, after the word "of", strike out "90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and".

Mr. SPONG. Mr. President, I offer this amendment on behalf of myself, the Senator from Texas (Mr. YARBOROUGH), the Senator from Colorado (Mr. DOMINICK), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. BYRD), and the Senator from Idaho (Mr. JORDAN).

I understand that the hour is late, and I know that there are other amendments to be considered. So I will try, as briefly as possible, to explain the amendment.

The pending amendment would strike language which provides for separate and different appropriations treatment of category "A" and category "B" children under the impacted areas program.

As I am certain all of you know, category "A" children are those whose parents live and work on Federal property, while category "B" children are those whose parents only work on Federal property.

Under the language currently in the bill, category "A" children would be funded at 90 percent of entitlement before any category "B" children are funded. This means that within the appropriation provided by the bill, category "B" children would be funded at about 72 percent of entitlement. Under the amendment adopted yesterday, these percentages would, of course, be reduced, if the President exercised his discretionary reduction authority on the impacted areas program.

The effect of the pending amendment would be to require that category "A" and category "B" pupils be funded at the same percentage of entitlement. Estimates are that the \$505 million in the bill for the Public Law 874 program would permit funding at approximately 78 percent of entitlement for both categories.

The pending amendment would permit continuation of the program in the form in which it currently exists. Category "A" and category "B" children have always been treated alike under the program as far as percentage of reimbursement is concerned. Adoption of the amendment would permit them to be treated alike in fiscal 1970.

Provision is made in the law for a distinction between category "A" and category "B" children. Reimbursement for category "B" children is, under the authorization, one-half of the reimbursement for category "A" children. Thus, if category "A" children are reimbursed at \$100 each, reimbursement for category "B" children is \$50 each. Under existing

law and the proposed amendment, the reimbursement would be the same percentage for both categories; that is, approximately 78 percent. Under our hypothetical example, this would mean 78 percent of the \$100 for category "A" children and 78 percent of the \$50 for category "B" children. The language in the bill would, however, further emphasize the distinction. Under our hypothetical example, reimbursement would be at a rate of 90 percent of the \$100 for category "A" children and 72 percent of the \$50 for category "B" children. The distinction is thus exaggerated far beyond the intent of Congress in the authorizing legislation.

The language in the committee bill is but another attempt to modify the impacted areas program in the appropriations process. By permitting the language in the bill to stand, we would be shifting the focus of the program. Furthermore, we would be doing so without committee hearing and adequate study of the effects of such a shift. And, we would be doing so late in the school year, without giving local school districts reasonable notice of the change in congressional intent.

Only several weeks ago we had before us the Elementary and Secondary Education Act Amendments. We debated it for days. If a change was to be made in the focus of the program, that was the time to make it. If the purpose and emphasis of the impact program is to be changed, it should be done in an authorization bill, not in the appropriations process.

Recently, the Battelle Memorial Institute released a report carrying various recommendations for modifications in the impact program. The administration, several days ago, sent Congress proposals for changing the impact program as a result of that report. Those proposals went to the Education Subcommittees in the House and Senate, and any change in the program should be considered by those legislative committees.

But, certainly, this is not the place or the time to modify the program. Every year we see the same play repeated. The battle over impact aid is not fought in the legislating bills, but in the appropriation bills, and it is not fought until so late in the year that change would wreak havoc on local school districts.

Perhaps some modifications should be made in the program, but they should not be made in the manner in which they have been attempted. Impact aid provides thousands, and in some cases, millions of dollars for school districts. To cut this aid or redistribute it in the midst of a school year is a ridiculous and inefficient exercise of power. It makes orderly planning and efficient management impossible on the local level. It makes us in the Federal Government look as though we do not understand basic concepts of business and administration.

The impasse over enactment of this appropriation bill has already caused severe financial problems for a number of school districts. I do not believe we should compound those problems by shifting the focus of programs this late in the school year. I believe it would be irresponsible of us to do so.

This amendment would help us to make the best of a situation which has almost reached the absurd. It would help permit school districts which have already made commitments to spend anticipated funds this year to arrange their finances to comply with the budget restraints which have been imposed. And, hopefully, it would permit us to turn our thoughts away from this year, in which orderly planning and operation is beyond hope, toward next year, where there is still a chance for efficient and effective operations of our school finances.

I would like to note that the able chairman of the Senate Labor and Public Welfare Committee (Mr. YARBOROUGH) is a cosponsor of this amendment. I am certain that he would have spoken in favor of it had he not had to be in Texas today on business. Also, the able chairman of the Education subcommittee, Senator PELL, is a cosponsor.

Mr. President, I ask unanimous consent that I may add the name of the Senator from Nevada (Mr. CANNON) as a cosponsor of the amendment.

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

Mr. SPONG. Mr. President, I yield now to the chairman of the Subcommittee on Education, the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I rise to support the motion of Senator SPONG, which would delete from the pending measure that provision which would provide for preferential funding in the impacted aid program or "A" children over "B" children.

The question of impacted aid is one which is periodically discussed in the Senate, either attacked or defended, but in the end it seems to go merrily along.

Upon taking office, the new administration spoke of its desire to fund the "A" children and not the "B" children in this program. Indeed in our first hearings in the Education Subcommittee last year, which while not on this specific subject, saw mention made of the administration's proposal to shift the funding and there was general opposition to it.

A year and a quarter has passed, we enacted one appropriations bill and there was no mention of preferential funding. Now, we have before us a measure which would give preference to the "A" children and, in essence, would allow the President not to fund the "B" children when one considers the 2-percent cut the Senate approved yesterday.

There is also a certain equity that we

should keep in mind when discussing a bill for the fiscal year which started last July. The schools have been operating for 7 months at approximately the 1969 level of appropriations. To suddenly change the method of payment of the impacted aid program, I believe would cause a great financial hardship on many of the school districts. And here it may be wise for the Senate to consider in actual numbers just what we are speaking of. To use fiscal 1969 as an example, the total appropriation for Public Law 874 amounted to \$462,848,135, this breaks down to \$115,523,133 for 348,703 "A" children and \$347,325,001 for 2,221,876 "B" children with no preference as to which category gets funded first.

In my State of Rhode Island there are approximately 3,036 "A" students and 11,050 "B" students, the funds break down to \$1,219,225 for "A" and \$2,293,919 for "B" a little higher ratio of "A" students than reflected in the national picture. Nevertheless, there would be a great hardship suffered by local education agencies if this preferential funding were adopted. I ask that at this point in the Record a table of Public Law 874 payments for each State be printed.

There being no objection, the tables were ordered to be printed in the Record, as follows:

1969 PUBLIC LAW 81-874 APPROPRIATIONS

CHILDREN AND PAYMENTS UNDER PUBLIC LAW 874

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
Alabama	01	234	5,179	\$59,853	\$662,342	\$722,195	
Do	02	516	7,543	131,982	964,674	1,096,657	
Do	03	730	10,468	186,719	1,338,753	1,525,472	
Do	04	329	7,634	84,152	976,312	1,060,464	12
Do	05	25	1,035	6,395	132,366	138,761	3
Do	07		2,126		271,894	271,894	3
Do	08	802	23,784	205,136	3,041,736	3,246,872	15
Do	97		1,236		158,072	158,072	2
Do	All	2,636	59,005	674,236	7,546,149	8,220,386	57
Alaska	99	15,240	14,304	10,386,230	2,805,128	13,191,358	23
Do	All	15,240	14,304	10,386,230	2,805,128	13,191,358	23
Arizona	01	808	4,463	253,217	644,748	897,965	12
Do	02	5,144	15,968	1,465,351	2,563,003	4,028,355	47
Do	03	10,354	3,566	2,769,995	510,154	3,280,149	52
Do	78	1,495	3,280	385,443	497,190	883,632	18
Do	All	17,801	27,277	4,875,006	4,215,095	9,090,102	129
Arkansas	01	1,029	689	263,198	88,116	351,314	2
Do	02	1,804	7,579	461,427	969,278	1,430,705	13
Do	03	20	2,439	5,116	311,924	317,039	28
Do	04	45	4,049	11,510	517,827	529,337	14
Do	All	2,898	14,756	741,250	1,887,145	2,628,395	57
California	01	2,644	10,385	832,685	1,701,343	2,534,028	31
Do	02	1,145	5,538	398,880	943,519	1,342,399	63
Do	03	2,716	31,471	824,451	5,138,340	5,962,790	15
Do	04	7,735	18,794	2,449,964	3,007,474	5,457,438	21
Do	07		1,857		292,505	292,505	3
Do	08	1,494	4,058	471,242	578,963	1,050,205	4
Do	09	32	7,090	10,112	1,164,858	1,174,970	12
Do	10	152	8,759	45,115	1,430,040	1,475,155	16
Do	11	4	4,437	1,470	698,488	699,957	12
Do	12	5,454	9,406	1,723,471	1,513,311	3,236,782	18
Do	13	6,528	24,311	2,045,580	3,955,919	6,001,499	34
Do	14	229	10,885	72,142	1,749,706	1,821,848	14
Do	15	87	7,988	27,408	1,300,464	1,327,871	18
Do	16	1,144	4,707	350,812	757,200	1,108,012	16
Do	17		370		51,393	51,393	1
Do	18	8,516	3,767	2,721,284	605,988	3,327,271	20
Do	19		1,773		279,274	279,274	2
Do	20		467		73,560	73,560	1
Do	23		3,836		611,941	611,941	5
Do	24		2,653		417,887	417,887	3
Do	25	6	1,613	2,595	289,685	292,280	5
Do	27	66	8,025	22,002	1,359,061	1,381,063	11
Do	28	8	2,238	2,520	361,100	363,621	6
Do	31	2	396	556	80,573	81,128	2
Do	32	1,616	7,342	509,088	1,156,475	1,665,564	28
Do	33	3,976	21,007	1,236,558	3,363,425	4,599,982	2
Do	34		9,559		1,482,427	1,482,427	13
Do	35	4,706	20,846	1,425,672	3,621,179	5,046,852	40
Do	36	686	4,778	215,813	718,868	934,681	5
Do	37	41	18,898	13,069	2,971,763	2,985,832	7
Do	38	1,829	8,862	574,111	1,412,858	1,986,969	10
Do	60	7	48	3,142	10,773	13,915	
Do	62	1,175	22,598	37,060	3,559,524	3,929,684	
Do	64		2,466		388,432	388,432	
Do	81	2,034	6,950	640,771	1,094,729	1,735,500	
Do	83		94		13,057	13,057	
Do	84	5,578	26,430	1,760,073	4,163,121	5,923,194	

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
California	85		2,354		\$370,790	\$370,790	1
	87	19	601	\$5,986	94,667	100,652	1
	90		301		41,809	41,809	1
	92		314		43,615	43,615	1
	94		2,000		315,030	315,030	1
	95	3	7,975	945	1,256,182	1,257,127	2
	96	162	7,999	51,035	1,259,962	1,310,997	1
Colorado	All	59,803	346,246	18,809,711	55,801,277	74,610,988	46
	02	317	19,326	116,287	3,847,371	3,963,658	14
	03	4,669	29,308	1,902,913	5,662,301	6,565,214	28
	04	931	5,854	366,115	1,070,934	1,437,049	31
	All	5,917	54,488	2,385,314	10,580,607	12,965,921	73
Connecticut	01		368		78,890	78,890	2
	02	2,515	5,354	1,116,319	1,007,239	2,123,558	23
	03	41	2,444	14,476	482,188	496,663	4
	04		989		169,361	169,361	1
	05		1,078		199,967	199,967	1
	06		1,348		284,998	284,998	6
	All	2,556	11,581	1,130,794	2,222,643	3,353,437	40
Delaware	99	25	4,406	7,874	693,857	701,731	11
	All	25	4,406	7,874	693,857	701,731	11
District of Columbia	99	973	37,321	299,217	5,738,477	6,037,694	1
	All	973	37,321	299,217	5,738,477	6,037,694	1
Florida	01	3,764	25,797	962,856	3,299,178	4,261,934	6
	02	256	4,054	65,480	518,466	583,946	5
	02	1,227	12,471	313,842	1,594,916	1,908,758	3
	04	10	4,618	2,558	598,653	601,211	1
	05	3,055	32,912	781,408	4,209,116	4,990,524	2
	06	982	5,084	251,176	650,193	901,369	1
	08	5	3,876	1,279	495,702	496,981	1
	09	96	81	24,555	10,359	34,914	2
	10		501		64,073	64,073	1
	12	1,944	1,939	497,236	247,979	745,214	1
	82	1,664	6,521	425,618	833,971	1,259,589	1
	All	13,003	97,917	3,325,907	12,522,605	15,848,512	24
Georgia	01	659	5,140	168,559	657,355	825,914	8
	02	1,000	3,773	255,780	482,529	738,309	6
	03	622	24,521	159,095	3,135,991	3,295,086	13
	04		3,995		510,921	510,921	2
	06	178	9,190	45,529	1,175,309	1,220,838	6
	07	33	15,778	8,441	2,017,848	2,026,289	11
	08	575	4,257	147,074	544,428	691,501	10
	09		1,211		154,875	154,875	4
	10	468	12,068	119,705	1,543,377	1,663,082	6
	75	117	9,057	29,926	1,158,300	1,188,226	2
	All	3,652	88,990	934,109	11,380,931	12,315,040	68
Hawaii	99	15,964	34,788	4,296,232	4,681,073	8,977,305	1
	All	15,964	34,788	4,296,232	4,681,073	8,977,305	1
Idaho	01	384	5,272	149,342	808,391	957,733	35
	02	2,026	8,335	640,857	1,119,846	1,760,703	23
	All	2,410	13,607	790,199	1,928,237	2,718,436	58
Illinois	04		448		95,627	95,627	4
	06	5	258	2,038	52,589	54,628	1
	10	4	280	3,017	1,05,591	108,608	1
	12	2,931	5,200	1,424,337	1,217,513	2,641,850	30
	13	339	13,904	171,280	2,925,714	3,096,993	3
	14	73	5,590	27,503	1,207,643	1,235,146	31
	15		568		89,183	89,183	5
	16	34	683	11,894	107,826	119,721	8
	17	9	2,401	2,546	445,073	447,620	19
	18	20	3	5,659	424	6,083	1
	19	11	2,968	3,779	527,299	531,078	13
	20		158		33,783	33,783	3
	21	50	1,293	14,147	184,188	198,334	11
	22	2,418	3,329	1,002,278	706,337	1,708,616	9
	23		823		133,700	133,700	9
	24	1,837	7,481	632,036	1,251,141	1,883,176	31
	58		206		29,142	29,142	3
	All	7,731	45,593	3,300,514	9,112,774	12,413,288	182
Indiana	2		162		24,439	24,439	1
	5	1,494	1,953	563,626	309,658	873,283	6
	06	9	1,700	2,309	218,042	220,351	16
	07	5	2,202	1,283	291,704	292,987	18
	08	157	2,754	40,274	353,228	393,502	13
	09	87	7,741	24,339	1,029,123	1,053,463	44
	10		301		39,631	39,631	3
	11	342	6,531	105,525	1,252,243	1,357,768	5
	All	2,094	23,344	737,355	3,518,067	4,255,422	106
Iowa	10	80	4,637	32,682	947,177	979,859	16
	02	4	97	1,634	19,814	21,448	2
	03	36	54	14,707	11,030	25,737	1
	04	62	3,058	25,329	624,642	649,971	9
	05		1,612		315,680	315,680	10
	06	396	938	161,778	191,601	353,378	3
	07		909		185,677	185,677	2
	All	578	11,305	236,130	2,295,621	2,531,752	43
Kansas	01	24	272	7,208	40,845	48,053	7
	02	5,705	8,774	1,732,354	1,326,576	3,058,930	29
	03	140	6,814	42,046	1,023,224	1,065,271	23
	04	800	14,575	240,264	2,188,655	2,428,919	14
	05	1,483	4,930	445,389	140,314	1,185,103	41
	All	8,152	35,365	2,467,261	5,319,614	7,786,875	114
Kentucky	01	126	4,855	32,228	820,906	653,134	17
	02	24	5,876	6,139	751,482	757,620	12
	03	13	11,516	3,325	1,472,781	1,476,106	3
	04		87		11,126	11,126	2
	05		826	256	105,637	105,893	6
	06	42	4,562	10,743	583,434	594,177	12
	07	7	31	1,790	3,965	5,755	1
	12		256		32,740	32,740	1
	All	213	28,009	54,481	3,582,071	3,636,552	54
Louisiana	01		520		66,503	66,503	1
	02		1,765		225,726	225,726	1
	04	1,329	6,433	339,932	822,716	1,162,648	2
	06	17	2,446	4,348	32,819	317,167	2
	08	246	7,156	62,922	915,181	978,103	4
	791	123	3,718	31,461	475,495	506,956	1
	All	1,715	22,038	438,663	2,818,440	3,257,103	11

1969 PUBLIC LAW 81-874 APPROPRIATIONS—Continued
 CHILDREN AND PAYMENTS UNDER PUBLIC LAW 874—Continued

State	District	A children	B children	A amount	B amount	A plus B amount	District
Maine	01	1,061	5,468	\$367,113	\$885,183	\$1,252,296	36
Do	02	3,537	2,927	1,295,046	440,073	1,735,119	38
Do	All	4,598	8,395	1,662,159	1,325,256	2,987,415	74
Maryland	01	1,334	5,994	450,895	1,010,938	1,461,833	4
Do	02	1,531	7,269	539,586	1,280,943	1,820,529	1
Do	05	1,418	49,850	499,760	8,784,567	9,284,327	2
Do	06	619	6,152	202,213	998,669	1,200,882	4
Do	08	169	32,368	59,562	5,703,889	5,763,451	1
Do	76		1,905		335,699	335,699	1
Do	77	111	12,814	38,851	2,119,604	2,158,455	2
Do	78	2,769	11,223	753,279	1,526,552	2,279,831	1
Do	All	7,951	127,575	2,544,146	21,760,861	24,305,007	16
Massachusetts	01	15	3,916	6,914	943,733	950,647	24
Do	02	2,239	4,139	1,056,379	993,977	2,050,356	9
Do	03	2,007	3,456	1,137,180	850,427	1,987,607	33
Do	04	15	2,992	9,888	780,145	790,033	14
Do	05	216	6,894	149,496	1,778,118	1,927,614	21
Do	06	36	2,989	18,355	711,927	730,282	22
Do	07	17	3,793	8,219	994,250	1,002,469	11
Do	08	58	942	38,741	254,025	292,765	3
Do	10	63	1,828	26,479	473,661	500,140	10
Do	11	227	3,645	114,821	815,910	930,731	11
Do	12	2,121	5,687	1,209,820	1,428,076	2,637,895	40
Do	13	13	3,069	6,778	800,012	806,789	1
Do	74		16		6,400	6,400	1
Do	75	2	80	1,598	31,970	33,568	1
Do	All	7,029	43,446	3,784,668	10,867,629	14,652,297	201
Michigan	02	27	488	7,249	65,512	72,761	2
Do	03	382	3,090	102,563	414,817	517,380	7
Do	08	12	251	3,222	33,696	36,917	4
Do	09	17	345	4,564	46,315	50,879	3
Do	10	1,794	1,019	481,671	136,796	618,467	3
Do	11	4,037	2,905	1,083,894	389,982	1,473,876	24
Do	12	1,475	3,340	396,023	448,378	844,401	11
Do	15		380		51,013	51,013	2
Do	16	33	44	8,860	5,907	14,767	1
Do	52		4,832		648,672	648,672	1
Do	All	7,777	16,694	2,088,047	2,241,086	4,329,133	58
Minnesota	01		616		87,835	87,835	4
Do	02	24	15	6,844	2,139	8,983	1
Do	03	121	4,073	34,507	580,769	615,276	9
Do	04		4,460		635,951	635,951	5
Do	05		2,520		359,327	359,327	1
Do	06	98	30	27,948	4,278	32,225	2
Do	07	1,072	963	305,713	137,314	443,027	18
Do	08	950	2,391	270,921	340,933	611,854	15
Do	All	2,265	15,068	645,933	2,148,546	2,794,479	55
Mississippi	01	910	976	232,760	124,821	357,580	2
Do	03	8	757	2,046	96,813	98,859	1
Do	04	269	623	88,805	79,675	148,480	
Do	05	1,993	11,282	509,770	1,442,855	1,952,625	
Do	All	3,180	13,638	813,380	1,744,164	2,557,544	
Missouri	01		937		140,414	140,414	3
Do	02	30	5,314	8,659	729,293	305,952	10
Do	03	89	418	26,751	62,819	89,570	1
Do	04	2,440	17,917	733,391	2,840,484	3,573,875	40
Do	05		656		98,587	98,587	1
Do	06	2	2,525	601	378,731	379,332	14
Do	07	11	1,692	2,814	216,390	219,203	17
Do	08	2,891	4,657	868,366	625,414	1,493,779	29
Do	09	23	1,376	5,883	199,559	205,442	11
Do	10	11	35	2,814	4,476	7,290	1
Do	11		101		12,917	12,917	1
Do	78	25	4,680	4,509	846,921	851,430	2
Do	All	5,512	40,308	1,653,786	6,224,005	7,877,791	130
Montana	01	1,695	4,577	874,010	791,861	1,665,872	64
Do	02	6,079	5,353	2,100,117	797,953	2,898,070	46
Do	All	7,774	9,930	2,974,128	1,589,814	4,563,942	110
Nebraska	01	408	1,336	162,543	626,125	788,668	8
Do	02	3,523	7,420	1,403,528	1,478,027	2,881,555	8
Do	03	354	3,147	136,467	626,867	763,333	34
Do	All	4,285	11,903	1,702,538	2,371,018	4,073,556	50
Nevada	99	3,841	17,336	1,055,276	2,381,446	3,436,723	13
Do	All	3,841	17,336	1,055,276	2,381,446	3,436,723	13
New Hampshire	01	1,560	5,783	678,110	1,211,364	1,889,475	35
Do	02		685		161,461	163,685	7
Do	03		68		10,180	10,180	1
Do	13		49		9,786	9,786	1
Do	All	1,565	6,585	680,335	1,392,790	2,073,125	44
New Jersey	01	35	5,700	14,025	1,375,228	1,389,253	44
Do	02	30	2,185	12,056	604,330	616,384	20
Do	03	1,676	11,050	740,228	2,686,546	3,426,774	49
Do	04	1,970	2,721	633,966	636,310	1,270,276	19
Do	05	124	3,100	55,063	752,677	807,740	18
Do	06	3,214	9,282	1,651,918	2,268,089	3,920,006	37
Do	13	125	305	62,073	75,728	137,801	1
Do	51		759		188,452	188,452	1
Do	All	7,174	35,102	3,169,327	8,487,360	11,656,686	189
New Mexico	01	5,502	24,024	1,407,302	3,072,429	4,479,731	12
Do	02	3,719	10,529	951,246	1,346,554	2,297,800	13
Do	99	9,103	6,620	2,328,365	846,632	3,174,997	14
Do	All	18,324	41,173	4,686,913	5,265,615	9,952,528	39
New York	01	542	9,491	370,783	2,161,843	2,532,626	44
Do	02		1,838		428,365	428,365	9
Do	03		603		144,031	144,031	2
Do	04	791	381	374,002	89,951	463,953	2
Do	05		245		57,851	57,851	1
Do	25	3	143	5,617	50,484	56,100	2
Do	27	1,059	3,273	441,285	681,930	1,123,215	6
Do	28	3	301	1,250	62,713	63,963	3
Do	29	101	4,815	42,289	1,077,560	1,119,849	20
Do	30	1,717	2,081	715,474	433,576	1,149,050	19
Do	31	163	1,072	67,922	233,351	291,273	
Do	32	1,213	5,406	505,457	1,126,340	1,631,797	

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
New York	33		1,710		\$356,279	356,279	6
	34	136	735	\$56,671	153,137	209,808	2
	35	155	1,467	64,589	305,649	370,238	10
	38		497		103,550	103,550	5
Do	40	498	399	207,517	83,132	290,648	3
Do	54		1,363		283,991	283,981	1
Do	69	1,250	16,800	726,538	4,882,332	5,608,870	2
Do	79		528		150,690	150,690	2
Do	All	7,639	53,148	3,579,393	12,856,745	16,436,138	161
North Carolina	01	1,858	5,326	475,239	681,142	1,156,381	10
Do	03	1,743	12,708	445,825	1,625,226	2,071,051	8
Do	04	5	350	1,279	44,762	46,040	1
Do	07	494	18,862	126,355	2,412,261	2,538,617	7
Do	09	2	771	512	98,603	99,115	2
Do	11	294	982	75,199	125,588	200,787	4
Do	All	4,396	38,999	1,124,409	4,987,582	6,111,991	32
North Dakota	01	3,221	1,605	969,682	241,231	1,210,913	20
Do	02	3,415	1,237	1,050,315	187,163	1,237,478	24
Do	All	6,636	2,842	2,019,997	428,394	2,448,390	44
Do	All	6,636	2,843	2,019,997	428,394	2,448,380	44
Ohio	01		63		12,163	12,163	1
Do	02		949		147,112	147,112	5
Do	03	1,830	10,973	468,077	1,829,256	2,297,333	12
Do	04		310		43,203	43,203	2
Do	05		217		37,594	37,594	2
Do	06	40	3,286	10,231	495,328	505,559	23
Do	07	162	12,988	41,346	1,809,638	1,851,074	20
Do	08		235		30,054	30,054	2
Do	09		490		94,602	94,602	1
Do	10	3	1,282	767	183,573	184,340	11
Do	12	10	2,908	\$2,558	\$371,904	\$374,462	5
Do	13		1,060		176,558	176,558	9
Do	14	24	799	6,139	134,576	140,715	4
Do	15		672		119,312	119,312	3
Do	17		3,084		441,813	441,813	11
Do	23		3,767		727,276	727,276	10
Do	24		2,685		454,508	454,508	6
Do	59		1,655		319,523	319,523	1
Do	68	1,368	11,219	355,512	2,092,023	2,447,535	7
Do	79		499		96,339	96,339	2
Do	All	3,437	59,141	884,721	9,616,354	10,501,075	139
Oklahoma	01	500	7,426	163,494	1,230,050	1,393,543	32
Do	02	1,810	4,419	468,678	575,812	1,004,490	88
Do	03	209	3,829	54,985	493,891	548,876	56
Do	04	710	4,636	195,361	607,937	803,299	73
Do	05	208	18,259	65,186	2,643,224	2,708,410	32
Do	06	6,180	14,820	1,645,180	1,961,670	3,606,850	69
Do	75	408	8,867	138,418	1,504,109	1,642,527	1
Do	All	10,025	62,256	2,731,302	9,016,693	11,747,995	351
Oregon	01	401	566	156,492	114,334	270,826	7
Do	02	634	4,016	263,862	816,998	1,080,860	40
Do	03	40	2,796	27,332	545,877	573,209	4
Do	04	185	2,505	80,215	520,860	601,076	17
Do	All	1,260	9,883	527,901	1,998,069	2,525,970	68
Pennsylvania	06		340		45,693	45,693	2
Do	07		1,866		394,277	394,277	11
Do	08	13	2,554	3,673	441,134	444,807	6
Do	09		967		168,504	168,504	3
Do	10		1,893		254,400	254,400	8
Do	11		1,230		173,274	173,274	6
Do	12		5,330		716,299	716,299	12
Do	13		947		239,432	239,432	4
Do	15	131	332	58,346	73,935	132,281	1
Do	16	63	2,557	16,933	365,500	382,433	12
Do	17		1,856		267,810	267,810	4
Do	18	53	98	21,289	19,774	41,163	1
Do	19	124	5,283	33,246	739,706	773,132	16
Do	23						1
Do	26		110		17,365	17,365	1
Do	27		745		123,960	123,960	4
Do	57		2,720		491,811	491,811	4
Do	63		348		63,045	63,045	1
Do	66	566	15,681	205,611	2,848,218	3,053,829	1
Do	67	80	648	24,112	94,473	118,585	4
Do	All	1,030	45,505	363,490	7,538,610	7,902,101	102
Rhode Island	01	1,823	4,982	723,673	1,053,742	1,777,416	8
Do	02	1,212	5,193	495,104	1,044,242	1,539,346	15
Do	79	1	875	448	195,934	196,382	1
Do	All	3,036	11,050	1,219,225	2,293,919	3,513,144	24
South Carolina	01	3,984	24,218	1,019,028	3,097,240	4,116,268	16
Do	02	233	15,019	59,597	1,920,780	1,980,377	13
Do	03	39	379	9,975	48,470	58,446	3
Do	04		638		81,594	81,594	1
Do	05	998	1,605	255,268	205,263	460,532	1
Do	06	123	790	31,461	101,033	132,494	1
Do	All	5,377	42,649	1,375,329	5,454,381	6,829,710	35
South Dakota	01	480	1,688	165,965	291,821	457,786	21
Do	02	5,556	4,960	1,921,043	809,952	2,730,995	47
Do	All	6,036	6,378	2,087,007	1,101,774	3,188,781	68
Tennessee	01	36	4,359	9,208	557,473	566,681	8
Do	02	25	8,814	6,395	1,127,222	1,133,617	9
Do	03	5	3,532	1,279	451,707	452,986	10
Do	04	896	8,767	229,179	1,121,212	1,350,391	16
Do	05		2,522		322,539	322,539	1
Do	06		5,420		693,164	693,164	7
Do	07		1,464		187,231	187,231	9
Do	08	36	2,105	9,208	269,208	278,417	6
Do	09	1,029	3,513	263,198	449,278	712,475	1
Do	96		6,000		767,340	767,340	1
Do	All	2,027	46,496	518,466	5,946,373	6,464,840	68

1969 PUBLIC LAW 81-874 APPROPRIATIONS—Continued
CHILDREN AND PAYMENTS UNDER PUBLIC LAW 874—Continued

State	District	A children	B children	A amount	B amount	A plus B amount	
Texas.....	01	84	10,613	\$21,486	\$1,357,297	\$1,378,782	36
Do.....	02		261		33,379	33,379	4
Do.....	03	5	2,107	1,279	269,464	270,743	2
Do.....	04	332	3,069	84,919	392,494	477,413	14
Do.....	05	11	1,732	2,814	221,505	224,319	6
Do.....	06		1,116		142,850	142,850	13
Do.....	07						2
Do.....	08	20	2,916	5,116	372,927	378,043	3
Do.....	09	4	4,709	1,023	602,234	603,257	7
Do.....	10	877	4,721	224,319	603,769	828,088	10
Do.....	11	3,610	13,446	923,366	1,719,609	2,642,975	37
Do.....	12	986	24,629	252,199	3,149,803	3,402,002	16
Do.....	13	1,417	7,423	262,440	949,327	1,311,768	20
Do.....	14	325	6,233	83,129	797,138	880,267	5
Do.....	15	251	1,497	64,201	191,451	255,652	5
Do.....	16	3,339	20,440	861,348	2,604,980	3,466,328	12
Do.....	17	1,945	7,916	497,492	1,012,377	1,509,869	24
Do.....	18	682	2,905	174,710	371,520	546,230	8
Do.....	19	403	1,730	103,079	21,250	324,329	4
Do.....	20	838	45,142	214,344	5,773,210	5,987,554	11
Do.....	21	691	4,756	176,744	608,245	784,989	13
Do.....	22		659		84,280	84,280	2
Do.....	23	296	7,158	75,711	915,437	991,148	18
Do.....	53	16	3,300	4,092	422,037	426,129	1
Do.....	56	2	2,754	512	352,209	352,721	1
Do.....	86	3,621	988	1,712,733	146,448	1,859,181	4
Do.....	All	19,755	182,220	5,847,054	23,315,242	29,162,296	278
Utah.....	01	2,329	33,617	595,712	4,299,278	4,894,990	18
Do.....	02	788	13,114	201,565	1,677,149	1,878,704	10
Do.....	All	3,117	46,731	797,266	5,976,428	6,773,694	28
Vermont.....	99	11	626	3,219	98,558	101,778	14
Do.....	All	11	626	3,219	98,558	101,778	14
Virginia.....	01	4,791	38,849	1,332,491	5,126,733	6,459,225	10
Do.....	02	3,269	24,985	1,017,709	3,714,117	4,731,826	3
Do.....	03		4,499		662,101	662,101	3
Do.....	04	1,478	13,776	378,043	1,761,813	2,139,855	9
Do.....	05	4	445	1,023	56,911	57,934	1
Do.....	06	31	3,838	7,929	527,049	534,978	6
Do.....	07		133		17,009	17,009	1
Do.....	08	207	14,590	55,183	2,215,710	2,270,893	12
Do.....	09		3,021		386,356	386,356	7
Do.....	10	739	64,964	291,721	13,005,663	13,297,394	5
Do.....	All	10,519	169,100	3,083,650	27,474,462	30,558,111	57
Washington.....	01	190	6,132	53,916	870,039	923,955	6
Do.....	02	2,162	7,768	614,319	1,103,174	1,717,493	30
Do.....	03	367	4,538	119,988	648,311	768,299	32
Do.....	04	1,634	10,466	464,287	1,502,354	1,966,641	46
Do.....	05	2,575	4,305	734,043	612,331	1,346,375	27
Do.....	06	5,564	26,944	1,604,436	3,822,950	5,427,385	
Do.....	07	174	3,877	49,376	550,088	599,464	
Do.....	All	12,756	64,030	3,640,365	9,109,246	12,749,612	173
West Virginia.....	02	50	1,770	12,789	226,365	239,154	6
Do.....	03		590		75,455	75,455	1
Do.....	04	1	714	256	91,313	91,569	1
Do.....	All	51	3,074	13,045	393,134	406,179	8
Wisconsin.....	02	555	2,187	160,020	402,414	562,435	8
Do.....	03	80	4,014	29,493	740,205	770,148	21
Do.....	07	124	188	46,412	35,183	81,595	5
Do.....	08	29	522	10,854	97,790	108,544	3
Do.....	10	373	521	144,303	101,395	245,698	9
Do.....	55	41	2,374	15,346	444,282	459,628	1
Do.....	All	1,202	9,806	406,879	1,821,169	2,228,048	47
Wyoming.....	99	2,113	4,142	1,016,467	641,865	1,658,333	24
Do.....	All	2,113	4,142	1,016,467	641,865	1,658,333	24
Guam.....	99	3,647	5,977	932,830	764,399	1,697,228	1
Do.....	All	3,647	5,977	932,830	764,399	1,697,228	1
Virgin Islands.....	99		330		42,204	42,204	1
Do.....	All		330		42,204	42,204	1
Total.....		348,703	2,221,876	115,523,133	347,325,001	462,848,135	4,285

Mr. PELL. The impacted aid program is one which I believe should be discussed in depth in this session of the Congress. Our Education Subcommittee could not do so in its preparation for the ESEA bill passed last week since the material needed was not at hand. In turn, the administration was not prepared since it was awaiting the report being put together by the Battelle Memorial Institute. The report is here and I understand that the administration is preparing recommendations on impacted aid. As chairman of the Education Subcommittee of the Committee on Labor and Public Welfare I believe our subcommittee will conduct hearings on this subject before the end of the session. I maintain, however, that changing the method of allocation in an appropriations bill is not the way to accomplish an end which may be equitable and for this reason I sup-

port the recommendation of the junior Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. BYRD of Virginia. I wish to ask the Senator this question. This amendment does not increase the total amount of dollars going to the impacted aid program. Is that correct?

Mr. SPONG. The Senator is correct. It does not.

Mr. BYRD of Virginia. I am happy to support the amendment of the Senator from Virginia and I commend him for the introduction of the amendment. I am glad to be a cosponsor.

Mr. SPONG. I thank the Senator.

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

Mr. SPONG. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I wish to congratulate the distinguished Senator from Virginia for offering the amendment, and I am happy to be a cosponsor.

To put the matter in a nutshell, if the amendment were agreed to, it would neither increase nor decrease the amount of money; it would leave the total amount of money as it was before. We would be in the same position we were before.

Since I have been in the Senate, every single administration has always come before the legislative committee and said, "We are going to change the impacted area fund." Up to date, the committee held relatively firm and we did not do it; we did not do it in the next bill, nor did we do it in the original appropriation bill.

The House of Representatives had an opportunity to make a point of order on this bill, but, unfortunately, it was forgotten when the appropriations bill came up. They simply forgot to make a point of order. We cannot make the point of order on it here in the Senate.

Mr. President, I think this will take care of the situation and put the matter back where it is to permit operation for the remaining portion of the school year pending a future revision of the impacted area aid; and we can proceed on the program we have had to date.

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

Mr. SPONG, I yield.

Mr. MURPHY. Mr. President, I wish to join my distinguished colleague, the Senator from Colorado, and congratulate the Senator from Virginia for offering the amendment. The amendment seems eminently fair.

School areas that have depended on these funds have made their plans. The school year is more than half over and I think it would be unfortunate to change the rules in the middle of the game. If the rules are to be changed it should be done after hearings in committee; and it should not be done on the floor of this Chamber.

I join my colleague in recommending that the Senate agree to the amendment.

Mr. SPONG. I thank the Senator.

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

Mr. SPONG. I yield.

Mr. ALLOTT. Mr. President, I support the amendment of the Senator from Virginia. I wish to make two very short points. First, of course, many school districts have already started on their fiscal year; many of them started January 1. Therefore, in rewriting the formula in this instance we would do great damage to them if we were to cut out funds from the impacted aid area. I certainly hope this will not be changed.

We have discussed this subject very much on the floor of the Senate in the last few days. I hope the legislative committee takes up this matter, but I do not think this is the proper time, with 8 months of the fiscal year gone and, as the Senator said, 6 or 7 months of the school. In many instances, 2 months of the fiscal year of some of our school districts has passed. This would be the wrong time and wrong vehicle to change this program.

Mr. SPONG. I thank the Senator.

Mr. President, I ask that the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

I have no recommendation whatever from the committee to accept this amendment. I wish to point out, however, that this language is legislation on an appropriation bill.

If someone had made a point of order in the House of Representatives it would have been knocked out. However, inasmuch as no one did that in the House

of Representatives it became part of the House bill and nothing was said about the point of order.

Frankly, this language was not discussed, that I recall, in the subcommittee at all. There may have been some passing references to it, to the effect that there was new language in the bill, but that would not be unusual because, as Senators know, we met quite hurriedly, immediately after the House passed the bill, and we had more problems in the money part of the bill and other important policy measures in the bill. We wanted to get it moving and get it to the Senate as soon as possible.

I do not know just what this does. It is legislation and it does change the formula—whether it changes the formula in the right way or the wrong way I am not too familiar.

I understand that there is, as all of us know, a great deal of sentiment. The President sent up a message asking that the committee look at this. To strike out this language would leave us where we are. There is a great deal of merit to the statement of the Senator from Virginia that the school districts have relied upon this formula. I personally have no objection to the amendment, but I want to assure the Senator I cannot speak for members of the committee because it is in the bill.

Mr. President, I yield such time to the Senator from New Hampshire as he deems desirable.

Mr. COTTON. Mr. President, I merely want to say—and I guess I have already said it, but there were not many Senators on the floor at the time—that I do not like to be in the position of one who had an amendment which was accepted and then wants all other amendments rejected. However, earlier in the afternoon I made the observation that it seems too bad that we cannot get this HEW bill through conference, to the President, get it signed, and be doing business on an appropriation bill and not be fooling around with not only continuing resolutions but also resolutions that are distorted and different from any continuing resolutions we have ever had before.

Mr. President, I do not recall how strongly members of the Committee on Appropriations of the House of Representatives, who apparently wrote this provision in the bill, feel about it. As one who along with the distinguished chairman, the Senator from Washington, has worked long and hard, I wish to say that in the last week this Senator has struggled as he never struggled before in all the time he has been in the Senate to try to get a bill that we could get to the President, have signed, and go to work on the fiscal 1971 appropriation. I felt if we started to hang amendments on the bill—and I said this before we passed the first amendment this afternoon—we are bound to run into difficulties when we go into conference with conferees from the House of Representatives. There is no reason why the Senate should change what the Senate believes to be right because they do not want to brave a conference. But Mr. President, I think we could have gotten the bill readi-

ly accepted by the House and we could have gotten it to the President and he would have signed it. Now we have broken the wall and we have three amendments on the bill already; and they are controversial amendments. I expect Members of the House of Representatives will have convictions with respect to those amendments, as we do there in this body.

I personally feel, as does the chairman, that it would seem this was a fair and reasonable amendment and that there are good reasons for it; but I just want to say that obviously much will depend in our conference on the attitude of the distinguished chairman of the House Appropriations Committee and his colleagues, and we may find determined opposition. However, I would certainly go along with the chairman and say we should be willing to take it to conference.

In honesty, while I have never sat as a conferee and not fought for the amendments of the Senate or for the Senate version—because that is what we are there for—I am going to find it very hard to work myself up on amendments that simply mean another continuing resolution and going through the rest of this fiscal year, which, so far as I know, we have never done before, without Congress facing up to passing an appropriation bill.

I understand there will be another amendment on this very formula. When you get to fighting back and forth about the formula of impacted aid funds, you are playing with dynamite, and we may run into trouble in conference.

I do not know about the amendments that are coming along, but I am perfectly willing to go along with the chairman and I will act in good faith, and if this bill must go down the drain, and if we must pass another continuing resolution, that is all right; but here is one who will not vote for another continuing resolution except on the basis of the 1969 bill. Nobody else downtown gets a cent of pay until this year is over. We have too many downtown. If you have had to deal with them as I have had to deal with them recently and seen how often they change their minds, I think you will decide you would be doing a lot of good by having them go without pay for a couple of weeks.

As far as I am concerned, I shall vote against every amendment that is offered, whether it is good, bad, or indifferent, because I would like to see us get down to business and get busy on the bill for fiscal 1971.

If the chairman is willing to accept the amendment, then we can let the hair go with the hide, as we say in New England.

Mr. MAGNUSON. Mr. President, I did not say I would accept it. I cannot speak for the committee. I just pointed out the history of the amendment. I am not sure I will vote for the amendment. Apparently a majority of the Senate believe in this amendment. So the Senator from New Hampshire and I can vote "no" if we call the roll, but I think the amendment will carry.

Mr. COTTON. I think so, too.

Mr. MAGNUSON. I am trying to save a little time.

Mr. SPONG. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 21 minutes remaining.

Mr. SPONG. Mr. President, without belaboring this matter, I would like to say this to the Senator from New Hampshire. First, I have no wish to weigh this bill down with amendments. Second, it seems to me the position of the House was somewhat impaired in that a point of order would have prevailed against the language we are trying to take out, if that point of order had been raised. Consequently, I am merely trying to join the Senator from New Hampshire as the patron of a successful amendment to this bill.

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

Mr. SPONG. I yield.

Mr. HOLLAND. Will the Senator explain for the record exactly what is the difference in the apportionments to the various districts and the various classes between the provision in the House bill and the provision of the amendment, if it were adopted?

Mr. SPONG. Under the provision put in by the House, category A children would receive 90 percent of their entitlement. Category B children would receive approximately 72 percent of their entitlement. If the program continues as it was contained in the bill that we passed in December, which was vetoed and as it has traditionally, each category would receive 78 percent of their entitlements this year.

In terms of money, no money is added. The same amount of money is to be distributed. What the amendment changes is the way the money will be distributed.

The Senator from Rhode Island was prepared, had we gone into lengthy debate, to put in the Record the distribution based on 1969. I hope he will still do so. Some congressional districts will receive less, and some will receive more. But the point of the Senator from Virginia is that we should not change the formula in the middle of the school year and in an appropriations bill. We should leave the study of the entire impacted aid program up to the proper legislative committee and any recommendations for change should come through that committee.

Mr. HOLLAND. Mr. President, if the Senator will permit me to say so, I think there is great equity in his proposal, but, at the same time, I think we must recognize—and we have in former bills recognized—that class A children are the ones who actually live on military bases and are brought into those areas by the Federal Government to live on those bases.

They do not pay taxes on property. As a matter of fact, in many cases the property that they live on takes off very greatly from the tax potential of their counties. It has been my feeling that they should come first, and we have put them first in bills prior to this time.

I thoroughly agree that this legislation ought to be modified and changed. I cannot see the situation of class A

children, in a poor county, where a great big military base has been put and half the property has been taken off the rolls, as comparable, for instance, to that of Fairfax County in the State so well represented by the Senator from Virginia, or to that in Montgomery County or Prince Georges County, Md., where literally thousands of civil service employees live and have their permanent homes, and pay their taxes. I do not think the two situations are similar.

I have no objection to the matter being taken to conference, but I see a very great difference, in equity, between the two classes of children, and the counties where those two classes can be found.

Mr. SPONG. The Senator from Florida is correct, but there is also the fact that the class A children are funded twice as high as class B children by the authorizing legislation, that they are not treated the same even under this language.

Mr. HOLLAND. I have no objection, if the leaders wish, to taking it to conference. I think it will be a very difficult matter to handle in conference. I suspect I may be one of the conferees, and I suspect we are going to have very great difficulty about this particular amendment.

Mr. MAGNUSON. Mr. President, I will say to the Senator from Florida that no matter what we do with this bill now, it is likely to be difficult in conference.

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

Mr. MAGNUSON. I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the pending amendment is an effort, not to increase the gross amount of money involved, but to shift the money from one pigeonhole into a combined area of two pigeonholes, to the extent of \$505 million.

Following the disposition of this amendment, I intend to offer another amendment, which will have for its purpose a different arrangement of that \$505 million. The thrust of my amendment is this: That any school district having 75 percent or more of its children in class A and class B will be entitled to a 95-percent payment of its entitlement. There are 120 schools in America in that category of 75 percent or more. When that proportion is reached, with the big cuts that have been made in this appropriation, some of them will find it impossible to remain in business. I mention that now to the extent that it may enter into the thinking of Senators.

In the city of Bellevue, Nebr., which is the city adjoining the Strategic Air Command, 78 percent of the school children are from federally based families. The local children are 22 percent. Fifty percent of the budget of that school is furnished by the local people, who have 22 percent of the schoolchildren. There is a school budget of \$6 million. Half of it is Federal and half local.

Unless the type of amendment I shall propose is adopted, Mr. President, it will mean that that school district will have to close its doors on April 1. It is not a matter of impairing or cutting back or that sort of thing. They cannot raise some \$580,000 that they are short. They

simply cannot do it, and they are going to close their schools.

There are other districts that are similarly situated, running all the way to 90 percent and 100 percent; and they are going to be out of business.

I mention that fact because it is a matter of trying to get money where it will do more good, in the eyes and by the votes of those who sit as Members of this body.

But I submit that when the impact of this proposal is thrust upon 120 districts located in some 24 States, it will not be good; it will have a bad impact and a disruptive impact.

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

Mr. HRUSKA. I yield.

Mr. FULBRIGHT. Under the Spong amendment, would not the schools the Senator is talking about be in exactly the same position that they are in now? It would not change them at all, would it? That is what I understood the Senator from Virginia to say, that this merely preserves the status quo as to the distribution of money.

Mr. HRUSKA. That is not quite right, because under the 1969 law there was this 90 percent entitlement to class A, before they got to dividing the money otherwise.

In the bill that we passed in December, that 90 percent was deleted, and in this bill we find the 90 percent back in there for class A. So it is not preserving the status quo. The adoption of this amendment would put the bill in the same shape as the December-passed bill.

Mr. FULBRIGHT. The Senator is on the committee, and an expert, but I required about this from members of the staff, and I was told that the formula of the Senator from Virginia leaves it as it now is and has been for several years. Is that not right?

Mr. SPONG. Yes.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. HRUSKA. I ask for 2 more minutes.

Mr. MAGNUSON. I yield the Senator from Nebraska 2 additional minutes.

Mr. FULBRIGHT. I, of course, support the Senator from Virginia, and I thought his proposal was going to be accepted.

Mr. HRUSKA. I read from the committee report, on page 62:

Under the committee allowance, payments for "A" children would be at 90 percent of entitlement, the same percentage as provided in fiscal year 1969 . . .

Mr. SPONG. Yes, but the Senator from Nebraska should be aware that the category "B" children also received 90 percent of their entitlement in that year. All I am trying to do is preserve the same percentage of entitlement for both categories in this fiscal year—to see that both categories are treated the same as they were in the last fiscal year.

Mr. FULBRIGHT. They both get 90 percent.

Mr. HRUSKA. To that extent, I concur.

Mr. SPONG. I believe I am correct that.

Mr. FULBRIGHT. All I am saying is, the Senator left the impression that it was going to change in some way. To my understanding, it does not change. The Senator's formula leaves it the same?

Mr. SPONG. That is correct.

Mr. FULBRIGHT. That is what I had understood.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. SPONG. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, before I yield back my time, I ask unanimous consent to have printed in the Record at this point an up-to-date anal-

ysis by States of what was received in 1969, what the 1970 budget request was, what the conference agreement was, what the House allowance was in the bill as passed, and what is before us today.

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

State and outlying areas	1969 actual	1970 budget request	1970 conference agreement	1970 house allowance as passed	1970 House allowance sec. 6 in full; other sections prorated	State and outlying areas	1969 actual	1970 budget request	1970 conference agreement	1970 house allowance as passed	1970 House allowance sec. 6 in full; other sections prorated
Total.....	\$505,898,145	\$187,000,000	\$585,000,000	\$425,000,000	\$425,000,000	New Jersey.....	\$10,321,861	\$3,544,000	\$12,018,000	\$8,501,000	\$8,539,000
Alabama.....	9,241,181	2,314,000	10,884,000	7,792,000	8,159,000	New Mexico.....	10,219,522	6,662,000	11,902,000	9,653,000	8,454,000
Alaska.....	14,731,443	14,965,000	17,153,000	15,694,000	12,185,000	New York.....	16,738,842	6,270,000	19,640,000	14,081,000	14,327,000
Arizona.....	9,187,169	6,685,000	10,689,000	8,854,000	7,600,000	North Carolina.....	11,886,349	7,049,000	13,080,000	11,472,000	10,898,000
Arkansas.....	2,842,356	962,000	3,192,000	2,234,000	2,267,000	North Dakota.....	2,664,431	2,926,000	3,098,000	2,922,000	2,201,000
California.....	76,264,658	24,648,000	87,314,000	62,025,000	62,030,000	Ohio.....	10,796,237	1,238,000	12,485,000	7,758,000	8,869,000
Colorado.....	12,924,352	3,130,000	15,052,000	10,467,000	10,692,000	Oklahoma.....	12,601,770	3,595,000	14,673,000	10,705,000	10,423,000
Connecticut.....	3,265,208	1,419,000	3,803,000	2,781,000	2,701,000	Oregon.....	3,282,405	1,170,000	3,847,000	2,727,000	2,750,000
Delaware.....	2,000,165	1,386,000	2,232,000	1,948,000	1,984,000	Pennsylvania.....	9,290,582	517,000	10,234,000	6,122,000	7,269,000
Florida.....	17,547,731	5,377,000	20,542,000	14,189,000	14,781,000	Rhode Island.....	3,453,728	1,559,000	4,022,000	2,978,000	2,857,000
Georgia.....	16,133,291	5,860,000	18,866,000	13,839,000	14,719,000	South Carolina.....	8,148,582	3,661,000	9,618,000	7,276,000	7,339,000
Hawaii.....	9,520,455	5,892,000	11,087,000	8,753,000	8,876,000	South Dakota.....	3,425,076	2,794,000	3,983,000	3,274,000	2,831,000
Idaho.....	2,707,913	1,014,000	3,154,000	2,270,000	2,240,000	Tennessee.....	6,763,256	677,000	7,876,000	5,121,000	5,595,000
Illinois.....	12,924,988	4,192,000	14,990,000	10,584,000	10,648,000	Texas.....	30,311,176	7,619,000	35,180,000	24,773,000	24,991,000
Indiana.....	4,159,363	920,000	4,844,000	3,196,000	3,441,000	Utah.....	7,069,317	1,245,000	8,223,000	5,648,000	5,848,000
Iowa.....	2,653,905	139,000	3,034,000	1,860,000	2,155,000	Vermont.....	136,062	4,000	158,000	101,000	113,000
Kansas.....	8,664,571	3,625,000	10,093,000	7,053,000	7,176,000	Virginia.....	35,704,596	6,663,000	40,692,000	28,427,000	29,620,000
Kentucky.....	8,407,184	5,625,000	10,140,000	8,314,000	8,807,000	Washington.....	12,296,924	4,720,000	14,321,000	10,471,000	10,173,000
Louisiana.....	3,447,717	790,000	4,042,000	2,725,000	2,925,000	West Virginia.....	520,634	21,000	606,000	368,000	431,000
Maine.....	2,594,464	1,624,000	3,021,000	2,426,000	2,146,000	Wisconsin.....	2,095,973	515,000	2,441,000	1,709,000	1,734,000
Maryland.....	25,867,892	3,221,000	30,126,000	19,238,000	21,401,000	Wyoming.....	1,696,509	1,292,000	1,976,000	1,649,000	1,403,000
Massachusetts.....	13,710,871	5,818,000	16,167,000	11,825,000	11,799,000	District of Columbia.....	5,436,944	297,000	6,330,000	3,870,000	4,497,000
Michigan.....	4,550,314	2,974,000	5,299,000	4,187,000	3,764,000	American Samoa.....					
Minnesota.....	3,381,658	936,000	3,935,000	2,685,000	2,795,000	Canal Zone.....					
Mississippi.....	2,593,395	1,122,000	3,020,000	2,256,000	2,145,000	Guam.....	2,009,808	1,466,000	2,341,000	1,929,000	1,663,000
Missouri.....	8,398,571	2,031,000	9,781,000	6,394,000	6,948,000	Puerto Rico.....	6,592,297	6,172,000	6,524,000	6,381,000	6,422,000
Montana.....	4,204,578	3,345,000	4,897,000	4,168,000	3,478,000	Virgin Islands.....	24,428		28,000	14,000	20,000
Nebraska.....	4,624,472	2,647,000	5,386,000	4,195,000	3,826,000	Wake Island.....	240,921	396,000	396,000	396,000	396,000
Nevada.....	3,554,294	1,431,000	4,139,000	2,985,000	2,940,000						
New Hampshire.....	2,065,756	838,000	2,406,000	1,737,000	1,709,000						

Note: All tables based on 1969 applications from school districts.

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. The amendment before us is the Spong amendment, is that correct?

Mr. FULBRIGHT. That is correct.

The PRESIDING OFFICER. The Senator is correct.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Virginia (Mr. SPONG). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTGOMERY), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator

from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

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

I further announce that, if present and voting the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

If present and voting, the Senator from Illinois (Mr. SMITH) would vote "yea."

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

[No. 74 Leg.]

YEAS—60

Allen	Fong	Mondale
Allott	Fulbright	Murphy
Anderson	Gurney	Muskie
Bellmon	Harris	Nelson
Bennett	Hart	Pearson
Bible	Hartke	Pell
Boggs	Hollings	Ribicoff
Brooke	Inouye	Russell
Byrd, Va.	Javits	Schweiker
Byrd, W. Va.	Jordan, N.C.	Scott
Cannon	Jordan, Idaho	Sparkman
Case	Kennedy	Spong
Cooper	Magnuson	Stennis
Cranston	Mansfield	Talmadge
Dole	Mathias	Thurmond
Dominick	McClellan	Tower
Eagleton	McGovern	Tydings
Eastland	McIntyre	Williams, N.J.
Ellender	Metcalf	Williams, Del.
Ervin	Miller	Young, Ohio

NAYS—16

Aiken	Gore	Proxmire
Baker	Griffin	Randolph
Burdick	Hansen	Smith, Maine
Cotton	Holland	Young, N. Dak.
Curtis	Hruska	
Goodell	McGee	

NOT VOTING—24

Bayh	Hughes	Pastore
Church	Jackson	Percy
Cook	Long	Prouty
Dodd	McCarthy	Saxbe
Fannin	Montoya	Smith, Ill.
Goldwater	Moss	Stevens
Gravel	Mundt	Symington
Hatfield	Packwood	Yarborough

So Mr. Spong's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amend-

ment was agreed to be reconsidered. Mr. SPARKMAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by the Senator from New York is as follows:

On page 60, strike out lines 3 through 15 and insert in lieu thereof the following:

"Sec. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes. The opponents have 10 minutes.

Mr. JAVITS. Mr. President, I shall need only 5 minutes.

Mr. President, this amendment relates to college disruption. The amendment I have proposed would substitute for the language used in section 407 the language used in the last approved HEW appropriation bill, the 1969 appropriation, section 411.

The difference between the language which is here contained and the language I have offered in the amendment is that this particular provision, 407, relates to precisely the same acts, force, or threat of force, or seizure of property, in respect to college disruptions as does my amendment and the language in the 1969 appropriations bill. But the language before us does not say who finds whether force has been used; hence, it leaves it to HEW, as a practical effect.

We have testimony where, if my amendment leaves it to the court and if there is a conviction, that is it. That ends it. The matter is automatically determined on the facts.

The Commissioner of Education, Mr. Allen, has testified to the following effect. I read from page 2111 of his testimony on the appropriations bill:

Administratively, it is extremely difficult for us to do so—

That means, to play the role of policeman to educational institutions.

Continuing reading:

It would be extremely difficult to catalog the 1,500,000 college students who receive benefits, nor can we lay down a uniform code of conduct that would be desirable or acceptable for all students in the country.

Thus, instead of leaving the question of administration, definition, and identification to HEW, my amendment would simply adopt the language used before which has worked—and incidentally, 350 students, he testified, have been denied aid by use of that amendment—and have a court make the finding. That is it. Nothing more to it than that.

I point out, for the information of the Senate, that there is a somewhat different provision in the higher education bill, section 504.

One could argue that they should be uniform, but we went through this last year and the Senate decided it wanted a direct provision in the appropriation bill to which I have referred; so, I have offered it as an amendment. There is no reason to bruit this thing around again. We simply have to decide that something should go in here and put something in which is administratively feasible.

Mr. GOODELL. Mr. President, I favor the amendment. We have debated this many times before. I think we probably should have even less than the provisions that the Senator from New York would place in the law. The Senator from New York is simply going to reduce the provision in the bill to the present provision of law and I favor and hope that it will pass.

Mr. JAVITS. Might I just say, in response, that I never believe in going over the same ground again when the Senate has come to a policy decision, unless there is some reason to suppose there is a change. I do not see any reason on this so I propose at least that we do something that is administratively feasible.

Mr. MAGNUSON. Mr. President, I would merely suggest that the committee gave this matter consideration over the past year; in fact, for 2 years it gave it adequate consideration as to different methods of approach, and after long discussion we did arrive at the fact that we thought the House language should be adopted this year.

Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from New York. (Putting the question.) The yeas appear to have it.

Mr. JAVITS. Mr. President, may I ask for the yeas and nays?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the

Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), is absent on official business.

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Rhode Island (Mr. PASTORE). If present and voting, the Senator from Washington would vote "nay" and the Senator from Rhode Island would vote "yea."

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

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senators from Illinois (Mr. PERCY and Mr. SMITH) would each vote "yea."

The result was announced—yeas 37, nays 38, as follows:

[No. 75 Leg.]

YEAS—37

Alken	Griffin	Murphy
Baker	Harris	Muskie
Bellmon	Hart	Nelson
Brooke	Inouye	Pearson
Burdick	Javits	Pell
Case	Jordan, Idaho	Proxmire
Cooper	Kennedy	Ribicoff
Cranston	Mansfield	Schweiker
Dole	Mathias	Scott
Dominick	McGee	Tydings
Eagleton	McGovern	Williams, N.J.
Fulbright	Metcalfe	
Goodell	Mondale	

NAYS—38

Allen	Ervin	Miller
Allott	Fong	Randolph
Anderson	Gore	Russell
Bennett	Gurney	Smith, Maine
Bible	Hansen	Sparkman
Boggs	Hartke	Spong
Byrd, Va.	Holland	Stennis
Byrd, W. Va.	Hollings	Talmadge
Cannon	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Magnuson	Williams, Del.
Eastland	McClellan	Young, N. Dak.
Ellender	McIntyre	

NOT VOTING—25

Bayh	Jackson	Prouty
Church	Long	Saxbe
Cook	McCarthy	Smith, Ill.
Dodd	Montoya	Stevens
Fannin	Moss	Symington
Goldwater	Mundt	Yarborough
Gravel	Packwood	Young, Ohio
Hatfield	Pastore	
Hughes	Percy	

So Mr. JAVITS' amendment was rejected.

Mr. HRUSKA. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 28, line 15, insert the following after the word "of": "95 per centum of the amounts payable pursuant to sections 3(a) and 3(b) of said title to any local educational agency which the Commissioner determines will have in the fiscal year for which such assistance is provided a total number of pupils of whom 75 per centum or more are the children of dependents of federally connected parents as defined and to all other local educational agencies."

The PRESIDING OFFICER. The Senate will be in order.

How much time does the Senator yield himself?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, the amendment which I offer seeks to amend the language in the bill which is legislative in character. I therefore raise the question of germaneness.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. HRUSKA. Mr. President, because of the fact that this amendment seeks to amend language in the bill which is legislative in character, I raise the question of germaneness of this amendment to that portion of the bill it proposes to amend.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The question must be submitted to the Senate for a vote without debate.

All in favor signify by saying "aye"; opposed, "no."

The ayes have it, and the amendment is held to be germane.

Mr. HRUSKA. Mr. President, I wish to assure the membership I shall not take long.

This amendment has to do with the formula which controls the division of funds for impacted areas. All of us know that this is a subject that will receive careful analysis and revision in the near future. I agree that it is time to carefully examine this program because the original objectives of impacted aid have, in the judgment of many, been miscarried and have become maladjusted. It is altogether right and proper that this program should receive a review and revision. I question, however, if this review can or should be attempted this late in the fiscal year and on the floor of the Senate.

The school districts which receive this aid are operating on budgets which were down almost a year ago. These budgets in most cases reflected an anticipation of what had become to be a normal level of funding. Now at this late date we are imposing severe reductions on these districts which provide education to the children and dependents of Federal employees. When these cuts are imposed on a school district that is not composed of any great proportion of children in federally impacted areas it does not make too much that makes a great difference. But when the proportion of these children living on Federal bases, or children of parents whose fathers work on a base and they live nearby this reduction creates a real hardship.

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

Mr. HRUSKA. I am happy to yield to my colleague.

Mr. CURTIS. Does the Senator's amendment go to this problem? In some communities a great number of children, perhaps children of military personnel, are sent to school and they might comprise 80 percent of the school or nearly so; while there are other localities where the number of children covered by the intent of the bill is relatively few, perhaps 4 percent, 3 percent, or 5 percent.

Is it the objective of the Senator's amendment to grant a preference in the amount of reimbursement to schools where they have to carry a proportionately much heavier load?

Mr. HRUSKA. Yes. The amendment is designed for that purpose. It is designed to apply to school districts where the number of class A and B students exceeds 75 percent. In these limited cases it will provide 95 percent of the entitlement.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. HRUSKA. I yield.

Mr. CURTIS. It seems to me this is very just and it should have the support of every Senator. If there is a school district where the local children amount to less than 25 percent of the enrollment, it is self-evident that they have a very heavy burden to carry to educate children who belong to our military establishment.

I hope the Senator's amendment will not only be agreed to but that it will be agreed to by a large vote.

Mr. HRUSKA. I thank the Senator for his contribution.

Mr. President, I state again the purpose of the amendment. When the percentage of schoolchildren from Federal property in any school district exceeds 75 percent of the pupils in that school, there will be a payment of 95 percent of the entitlement of that school.

I hasten to add that no more money is added to the bill. This amendment simply changes the allocation of funds already in the bill.

I should like to illustrate a situation that is particularly harsh. In the city of Bellevue, Nebr., which is the community located next to the headquarters of the Strategic Air Command, there are roughly 10,000 children in that school district. Seventy-eight percent of these children

are what we know as federally connected schoolchildren. Only 22 percent of these students are local children. In the current year, as in the past, that community has raised 50 percent of the financing for the local school even though only 22 percent of the students are local children.

The budget for the current year is in excess of \$6 million.

Under this bill that school district will be short approximately \$500,000 of the funds it needs to continue operation. If some relief is not given to that district they will have to close their doors on April 1. They cannot go beyond that date, I am told.

It seems to me that with other schools in the same category—there are 12 schools in 26 States—this matter should be taken care of.

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

Mr. HRUSKA. I yield.

Mr. TALMADGE. I understand the amendment is to allocate 95 percent of the funds to school districts that have 75 percent or more of federally impacted children.

Mr. HRUSKA. The Senator is correct.

Mr. TALMADGE. What would it do to school districts that do not have 75 percent or more of federally impacted children?

Mr. HRUSKA. It would decrease aid to them. It would recognize a priority in this regard. The decrease, however, would be only about 2 to 3 percent for each remaining school district. It is justifiable on this basis. It is one thing to apply a 2- or 3-percent decrease in a situation where there are 25 or 30 percent federally impacted children, as opposed to applying that decrease where there are 75 percent, 80 percent, or 90 percent federally impacted children in a school district.

It is not a horse of one color in one case and a horse of another color in another case; it is a horse in one case and a rabbit in the other case. The result is disastrous.

Mr. TALMADGE. I understand with the adoption of the amendment of the Senator from Virginia all districts would get 78 percent entitlement of their funds, whether that be A or B students. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. HRUSKA. Those figures have been represented to us.

Mr. SPONG. That is an approximation.

Mr. TALMADGE. What percentage would they get under the amendment of the Senator from Nebraska?

Mr. HRUSKA. I did not understand the Senator's question.

Mr. TALMADGE. What percentage would we get if the amendment of the Senator from Nebraska were agreed to?

Mr. HRUSKA. As you know the Spong amendment was just adopted. I have not had an opportunity to evaluate the change included in that amendment.

The Spong amendment will not adversely affect the districts which I am talking about, if my amendment is approved. It will be a cruel blow to these schools if my amendment is rejected.

The reduction for other schools under my amendment will be slight. The total entitlement for these 121 districts runs about \$51 or \$52 million. The entire sum available for this impacted area under Public Law 874 is \$505 million. This comparison would give some idea about how slight the impact of my amendment would be on other districts. It would be the difference between 78 and 90 percent being applied to the base of \$51 or \$52 million, as opposed to the base of \$505 million.

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

Mr. HRUSKA. I am happy to yield.

Mr. MILLER. I may say to the Senator from Nebraska that I know something of the situation to which he has recently referred. I understand how difficult it is. I have the deepest sympathy for what he proposes. But his amendment may go a little further than necessary.

As I understand his amendment, it refers to 75 percent of the students of federally connected parents. It seems to me there might be a distinction between parents who are working in typical Federal agencies and those who are connected with military reservations. A military reservation, such as in the situation that the Senator from Nebraska has referred to, has literally hundreds of thousands of persons, and their incomes are not very large. This puts an added burden on the school districts.

So it seems to me that the Senator might consider modifying his amendment so as to have it refer to parents employed at military reservations, and thus provide benefits for those who really need them.

Mr. HRUSKA. Perhaps that would sharpen the amendment a little, but the net result would not be any different from the number of school districts affected by the amendment as reported, as related to the department tables.

Mr. MILLER. Do I correctly understand that those school districts are ones tied in with military reservations?

Mr. HRUSKA. That is correct. A scanning of the school districts involved will show this to be true.

Mr. MILLER. I appreciate the Senator's response. What the Senator is saying is that because of the 75-percent figure, the impact of his amendment would be only with respect to school districts affected by military reservations.

Mr. HRUSKA. The main thrust of it. There are some areas such as in Indian reservation regions, but those are very, very small. The bulk of it—the main thrust—will be found to be in the military areas; and all of them, in the case of the city of Bellevue, are military. The Senator from Iowa is correct in his characterization of that base.

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

Mr. HRUSKA. I yield.

Mr. BENNETT. I am interested in the arithmetic. If only \$50 million is involved in the areas that will benefit from the Senator's amendment, then they will benefit only from the difference between 78 and 90 percent of \$50 million, which is 12 percent, or about \$6 million. That would mean that the difference to all the other areas, which I think have a

total of something above \$500 million, would be somewhere between 1 and 2 percent.

Mr. HRUSKA. That is correct. In that, I think, lies a great of the difference in the situations, as I have observed already. It is one thing to vary a small percentage of money in a school district budget by 1 or 2 percent; but when the percentage of a school's budget that has 80 percent is varied, it is a story of a different character.

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

Mr. HRUSKA. I yield.

Mr. SPONG. I am interested in the question of the Senator from Utah. He used the figure 90 percent. My understanding is that the amendment of the Senator from Nebraska would give a 95-percent entitlement, rather than 90 percent.

Mr. HRUSKA. That is right.

Mr. SPONG. May I ask this question also? In the computation of the 75 percent in the amendment of the Senator from Nebraska as to the school population, he is using both category A and category B. Is that correct?

Mr. HRUSKA. That is correct.

Mr. SPONG. Whether or not they live on the reservation or base is not the criterion; the Senator is using on and off, A and B.

Mr. HRUSKA. That is correct. I might say in that connection that out of the 10,000 school children in Bellevue, 4,300 live on the base and 3,500 live off the base in the village of Bellevue.

Mr. SPONG. The Senator is speaking of Bellevue, but I am speaking of the United States generally. Seventy-five percent would come from category A and B. We have just voted not to change the formula. The effect of the amendment of the Senator from Nebraska, if adopted, would be to change the formula for impacted aid. Is that correct?

Mr. HRUSKA. It would change it to the extent of giving priority to these 121 school districts in the limited fashion described by the amendment; that is right.

Mr. SPONG. I merely wanted to appreciate Senators of that fact.

Mr. MAGNUSON. Mr. President, is the Senator from Nebraska through?

Mr. HRUSKA. Yes.

Mr. MAGNUSON. Of course, if the total amount provided in the bill, \$505 million, in round figures, for impacted aid is not changed, and then amounts are added for the 121 districts, I do not know how much that would amount to. How much would it be to the 121 districts as compared to what they would get now?

Mr. HRUSKA. I do not know what that computation is. I have a list of all the 121 districts here, together with the 100-percent entitlements which they would have. The total of those entitlements is \$53 million plus.

Mr. MAGNUSON. That is the total?

Mr. HRUSKA. That is the total.

Mr. MAGNUSON. But if the amendment of the Senator from Nebraska were not agreed to, they would still be getting it. It is the difference between the 78 percent and the 95 percent. The Senator proposes to increase it to 95 percent.

Mr. HRUSKA. Yes.

Mr. MAGNUSON. And that amount would have to be taken away from the others.

Mr. HRUSKA. Yes.

Mr. MAGNUSON. If we give something to the others, without changing the total, we have to take it away from somebody. We have not been able to get all the figures. The Senator from Nebraska was patient with the committee, because the figures were not available, and we said the proposal could be presented on the floor.

The reason why I am opposed to the amendment is that it will have to take away from the other districts a certain percentage. The Senator mentioned between two and three.

Mr. HRUSKA. That was the figure given to us.

Mr. MAGNUSON. It is the difference between 78 percent and 95 percent with respect to the 121 districts. Whatever that amount adds up to must be taken away from other districts.

Mr. HRUSKA. As applied to the total figure of \$53 million; that is right.

Mr. President, I yield myself 3 additional minutes. The distinguished chairman of the committee is right. It will have to be taken away from some place else in order to make up this priority and preference, but may I suggest that when there was a reduction in the moneys available for this purpose, much more was taken away from these schools in terms of dollars and percentages. So when we restore, we ought to give them a little back.

Mr. MAGNUSON. I was not discussing that question. The administration proposed \$202 million as against \$520 million, or \$505 million.

Mr. HRUSKA. Is the Senator suggesting that we go back to that figure?

Mr. MAGNUSON. No; I am not talking about the figures. If I had my way, I would like to add all these figures, but the committee would not go along with it.

Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time with this final statement: This is a matter of emergency, and not a matter of scaling down the efforts of the school districts involved. It is a matter of putting them totally out of business in most of the areas affected.

I urge that the amendment be adopted. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I did not hear the ruling of the Chair as to whether there was a sufficient second to the request for the yeas and nays.

The PRESIDING OFFICER. There was a sufficient second.

Mr. MAGNUSON. Regular order, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

MANFIELD. Mr. President, I ask unanimous consent that the request for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask for a division.

The PRESIDING OFFICER. On the division, the amendment is rejected.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. It is too late for the result of the vote has been announced.

MANFIELD. It is not too late, Mr. President. If it is too late, there is no operating in this Chamber.

The PRESIDING OFFICER. The Senator can move to reconsider, but the result of the vote has been announced on a division. A request for the yeas and nays is not in order after the result has been announced.

Mr. MANFIELD. Mr. President, then I move to reconsider the vote by which the amendment was rejected.

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

Mr. MANFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the amendment of the Senator from Nebraska (Mr. A) was rejected. On this question, yeas and nays have been ordered, the clerk will call the roll.

The bill clerk called the roll.

KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

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

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Louisiana (Mr. LONG). If present and voting, the Senator from Washington would vote "yea" and the Senator from Louisiana would vote "nay."

SCOTT. I announce that the Sen-

ator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 31, nays 41, as follows:

[No. 76 Leg.]

YEAS—31

Alken
Allott
Anderson
Boggs
Brooke
Byrd, Va.
Case
Cotton
Fong
Fulbright
Goodell

Gore
Harris
Hart
Hartke
Inouye
Javits
Mathias
McGee
McGovern
McIntyre
Mondale

Muskie
Nelson
Pearson
Pell
Ribicoff
Smith, Maine
Spong
Tydings
Williams, N.J.

NAYS—41

Allen
Baker
Bellmon
Bennett
Bible
Burdick
Byrd, W. Va.
Cannon
Cooper
Curtis
Dole
Dominick
Eagleton
Eastland

Ellender
Ervin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
Miller

Murphy
Proxmire
Randolph
Russell
Schweiker
Scott
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—28

Bayh
Church
Cook
Cranston
Dodd
Fannin
Goldwater
Gravel
Griffin
Hatfield

Hughes
Jackson
Long
McCarthy
Metcalf
Montoya
Moss
Mundt
Packwood
Pastore

Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough
Young, Ohio

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question now recurs on the adoption of the amendment.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the

Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

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

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Louisiana (Mr. LONG). If present and voting, the Senator from Washington would vote "nay" and the Senator from Louisiana would vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 20, nays 49, as follows:

[No. 77 Leg.]

YEAS—20

Bennett
Burdick
Curtis
Dole
Eastland
Ellender
Ervin

Gurney
Holland
Hruska
Jordan, Idaho
Mansfield
Miller
Murphy

Proxmire
Sparkman
Stennis
Thurmond
Tower
Young, N. Dak.

NAYS—49

Alken
Allen
Allott
Anderson
Baker
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Dominick
Eagleton

Fong
Fulbright
Goodell
Gore
Hansen
Harris
Hartke
Hollings
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre

Mondale
Muskie
Nelson
Pearson
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Spong
Talmadge
Tydings
Williams, N.J.
Williams, Del.

NOT VOTING—31

Bayh	Hughes	Pell
Church	Jackson	Percy
Cook	Long	Prouty
Cranston	McCarthy	Saxbe
Dodd	McClellan	Smith, III.
Fannin	Metcalfe	Stevens
Goldwater	Montoya	Symington
Gravel	Moss	Yarborough
Griffin	Mundt	Young, Ohio
Hart	Packwood	
Hatfield	Pastore	

So Mr. HRUSKA's amendment was rejected.

Mr. MURPHY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. It is intended to be proposed by Mr. MURPHY: On page 26, lines 22 and 23, strike out "\$252,393,000" and insert in lieu thereof "\$262,393,000".

On page 27, line 5, strike out "\$5,000,000" and insert in lieu thereof "\$15,000,000".

The PRESIDING OFFICER. Ten minutes have been allocated to the Senator from California. How much time does he yield himself?

Mr. MURPHY. Six minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 6 minutes.

Mr. MURPHY. Mr. President, I am reluctant to move to increase the funds in the Labor-Hew appropriations bill before us today in view of the budgetary problems, and I would not do so if I did not feel so strongly about the dropout prevention program. The dropout prevention program is not a partisan matter; rather, it is a priority education program that has great promise and potential in bringing about some of the educational changes and improvements that are direly needed by society.

Mr. President, the dropout prevention program was authored by me in 1967 and it was incorporated into the elementary and secondary education amendments of that year. The program was drafted in consultation with some of the leading educators in the country including Dr. James Conant. It was drafted because I felt that both for society's sake and for the students' sake, we can not allow 1 million youngsters to drop out of school each year. This is particularly true in view of the fact that we are in the midst of an education explosion and a technological revolution, making a high school education or the acquisition of a skill a must.

In introducing the measure, I also cited statistics showing that the high dropout rates in our 15 largest cities varied from 21.4 to 46.6 percent. As bad as these rates were, when one focuses on the poverty schools within these areas, the dropout rate is shocking. In these poverty schools, 70 percent drop out. These dropouts are the "social dynamite" that Dr. James Conant warned the country about in 1961. This is the problem to which the dropout prevention program is addressed.

The dropout prevention program was designed to give maximum freedom and flexibility for experimentation at the State and local level. Under the program local and State educational agencies sub-

mit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban and rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the State educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, and most significantly, the program requires objective evaluation.

Mr. President, the dropout prevention program has had the strong support of the previous administration. The dropout prevention program enjoys the strong support of Secretary Finch and Commissioner of Education, Mr. Allen. I, of course, am exceedingly proud that President Nixon in his letter of February, to Speaker McCormack, outlining a possible compromise on the Labor-Hew appropriations bill, singled out the dropout prevention program and specifically asked for "\$10 million for projects to prevent the school dropouts" which the President said are "designed to find new ways to deal with problems where the old ways have been found to be inadequate." The President has identified the dropout prevention program, as have I, as a priority program. President Nixon believes in this program, and despite the budgetary problems, has specifically asked the Congress to increase the funding of the dropout prevention program.

Probably the project that has generated the most national interest is the Texarkana one. In this project, the local school system decided to enter into a performance contract with private industry to raise reading and math scores of potential dropouts. Performance contracting, as the name implies, means the company must perform in order to get paid. In other words, payment is made only for results. The performance contract in this instance calls for the raising of reading and math scores one grade level in 80 hours of instruction for \$80. Importantly, the school system is deeply involved, with the contract stipulating that when the experiment is concluded, the company must have made the school personnel capable of continuing the instruction method used.

Preliminary results are most encouraging. Data that has been supplied to me based on February 2 testing, indicates that the contractor has raised reading scores one and one-half grades and math scores approximately one grade in only 45 hours of instruction. These figures indicate that the contractor is ahead of its performance contract. Also, of the 125 students enrolled in the experimental program, only two have dropped out and one was because of pregnancy. In contrast, in a control group, 10 percent of the youngsters have already dropped out.

Mr. President, this is hard data, and it indicates that the program is working. That the Nation's school systems are

following Texarkana is seen by the fact that San Diego is planning a \$2.4 million performance contract. This is the first large urban school district in the country to express an interest in this type of approach. I do know there are other large systems, namely, Detroit, Dallas, Little Rock, New York, and Los Angeles, which are carefully considering this approach. Yet, Mr. President, unless we adopt this amendment, Texarkana will not be able to expand this successful project to the important elementary level. This would be tragedy in my judgment.

Mr. President, we know that dropouts are involved in crime at a rate 10 times higher than high school graduates. We are all concerned with the riots and disturbances that have plagued all too many of our school systems. I believe that dropout prevention projects are having a salutary effect in these troubled areas. For example, in Baltimore and St. Louis, despite general student demonstrations and disturbances in the area where the dropout projects are located, the disturbances did not occur in the schools where the dropout programs are in operation.

Mr. President, the dropout prevention program is a no-nonsense, practical approach to education. Some of the concepts built into the dropout prevention program are going to have a significant impact on education programs throughout this country. Dropout prevention projects are required to spell out their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on the dropout prevention project. This educational audit will seek to determine terms of student learning, what the taxpayer is getting for his tax investment. This educational audit will be done by an independent organization outside the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the dropout prevention projects. A preliminary outside evaluation has been done on the Texarkana project. And their conclusion was:

Test results indicate that experimental students are doing significantly better in vocabulary and reading comprehension.

Mr. President, the interest and the potential in the dropout program can be seen in the fact that over a thousand requests from independent agencies to submit preliminary dropout prevention programs have been received by the Office of Education. To fund all these programs would take over \$700 million. It was this kind of interest and the merit of the program that prompted some of my colleagues on the Labor and Public Welfare Committee to move to increase the authorization of the dropout prevention program from the present \$30 million level to \$250 million by 1974. Obviously, as the author of the dropout prevention program, I was very pleased with this strong indication of the committee's support, but I did what perhaps is unheard of—I urged my committee colleagues not to raise the authorization level by that magnitude. I pointed out

that the dropout prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have significant impact, while at the same time small enough in number, to be carefully monitored and evaluated so that their success could be assured and duplicated in other sections of the country. These educational research and development efforts, the dropout prevention projects, are live educational laboratories whose work has great national interest and implication dealing with some of the most persistent domestic problems confronting our country.

President, in the National Education Journal of December 1966, the following statement appeared with regard to educational change and reform:

One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution.

The dropout prevention program is causing educational waves. The dropout program is "touching" actual educational institutions. The dropout prevention program will produce change and will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country.

Mr. President, I believe my statement has made it clear that this is a priority education program. Although it apparently does not have the political muscle of some of the other programs, the results to date are most encouraging. The President of the United States has singled out this program as a priority program and urged the Congress to provide an additional \$10 million, the amount provided in this amendment, in his February 2 message to Speaker McCormack.

The dropout prevention program has enjoyed the strong support of the previous administration, and as just indicated, the Nixon administration. It has enjoyed considerable support within the Senate Appropriations Committee. In 1968, the funding of the program was increased to \$20 million in a Senate floor vote of more than two to one.

Mr. President, the Senate should overwhelmingly adopt this amendment so that we can bring about badly needed educational reform in this Nation.

I ask unanimous consent that various information relating to the dropout prevention program be printed in the RECORD.

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

INSTANCES OF EDUCATIONAL CHANGE THROUGH TITLE VIII OF ESEA

1. *Involvement of Private Business and Industry in the Educational Process:* The Dade County Talent Development Program, Miami, Florida, involves a work-experience program using business and industrial resources such as local meat-packing firms, landscaping firms, office machine firms, etc. IBM is working with the project in providing communi-

cation skills to students. Hialeah General Hospital is training attendants and hospital workers. Project STAY in St. Louis has work study programs with McGraw-Hill, Sinclair Oil, Famous Barr Department Store, and several local hospitals. Bell Telephone provides work-study skills with promotion and wage increase as school progress and skills development are shown. In Project KAPS in Baltimore, the C and P Telephone Company and local hospitals are developing communication skills and hospital training for students. The Dropout Prevention Project in Chautauqua, New York includes paid work-experience programs with local supermarkets, summer camps, landscaping firms, etc.

2. *Reform and Renewal of School Structure and Organization:* Each of the 10 funded projects is working toward elimination of unproductive instructional programs, of outmoded curricula, and of facilities which do not yield sought-after objectives. Project EMERGE in Dayton has one component in which students receive special study skills away from the regular school. In Seattle, a newly-organized Personal Development Academy will provide individualized instruction for students with special problems. In Fall River, "microprojects" or small grants will be given to teachers with successful ideas for school improvement. Fall River will also institute an experimental science program, an IPI math program, and a specially-adapted English program to meet the needs of children in that city. St. Louis will provide coordinated after-school activities. Miami will attempt an Engineered Classroom to assist potential dropouts to adjust to regular classes. Baltimore will use home instruction and counseling for sick, retarded or pregnant students. Some teachers in the St. Louis project will provide academic instruction on location of the industrial establishments which involve students in work-study programs. The Texarkana project has brought schools in Texas and Arkansas together to form integrated instructional centers to upgrade the reading and math of students.

3. *Motivating Students Through Rewards and Incentives:* In Baltimore, an Earn-Learn component in elementary schools will allow students to perform tasks for which they will earn points. Pupils will be able to trade points for school supplies, games and toys, and trips. Students who are successful in the Texarkana project will receive coupons to redeem for merchandise. Students who complete two grade levels of achievement will receive transistor radios. In Baltimore, older students will contract with teachers for something they would like to do in exchange for achieving their study objectives.

4. *Relaxing Ancient Traditions which Inhibit State and Local Educational Progress:* In Florida, the conventional 50 minute classroom "hour" will be made flexible to permit varying amounts of time to be spent on different subjects according to individual student need. The 9 to 3 daily schedule will disappear for students with special problems in St. Louis which will permit night classes, special care centers, schools for pregnant girls, etc. Similarly, in New York, clubs will be developed around motivational interests of students identified as high potential dropouts. Batesland, South Dakota will establish teacher aides to assist Indian students in appreciation of their culture. New patterns of teacher preparation will emerge necessitating changes on the part of colleges and universities in preparing school staff. For example in Dayton, Ohio, college students with inner-city backgrounds will be hired to assist younger students to stay in school. Technical assistance will be provided through a Dayton-Miami Valley consortium of colleges and universities.

5. *Preparing Students for Realistic Job Education:* In St. Louis, one unit of the work-

study component will involve students in house and apartment renovation to provide them with skills useful in construction work. Many of the businesses and industries cooperating with the dropout prevention projects are providing skills which will permit students to later enter these organizations as fully-qualified workers. Florida provides concentrated training on job decorum, positive work attitudes, proper dress, and the importance of being competent in a vocation. Seattle, St. Louis, Dayton, Fall River, Baltimore, New York, and Paducah have intensive pupil personnel services and counseling to better prepare the students for entry into careers and vocations.

6. *Insuring Student Mastery of Curriculum Skills:* New York will develop life-oriented curriculum learning centers to assess student difficulties, motivate the child, and provide remedial training as needed. Special group sessions for alienated students will be tried. The Texarkana project will guarantee raising the reading and math levels of students by two grade levels in specified time. In Baltimore, secondary tutors will be paid to help in raising the achievement levels of younger students. Paducah will establish an intensive Unit Program to provide specialized learning techniques for high potential dropouts. Miami will provide a self-instructional center coupled with part-time work. Seattle will re-structure several schools to provide improved curriculum approaches. In Seattle, small groups will be organized to better work with teachers in designing new approaches to learning. Skills and knowledge to be taught will be organized around things which interest students as in the case of Dayton, which will teach academic skills by analyzing welfare problems.

7. *Insuring Quality and Responsible Teaching:* At least two prime causes of student dropout relate to the teaching ability of staff and to outmoded instructional procedures, both of which may force a student to conform to patterns which he is unable to accept. In Paducah, an Extensive Training Program will help teachers to improve their attitudes toward disadvantaged youth and to assist them in developing improved pupil self-concepts. In Texarkana, a contracting agency will teach teachers to utilize special equipment designed to raise reading and math levels. In Baltimore, a private Institute of Behavioral Research will conduct intensive staff training for elementary teachers. In South Dakota, teachers will be trained to serve as resource agents to provide better instruction. In New York, staff will be trained to develop team concepts in improving curriculum.

8. *Accountability for Results:* Strict concepts of accountability for attainment of stated educational objectives have been accepted by each of the projects for which a grant award has been made. Toward this end, each project has used a portion of its award to secure needed technical assistance not available in the school system. Such assistance has been provided by outside consultants, such as Booz, Allen and Hamilton and Associates; Educational Testing Service; regional laboratories, universities, etc., and has provided aid in assessing school needs, developing specific performance objectives, improving school management, producing evaluation designs, etc. In Dayton, an Emergent Council and a Dropout Prevention Review Board will bring parents and community groups into closer partnership with the school in planning programs and insuring that results will be achieved. In Baltimore, special community aides will establish links between the school and community to improve accountability of both groups. In South Dakota, parent-student seminars will assist the schools in reaching objectives. In Texarkana, an outside contractor will guarantee

attainment of stated objectives in reading and math with both incentive and penalty clauses built into the performance contract.

9. *Independent, Tough-Minded Review of Student Educational Payoff (Educational Audit)*: For the first time in connection with grant awards for educational projects, the Office of Education is requiring an educational audit for each project funded under the Dropout Prevention Program. The educational audit is roughly analogous to the financial audit and seeks to determine what the federal government is getting, in terms of student learning, for the tax dollar. In addition to intensive program evaluations required on each project, each project will be required to have an educational audit made to verify the results of evaluation. Such educational audit will be done by contract with independent, outside qualified consulting organizations which will examine all aspects of the program in order to identify potential obstacles to attainment of objectives and to offer corrective suggestions. The Office of Education has arranged a series of institutes to provide training for organizations which hope to serve as educational auditors.

SCHOOL DROPOUTS

25 percent of children who enter 5th grade will drop out before high school graduation. Current national dropout rate is 21.4 percent.

SCHOOL DROPOUT PROBLEM: A NATIONAL CONCERN

High rate of youth unemployment.
Disappearance of entry channels to unskilled and semi-skilled jobs.
Continuous rise in crime and delinquency.
Vandalism and riots in cities overwhelmingly by out-of-school unemployed youth.
Skyrocketing welfare rolls.
Loss to Nation in human resource.

UNEMPLOYMENT

Twice as many dropouts are unemployed as high school graduates.

Jobs requiring high school graduation increased 30 percent while jobs for non-high school graduates workers decreased 25 percent.

Unskilled jobs make up 5 percent of employment opportunities.

Dropouts are last hired, first fired.

CRIME

Dropouts are involved in crime at a rate 10 times higher than high school graduates.

Youth aged 16-24 account for:

27 percent of all arrests.
26 percent of all murders.
34 percent of all manslaughters.
49 percent of all robberies.
50 percent of all rapes.
53 percent all all car thefts.

WELFARE

40 percent of New York public school population is receiving aid to dependent children.

62 percent of jobless fathers of such children have less than 4 years of high school.

42 percent of families earning \$2,000 or less have a family head with less than an 8th grade education.

Education and life income

Elementary school:	
Less than 8 years.....	\$189, 000
8 years.....	247, 000
High school:	
1 to 3 years.....	284, 000
4 years.....	341, 000
College:	
1 to 3 years.....	394, 000
4 years.....	508, 000
5 or more years.....	587, 000

Mr. COTTON. Mr. President, I commend the distinguished Senator from

California for the amendment. There is no program that is better and more needed. In fact, this is one of the two programs that the President wanted and asked for, this one and the experimental schools program, which the House did not take.

I hate to say this, of all people, to the Senator from California, because he has fought long and hard for the impacted area funds for his great State.

Now, when the Senator from New Hampshire was able to assure the Senate that the impacted area funds and the Hill-Burton funds would be left intact, it was with the understanding with the administration that there would be no funds added to the bill after the amendment was adopted by the amendment of the Senator from Missouri (Mr. EAGLETON).

It made the thing so tight that for a while it was thought they could not live with it without skimming some off the impacted area funds. I said that if that was the case, I would simply have to oppose any amendment because I based my word on the fact that we would have to withdraw it.

So, it is such a tight balance that we feel impelled to beseech the Senator from California, important as I think his cause is, and much as I admire him for fighting for it so hard, in order to save the situation and to save the chance of getting the bill signed, I am impelled to ask him to consider withdrawing his amendment.

Mr. MURPHY. I thank the Senator from New Hampshire, and thank him for his expressions of support and appreciation of the importance of the value of this particular amendment. May I ask whether there is a possibility in the conference that this will get the attention of the conferees?

Mr. COTTON. If there is the slightest possibility, and if I can prevail on the people downtown to squeeze a little harder, I assure the Senator from California that I will do my best.

Mr. MURPHY. I thank my distinguished colleague from New Hampshire.

Mr. JAVITS. Mr. President, I wish to testify to the worth of the program, as one who has been very active in the educational aspects of the work of the Senate. The Senator from California has initiated, authored, and developed this program. It is tremendously successful. The leverage is enormous, because they are the key children in this effort. The analogy to narcotics addiction in their case, although there are relatively few addicts, is clear. But it is unbelievable what has been done in this field. It is sad that it must be aborted, even momentarily.

I take great encouragement from what the Senator from New Hampshire has just said. I know how difficult it will be for him to try to solve the problem but I can only add, as one Senator, that if on the administrative side I can find some way to help with the Department, I assure the Senator, too, that I will devote myself to that end because this is one of the worthy new programs in this whole field.

Mr. MURPHY. I thank my distinguished colleague from New York.

Mr. FULBRIGHT. Mr. President, I merely wish to join the Senator from New Hampshire and the Senator from New York, because they mentioned the programs in my State, to thank the Senator from California for what he said about the programs, those in Texarkana and Little Rock. They have been so successful that I hope they can be further expanded, because they have been so effective.

I certainly support the Senator from California in his amendment.

Mr. MAGNUSON. Mr. President, I want to tell my good friend from California that the Senator from Washington and the Senator from New Hampshire made an attempt to add a more to the program. We did not succeed. We found more opposition House side in the first conference we had than anywhere else. I am sure that we can do much better. The results are beginning to show these places.

Let me say to the Senator from California that we will, in a matter of almost 40 days, begin hearings on a new bill. Thus, I welcome the Senator from California to come down there and tell us, together with the other people, the results of the program and I think that in next year's appropriation bill we will be able to do some real work in this field because it is so important. It is the best insurance we will have, because a dropout costs us more when he drops out than it costs us to make this appropriation to see that he does not.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Washington.

Mr. President, with full confidence in the Senator from New Hampshire and his assurance that in the conference this will get attention, and the statement of the Senator from Washington regarding the new hearings that will begin in 40 days, let me assure him that I will be back with the records and the fact which I think will be a most impressive record.

Mr. President, reluctantly, in order to accommodate the chairman and members of the committee, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TOWER. Mr. President, since have been a Member of this body, I have supported the programs of aid to education in federally affected areas under Public Laws 874 and 815. These programs may not be perfect in the present forms. They might need some improvement. But there is no need to kill the program in order to take it apart and find out how to make it work better. The precipitous reduction of funding for impact aid programs would certainly be disastrous. The \$520 million provided in this bill is almost the minimum acceptable figure. School districts will still be in the pinch, and those with the most severe impact will feel it the worst.

The distinguished Senator from Nebraska is proposing an amendment which would protect these districts with extremely heavy impact from the relationship which they would suffer even at the present appropriation level. The amend-

ment would insure that school districts where 75 percent or more of the students are federally connected will receive 95 percent of their full entitlement under Public Law 874. Districts with such an extreme impact naturally depend more heavily than others on Public Law 874 funds in meeting their educational obligations.

Senator HRUSKA's amendment is appropriate and fair because it directs the funds to the areas of the sharpest need while still providing substantial assistance to areas where the need is less severe but nonetheless real.

Congress has for the past 20 years repeatedly endorsed the concept of aid to education in federally affected areas. Very likely the formula for providing such aid is due for an overhaul. However, the present appropriations bill is not the proper vehicle for bringing about a revamping of the system. We must amend the formula if we want to change the results, but we should not merely adjust the appropriation arbitrarily. I do not mean that we must fully fund every item authorized, but that we must remain substantially true to our announced intent in a matter such as this. For almost 20 years educators across the country have depended on the Public Law 874 program. We cannot cut them off without fair warning.

Recently the impacted aid program has come in for more and more criticism. Perhaps it is appropriate to hold the line now until we can find out what is wrong. The appropriation provided in the present bill is comparable to the amount provided in fiscal year 1969. As I said before, even this amount will not be completely comfortable for school districts. They will feel the pinch. But Senator HRUSKA's amendment will ease the pain where it hurts the worst. On the whole, I feel that this, perhaps, is the best we can do at this time.

Mr. MAGNUSON. Mr. President, before third reading, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. All time as now been yielded back.

The question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator

from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL) is officially absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. CURTIS) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 78 Leg.]

YEAS—68

Aiken	Fong	Mondale
Allen	Fulbright	Murphy
Allott	Goodell	Muskie
Anderson	Gore	Nelson
Baker	Gurney	Pearson
Bellmon	Hansen	Proxmire
Bennett	Harris	Randolph
Bible	Hartke	Ribicoff
Boggs	Holland	Russell
Brooke	Hollings	Schweiker
Burdick	Hruska	Scott
Byrd, Va.	Inouye	Smith, Maine
Byrd, W. Va.	Javits	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Jordan, Idaho	Stennis
Cooper	Kennedy	Talmadge
Cotton	Magnuson	Thurmond
Dole	Mansfield	Tower
Dominick	Mathias	Tydings
Eagleton	McClellan	Williams, N.J.
Eastland	McGovern	Williams, Del.
Ellender	McIntyre	Young, N. Dak.
Ervin	Miller	

NAYS—0

NOT VOTING—32

Bayh	Hatfield	Pastore
Church	Hughes	Pell
Cook	Jackson	Percy
Cranston	Long	Prouty
Curtis	McCarthy	Saxbe
Dodd	McGee	Smith, Ill.
Fannin	Metcalfe	Stevens
Goldwater	Montoya	Symington
Gravel	Moss	Yarborough
Griffin	Mundt	Young, Ohio
Hart	Packwood	

So the bill (H.R. 15931) was passed.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. EAGLETON in the chair) appointed Mr. MAGNUSON, Mr. RUSSELL, Mr. STENNIS, Mr. BIBLE, Mr. HOLLAND, Mr. COTTON, Mr. CASE, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I commend the able and distinguished chairman of the labor Health, Education, and Welfare Subcommittee of the Committee on Appropriations, the senior Senator from Washington (Mr. MAGNUSON). I commend him for his able advocacy. I commend him for his effective legislative skill. And, on this particular measure, I commend him for his tenacity and endurance.

Senator MAGNUSON has now literally been with this funding measure for a number of months.

The delay, may I say, was no fault of his. It was the veto action imposed against the original proposal that occasioned the procedure adopted.

For his work on the proposal, for his splendid guidance and outstanding leadership, the Senate and the Nation as well are deeply indebted to Senator MAGNUSON.

Our thanks goes also to the distinguished senior Senator from New Hampshire (Mr. COTTON). As the ranking minority member of the subcommittee he applied the same strong support and assistance that have characterized his many years of public service. He, too, has literally lived with this matter for a good many months and the Senate is grateful.

We are grateful as well to many other Senators for their contributions. The Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Minnesota (Mr. MONDALE), and the Senator from New York (Mr. JAVITS) joined to offer their strong, articulate and most sincere views. Others too are to be commended. The Senator from Virginia (Mr. SPONG), the Senator from Nebraska (Mr. HRUSKA) and many others may be singled out as well.

Quite frankly, it is difficult to express in words my gratitude to the Senate this evening for the outstanding cooperation exhibited by each and every Senator, regardless of point of view or party. It is not an easy task for any one of us to give up commitments, engagements, and the like for the sake of undertaking

Senate business on a Saturday evening. I am confident the Senate appreciates the unusual circumstances that prevailed in calling for such a session. Not only did the matter of the Labor-HEW bill remain as a priority item, but on Monday next, by previous order, the Senate already agreed to begin its consideration of the voting rights measure—a most important proposal. Thereafter, the Senate will proceed to the nomination of Judge G. Harrold Carswell to be a member of the Supreme Court. So the workload has been full and the pace lively. It appears that it will remain so in the weeks ahead. I thank the Senate for its cooperation. Our achievements have been many. They will be more.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, at 7:20 in the evening, I ask unanimous consent that there be a brief period for the transaction of routine business, with a limitation of 3 minutes on speeches.

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

STATEMENT FROM MR. GILBERT HAHN, JR., CHAIRMAN OF THE CITY COUNCIL OF THE DISTRICT OF COLUMBIA ON THE PROBLEM OF CRIME IN WASHINGTON

Mr. MANSFIELD. Mr. President, I have received a statement from Mr. Gilbert Hahn, Jr., the Chairman of the City Council of the District of Columbia. It is a response to remarks which I made recently in the Senate on the problem of crime in Washington. It will be recalled that I asked the city's leaders to direct their energies to this question. I urged them to concentrate on crime in the streets because unless these essential channels of human contact are freed from terror and restored to reasonably safe usage in all segments of the District, there is little hope of restoring the shattered communal life of the Nation's Capital. To that end, I suggested that the Mayor, the Police Chief, and other city authorities come up with a plan to cut street crime 50 percent in the near future.

In his statement to me, Mr. Hahn has written a very thoughtful analysis of the situation. He discusses both the immediate aspects of the problem of crime and also cites some relevant long-range considerations. Of the remedies which he proposes, Congress has already enacted some into legislation, at least in part. May I add that so far as I am aware, every Presidential proposal for legislation directed against crime in the Nation's Capital has already cleared the Senate.

One major proposal in Mr. Hahn's statement has already been partially enacted into law by both Houses but even that part awaits effective administration by the city government. I refer to the size of the police force. Mr. Hahn believes that the District of Columbia police should number 6,000. The President and the Congress have provided for 5,100 men but the recruitment policies and techniques of the city authorities so far have produced a force of only 4,500. I would

hope, therefore, that more vigorous efforts will be made by the city authorities—and I am sure they are—to fill the complement already authorized and to use this force with full effectiveness against street crime. There would then be a basis for considering Mr. Hahn's suggestion for additional expansion to a 6,000-man force.

In all frankness, I must say that it is difficult to justify a further increase in the authorized number at this time if the city officials are unable to enlist those for which provision has already been made. I do not see that salary is the main problem at this time. The starting pay has been raised to \$8,000 and compares favorably with that in all parts of the Nation.

Mr. Hahn's statement also refers to such remedies for the problem of street crime as increasing the number of judges and other court personnel, attacking the drug problem and seeking to combat juvenile delinquency through more jobs, better schools and vocational training. The statement, as I have said, has a great deal of merit and I would hope that every attention will be given to it in all quarters.

However, the immediate need, as I see it, is for Mr. Hahn to translate the general approaches which are suggested in his statement into specific proposals for action. Then, from the point of view of the Senate, the administration should clarify—spell out in proposed legislation—what portion of them is sought from this body.

I reiterate what I said the other day, if there is anything further which is needed from the Senate at this time to cut the street-crime rate drastically, President Nixon and the District of Columbia authorities should state that need. If they will send their legislative proposals to the Senate, they will have not only my attention but, much more significant, they will have, I am confident, the full consideration of the appropriate committees and the Senate as a whole.

I hope the Chairman of the City Council will consider this matter with his colleagues in the District of Columbia government and with the President, without delay.

Mr. President, I also had a chance to talk with the Mayor, the Honorable Walter Washington, who is cognizant of the situation which confronts him in this matter. I found him to be most cooperative and understanding.

In the interim, Mr. President, I ask unanimous consent that Mr. Hahn's statement be printed in the Record.

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

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, CITY COUNCIL,
Washington, D.C., February 24, 1970.

HON. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In response to your Friday statement, here are a few thoughts of mine for curbing crime in the District of Columbia.

Very sincerely,

GILBERT HAHN, JR.,
Chairman, City Council.

REPLY TO SENATOR MANSFIELD

Senator Mansfield has, as he did Friday, repeatedly challenged the District of Columbia leadership to come up with a program for reducing crime in the District of Columbia by 50%.

I have a four point, short term program for attack on the problems of crime, which I hope the Senator will support. These are not, for the most part, new or radical.

An attack on the hard drug problem, particularly heroin addiction;

An attack on juvenile delinquency (which accounts for over 50% of all crime) through jobs, better schools and vocational training;

An end to delays in trials and the whole administration of justice from arrest to rehabilitation, as well as a simplification of trials; and

A further increase in police presence and the sophistication of the criminal enforcement process.

We do not know all the causes of crime—nor can we be sure we know even what some of the cures are. We can only be sure that crime will start to come under control and diminish when most of society—that is to say all of us—want crime to end. And, no amount of police, judges, jails and money can have more than a partial effect on crime until all of us want crime ended.

What I say here is for the short term only and is not in place of long range programs. I support the belief that bad housing, bad environment, bad schools and a lack of jobs, as well as many other social ills that require improving contribute to the climate of crime. I support massive programs of social reforms, because they are right and because logically inequality of possession and inequality of opportunity in an open society ought to be a long term and basic contributor to crime.

Almost two years ago, I made a speech, following a door-to-door election campaign through the City in the Winter and Spring of 1968. I then found that the upper thought on the mind in the City was fear of crime.

At that time, with relation to the short term solutions to crime, I said that we should emphasize two solutions: one, an increase in the number of police and the other to speed the administration of justice.

Then, I said that the District of Columbia police force should be doubled, from its then level of 3,000 to 6,000. A good deal of progress has been made in this one area. President Johnson pushed the authorized strength to 4,100 and President Nixon to 5,100. The force actually now stands at about 4,500 and is being increased in numbers and sophistication. Its leadership under Chief Jerry Wilson is excellent; and it has successes such as its handling of the November 15, 1969 protest march on Washington to its credit. We hear less now about police brutality and community complaints about police. This is good. The community seems now, for the most part, to support the police. To the extent that we have slowed down the rise of crime in the City, the increased police force must take the largest credit. We must, I think, continue to increase the force to 6,000 men and complete the upgrading of training and sophistication of the police that I called for in 1968.

If we are to cope with the rising tide of crime and maintain our liberal tradition of arrest by warrant, search by warrant, rapid arraignment before a magistrate, immediate availability of counsel, lack of resort to force confessions, and all the rest of the desirable safeguards built into our system of administration of justice at the level of arrest and pre-trial procedure, then we have no option but to continue to increase the number of police and the sophistication of their training and equipment.

At the same time, in 1968, I called for doubling or tripling of the number of judges in all courts, court aides, probation officers, psychiatrists, prosecutors on all levels. For



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