

Thomas	Vinson
Thompson, Tex.	Vurcell
Thomson, Wyo.	Wainwright
Trimble	Walter
Tuck	Watts
Udall	Weaver
Van Zandt	Whitten
Velde	Wickersham

NAYS—197

Addenizio	Frelighuysen	Morano
Aigle	Friedel	Moss
Allen, Calif.	Fulton	Multer
Allen, Ill.	Garmatz	Mumma
Anfuso	Gavin	Murray, Ill.
Arend	Gordon	Nelson
Auchincloss	Gubser	Nicholson
Bailey	Gwinn	O'Brien, Ill.
Baldwin	Hagen	O'Brien, N. Y.
Bass, N. H.	Hale	O'Hara, Ill.
Eates	Hand	O'Neill
Baumhart	Harvey	Osmer
Becker	Hayworth	Ostertag
Bentley	Healey	Patterson
Eetts	Heselton	Pelly
Boland	Hess	Philbin
Bolton	Hiestand	Pillion
Frances P.	Hillings	Polk
Boiton,	Hinshaw	Powell
Oliver P.	Hoffman, Ill.	Price
Bosch	Hoffman, Mich.	Rabaut
Bow	Hofield	Radwan
Bowler	Holland	Ray
Boyce	Holmes	Reed, N. Y.
Brown, Ohio	Holt	Reuss
Brownson	Holtzman	Richelman
Bryohill	Hosmer	Robsion, Ky.
Buckley	Hyde	Rodino
Burdick	Jackson	Rogers, Mass.
Bush	James	Rooney
Eyrne, Pa.	Jenkins	Roosevelt
Byrnes, Wis.	Johansen	Sadiak
Canfield	Johnson, Calif.	St. George
Cederberg	Karsten	Schenck
Chiperfield	Kean	Scherer
Chudoff	Keating	Scott
Church	Kelly, N. Y.	Seely-Brown
Clark	Keogh	Sheehan
Clevenger	Kirk, Calif.	Sheppard
Cole	Kin, Pa.	Sieminski
Corbett	Kirwan	Simpson, Pa.
Coudert	Klein	Sisk
Cretella	Kluczynski	Smith, Kans.
Crumpacker	Laird	Sullivan
Curtis, Mass.	Lankford	Taber
Dague	Latham	Taylor
Davidson	Lesinsky	Teague, Calif.
Dawson, Ill.	Lipscomb	Thompson, N. J.
Delaney	McConnell	Tollefson
Derounian	McCormick	Tumulty
Devereux	McCullough	Utt
Diggs	McDonough	Vahnik
Dinsell	McGregor	Van Pelt
Dodd	McVey	Vorys
Dolinger	Macdonald	Westland
Bondero	Machrowicz	Wharton
Donohue	Mack, Ill.	Widnall
Dorn, N. Y.	Mack, Wash.	Williams, N. J.
Doyle	Madden	Williams, N. Y.
Ellsworth	Magnuson	Wilson, Calif.
Eng'e	Maillard	Withrow
Fallon	Martin	Yates
Feighan	Meader	Younger
Fino	Miller, Calif.	Zablocki
Fogarty	Miller, Md.	Zeienko
Forand	Miller, N. Y.	
Ford	Minshall	

NOT VOTING—31

Adair	Dorn, S. C.	Phillips
Barrett	Eberhardt	Saylor
Buss, Tenn.	Gamble	Scudder
Bell	Green, Pa.	Shelley
Blitch	Harden	Thompson, La.
Collier	Kearney	Thompson, Mich.
Chatham	Lane	McIntire
Cunningham	McIntire	Thompson
Davis, Tenn.	Morgan	Wiglesworth
Davis, Wis.	Morrison	Wilson, Ind.
Deane	O'Hara, Minn.	Wolcott
Donovan	Patman	Wolverton

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cunningham for, with Mr. McIntire against.

Mr. Gamble for, with Mr. Wolverton against.

Mr. Bell for, with Mr. Shelley against.

Wier	Williams, Miss.
Willis	Winstead
Wright	Young

Mr. Thompson of Louisiana for, with Mr. Wiglesworth against.
Mrs. Harden for, with Mr. Barrett against.
Mr. Dorn of South Carolina for, with Mr. Green of Pennsylvania against.
Mr. Morrison for, with Mr. Morgan against.
Mrs. Blitch for, with Mr. Kearney against.
Mr. Chatham for, with Mr. Phillips against.
Mr. Wolcott for, with Mr. Donovan against.

Until further notice:

Mr. Celler with Mr. Adair.

Mr. Deane with Mr. Davis of Wisconsin.

Mr. Patman with Mr. O'Hara of Minnesota.

Mr. Thornberry with Mr. Saylor.

Mr. Davis of Tennessee with Mr. Scudder.

Mr. Eberhardt with Mrs. Thompson of Michigan.

Mr. Bass of Tennessee with Mr. Wilson of Indiana.

Messrs. BOWLER, GORDON, DAVIDSON, and COLE changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

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

There was no objection.

APPOINTMENT OF CONFeree

Mr. ENGLE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania, Mr. SAYLOR, be excused as a conferee on the bill H. R. 6376 and that the Speaker be authorized to appoint a Member to fill the vacancy.

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

There was no objection.

The SPEAKER. The Chair appoints the gentleman from New York, Mr. PLILLION, to fill the vacancy, and the Senate will be notified of the action of the House.

FEDERAL ASSISTANCE TO STATES FOR SCHOOL CONSTRUCTION

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7535) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms. After general debate, which shall be confined to the bill, and shall continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee

shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to re-commit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Oregon [MR. ELLSWORTH], and now yield 5 minutes to the gentleman from Indiana [MR. MADDEN].

Mr. MADDEN. Mr. Speaker, millions of parents and school children in congested areas over the country will be happy to learn that the Congress is finally considering legislation which will relieve the critical schoolroom shortage in many areas.

The Committee on Education and Labor commenced hearings on this subject in March of 1955, over 1 year and 3 months ago, and it is indeed unfortunate that such a long time has elapsed before this bill finally reached the floor of the House.

President Eisenhower, as far back as 1952, when he was a candidate for the Presidency stated in a speech in Chicago, Ill., that the country needed 340,000 additional classrooms. Almost 4 years has passed, and today is the first time the Congress has had an opportunity to consider this important problem. As far back as January 1954, the Office of Education estimated we needed approximately 300,000 classrooms and that this deficit would increase at the rate of 50,000 classrooms annually because of increased enrollment and other factors. A great deal of false propaganda has been sent throughout the country regarding H. R. 7535 known as the Kelly bill, which we are now considering. This false propaganda endeavors to frighten the public into thinking that aid for school construction means Federal control; such is not the case. This bill is temporary legislation over a 4-year period for school construction in critical areas.

No provision of this bill takes one iota of control of the operation of city, township, and county schools. This bill, under three various titles, provides methods of aiding local communities in financing school construction. During the debate, the members of the Committee on Education and Labor will explain in detail the various methods contained in these three titles as set out in the bill.

There is urgent need to start this school construction now. Within the next 2½ years we will need over 500,000 new classrooms. Counting the time it takes for local bond issues, securing real-estate locations, architectural planning, and construction, almost 2 years will intervene before an average school building is completed. The log jam in school construction started during the war period when strategic building materials were difficult to obtain and thousands of communities postponed needed school construction until after the war.

Communities have been unable to catch up with this unavoidable delay. This is a national responsibility which Congress should discharge without further procrastination.

The enormous growth of population of this country since the war has further added to our schoolroom crisis. In the highly industrialized Calumet region of Indiana, the population has multiplied beyond all expectations during the last 10 years. Thousands of families have moved from nearby Chicago into this area and particularly into areas surrounding Gary, Hammond, and East Chicago.

Tens of thousands of new homes have been erected in the last 10 years in my congressional district but it is impossible for local communities to keep pace in schoolroom construction with this great influx of families. Last October, I attended a dedication of a new school in the town of St. John, Ind., which a few years ago was a small community; since then hundreds of families have moved into this area. The township trustee informed the citizens at the dedication that the new school would be a financial burden on the local taxpayers for years to come. He further stated that the community needed a similar school immediately to take care of children which the new school could not accommodate.

I have in my hand the Saturday, June 16, 1956, edition of the Gary Post Tribune which sets out in the headlines, which you all can read: "Three Thousand Face Half-Day Classes at Nine Schools."

The newspaper also states:

The cities enrollment to increase by 3,000 to 36,138 in fall.

This statement was made by the superintendent of schools, Mr. Clarence E. Swingley, and the article proceeds to tell about the critical shortage in schoolrooms surrounding the city of Gary and its outside limits. This same headline could be applied to every city, town, and hamlet in my district that is located close to the industrial areas.

The Committee on Education and Labor has received testimony gathered by its subcommittee which held hearings in congested areas throughout the country. This subcommittee found startling conditions concerning lack of schoolroom facilities in all fast growing areas.

Last week Congress appropriated billions for highway construction. Additional millions have been appropriated to maintain the farm economy. Billions also have been appropriated for defense and aid to war stricken countries in our aim to curtail communism. Has our civilization become so grossly neglectful and shortsighted as Congress thinks this is more important than passing a bill to help critical areas with school construction? These school children in areas throughout the country are attending classes in garages, churches, basements, warehouses, and wornout firetrap schoolrooms, let us strive to give to every child possible the education and culture that ought to be the birthright of every American.

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

Mr. Speaker, this rule will make in order the consideration of H. R. 7535, which is a bill to authorize Federal as-

sistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

The rule provides that there shall be general debate for not to exceed 6 hours, which I think rather obviously means that general debate on this bill will continue probably through 2 days or more and will give all Members ample opportunity to express their views and to discuss the bill.

This bill for assistance to local schools was reported to the House almost a year ago on July 28, 1955, in fact. The bill resulted from a recommendation or a suggestion sent to the Congress by the President which pointed out that there exists an emergency, so far as facilities for local schools are concerned; that there is a shortage of classrooms throughout America. The President's suggestion, in part, called for congressional action in the form of assistance in the financing of local school construction through the underwriting of bond issues and such other credit aids as could be set out properly in a bill. In the President's suggestion and in the bill which later became known as the Administration Bill, was also a provision for grants to the States over a 5-year period on the basis of need, and requiring certain qualifications. As has happened to many of the Administration's proposals in this Congress, the House Committee on Education and Labor sought to take the administration's proposal apart and put it back together again and come up with something similar but different that would relieve the shortage of schoolrooms in the United States.

The Kelley bill, as this bill is known, will accomplish that purpose, there is no doubt about that, but the bill leaves me in doubt as to the advisability of adopting the allocation provisions as to the manner in which the grants to the States shall be made. I think the bill should be amended on the floor to conform to the President's proposal.

In that connection, I received a letter from a man in the congressional district I represent for whom I have the highest respect as one of the leading educators of the West. His name is Marion B. Winslow. He is superintendent of schools at Coos Bay, Oreg., on the Oregon coast. Mr. Winslow has studied this matter for many, many years and he feels that the allocation provision, the straight-out grant to States on the basis of \$11 and some cents per pupil regardless of need, is not the proper way to get at assistance to education in America.

With the indulgence of the House I should like to read the suggestions made by Mr. Winslow. I realize that since the bill was long ago reported and since this suggestion has come to me, at a time when it could not be incorporated in the bill by the committee, I should like to present it to the House now with the possibility that it may arouse enough interest so that some members of the committee may wish to take it up and consider offering it as an amendment when the bill is on the floor.

This is the suggestion made by Mr. Winslow:

I wish to make a suggestion in regard to distribution. In the first place I believe that the funds should be used to give equal opportunity to all for a basic education. This means that some States may get more money per pupil than other States. I do not believe that the school census is a sound basis for distributing funds to States for the following reasons:

1. Some States require only school attendance through the first 8 grades, or to age 16.
2. Some States require attendance to 13 years, or through high school graduation.
3. Some States have very lax attendance laws and poor enforcement of its attendance laws.
4. Some States have an effective attendance program.
5. Some States have a high percentage of private school attendance.
6. Some States have few private or parochial schools.

7. Some States have a very short school year of $8\frac{1}{2}$ months, while others may have a longer school year.

It is important that we should share on a national level in the support of educational service to pupils. I know of no reason for distributing educational funds purely on the basis of the number of pupils in a State.

The following is the important part of this suggestion:

I believe that money should be distributed to the several States in proportions that the total days' attendance in the public-operated schools of a State bears to the total days' attendance in the public schools of the United States.

This is a simple formula, but it insures absolute justice throughout the entire Nation on the basis of the actual days of education given to the pupil. As he points out in his letter, this will encourage:

1. A school year of adequate length.
2. Increase the number of years of educational service to high school completion.
3. Greater attendance in the public schools.
4. A higher percentage of pupils to attend school.
5. A better attendance record.

Distribution on the basis of attendance would be based on the actual educational service given to pupils. I notice in the report of Atlantic City schools, for example, that with a population of approximately 100,000 the school attendance is approximately 8,000 or 1 in $12\frac{1}{4}$ in school. Here in the Coos Bay School District we have a population of approximately 22,500 with a school attendance of 4,200, or 1 in 5.4 in school. It makes a big difference whether a district is providing for educational services for one-twelfth of its population or for one-sixth of its population. Those States that have the greatest portion of their population in school face the greatest financial need.

If Federal funds were distributed to the States on the basis of actual days' attendance at a public school, I believe this would encourage public school attendance. States with lax attendance laws with large numbers of the school population attending private schools, who thus carry a very light public education program, would get Federal funds only on the basis of the actual public educational service given.

Mr. Speaker, I have presented this letter to the House in the hope that it might, if not in this body, perhaps, in the other when the bill is considered there, receive some attention as a reasonable

and better formula for the distribution of such funds as the Congress may determine to allocate to public schools.

The SPEAKER. The gentleman from Oregon has consumed 8 minutes.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, in anticipation of the fact that I expect the distinguished gentleman from Virginia, the chairman of the Committee on Rules, to speak on this rule and to oppose it, I would like to make this point, that the demands of the organized and unorganized groups throughout the United States that this Congress do something on this situation which is fast becoming a national disgrace will answer anything the distinguished gentleman from Virginia has to say far more effectively than I can answer. I would like to say to the gentleman from Virginia that the Committee on Education and Labor as the result of objection which he raised to the language in title II and title III of the legislation has ordered that the sections to which he was objecting be stricken from the legislation. I refer first to removing from the legislation a provision that the Comptroller General's Office be relieved from responsibility for auditing and controlling these expenditures. That would affect both title II and title III. The other objection raised by the gentleman from Virginia and some other members in the committee was to the effect that it looked as if in one section of title II we were trying to obligate the Federal Government to pay the total sum of \$6 billion. The amendment in question, which I shall offer, will clarify and show that the Government obligation under title III could never be more than \$150 million. I would just like to add here that all that money will be returned to the Government. That is just a case of the Government lending its credit until such time as the school boards who will rent the building from the State Building Association will have the money to return the funds which the Government advanced. It is not an actual Government expenditure.

Now, to the distinguished gentleman from Kentucky [Mr. SPENCE] may I say that the committee also ordered that section 315 of title III of the bill be eliminated. That amendment is to be offered by the distinguished gentleman from New York [Mr. BOSCH] a member of the committee. It appears that in preparing the legislation, we encroached upon the prerogatives and were probably proposing to pass some legislation here that might interfere with the national banking law. So in an effort to clarify that, the committee will offer at the proper time when we are in Committee of the Whole House on the State of the Union this amendment which will be offered as an official committee amendment.

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

Mr. BAILEY. I yield.

Mr. DIES. Will the gentleman tell us the total amount of loans authorized under this bill?

Mr. BAILEY. Under title II the Government would set up a revolving fund, not to exceed \$750 million, to buy the loans of districts where they have to pay interest in excess of 4 percent. That is just money loaned by the Government. That will be repaid. The Government can sell those bonds any time it wants to and get its money back.

Mr. DIES. Then I understand there is a \$400 million grant.

Mr. BAILEY. A \$400 million grant each year for 4 years, a total of \$1,600 million.

Mr. GROSS. Will the gentleman yield?

Mr. BAILEY. I yield.

Mr. GROSS. Will that revolving fund take care of any part of the outstanding bonds for school construction?

Mr. BAILEY. You mean the present bonds?

Mr. GROSS. Yes.

Mr. BAILEY. No, sir. It is for new construction.

Mr. Speaker, in conclusion, let me appeal to my colleagues, whether you are proponents or opponents of this legislation I personally feel that no legislation is so controversial that it cannot be brought to the floor of the House and disposed of in the good old American way, as the citizens of our country expect us to handle it. So I am glad that the House has finally decided to consider the pleas of millions of American people that something be done to meet this situation. I personally will be satisfied with whatever the result may be, but do not let anybody mislead you into voting to kill this rule.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. ELLSWORTH. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Speaker, in connection with the pending legislation, I do not feel that I can improve greatly on a presentation I made February 22, 1955, in setting forth a proposal for some relief of the problems the communities now face relating to schools and education.

On that occasion I pointed out that if you are looking for a simple, direct program for aid to education, free from Government controls, without costly administration, and devoid of any share-the-wealth attributes, the joint resolution I introduced February 22, 1955, deserves your consideration and support.

Most, if not all, State treasuries are in better shape financially than is the Federal Treasury, there is no doubt but that in many States the demands, especially for education, call for more finances than the States are able to raise to provide needed buildings, maintenance, improved equipment, increases in teachers' salaries, and other items. The combined debt of the 48 States is about \$20 billion. Uncle Sam owes over \$275 billion.

With the enormous increase in Federal expenditures over the past 25 years the Federal Government has tapped every practical possible source of tax revenue, with little consideration for the tax needs

of State and municipal governments. The States are now dependent almost entirely upon direct taxes on real estate and personal property, duplicated income tax and sales taxes which fall heavily on persons of low income. In seeking new revenue the States find available sources already drained by Federal taxation—income taxes, admission taxes, beverage taxes, luxury taxes, transportation taxes, tobacco taxes, excise taxes, to name but a few. Enormous sums, billions of dollars annually, are siphoned out of the States in individual and corporate income taxes.

It is neither economical nor efficient to withdraw huge sums from the States and then have a portion of these funds trickle back under any of the proposed bureaucratic-administered programs of aid to education. If any of the presently proposed and pending programs are adopted, a large overhead for administration is unavoidable, and, in some instances, the only thing offered the State is an opportunity, lured on by Federal dollars in matching funds, to go into debt, and even this is prohibited by law in some States.

Under the best-intentioned Federal administration, there remains the well-founded objection that the compulsory requirement that each State meet conditions imposed by law and regulations of the administering bureau must be complied with to qualify for benefits. Furthermore, there is a deep-seated fear—also well founded—that with Government intervention in education programs, opportunity might well be found for Federal controls which naturally follow Federal dollars flowing from Washington.

The prime responsibility for education programs is in the local community and the State. Conditions now existing are not emergency short-time situations, and can be expected to continue for the long indefinite future, as more children are born.

To easily, simply, cheaply, and efficiently provide the States with some financial aid for meeting their needs for the improvement of their respective educational programs, without increasing their debt, without building up a huge Federal bureaucracy, without fear of Federal controls, dictation, or propaganda, without the slightest element of distribution of wealth. I proposed, by a joint resolution which I introduced, a simple, direct, unrestricted plan for aid to the States and the Territories to help them meet the educational demands within their respective borders.

House Joint Resolution 228

Whereas the Government of the United States, through taxes, is siphoning a great part of the wealth of our Nation out of the several States and Territories into the Federal Treasury; and

Whereas the Government of the United States is collecting taxes from nearly all sources of revenue, including taxes on individual and corporate incomes, admissions, beverages, communications, gifts, luxuries, transportation, and from excises and other taxes, leaving to the States little but real and personal property and consumer sales as sources of tax revenue; and

Whereas at rates approaching confiscation of property, States are still not able to raise revenue sufficient to carry the rising costs of State and local governments, and especially not to meet the demands for needed improvements and higher salaries for the training of our youth; and

Whereas it has been proposed that the Federal Government grant aid to the States for educational purpose; and

Whereas it is neither economical nor efficient to withdraw huge sums out of the States and Territories and redistribute funds under bureaucratic regulation from the Federal Treasury; and

Whereas it is desirable that such aid be accomplished by a simple, easy, direct, and efficient method, not hampered with bureaucratic restrictions, directions, or dictation: Therefore be it

Resolved, etc., That 1 percent of all income taxes collected on individual and corporate incomes under Federal statutes shall be deemed to be revenue for the State or Territory within which it is collected, for use, for educational purposes only, without any Federal direction, control, or interference.

Sec. 2. District directors of internal revenue are hereby authorized and directed to transfer to the treasurer, or corresponding official, of the State or Territory within which their respective internal-revenue districts are situated, at the end of each quarter, an amount equal to 1 percent of the taxes from individual and corporate incomes collected within such State or Territory during said quarter.

Sec. 3. For purposes of information only, district directors of internal revenue shall report the amounts transferred to State treasurers, or corresponding officials, as authorized in section 2, to the Department of the Treasury, accompanying such report with receipts from the proper State officials verifying the amounts received by said State officials.

Mr. Speaker, although I had hoped this resolution could be referred to the Committee on Labor and Education, it was referred to the Committee on Ways and Means. Although I have called this resolution to the attention of all House Members, I feel I should call it to the attention of the House again at this time.

But, Mr. Speaker, let me continue my remarks.

Under this plan the handling of funds through Washington and back will be eliminated; the amounts available to each State will be determined annually by individual and corporate incomes within that State. The money will remain in the several States where it was collected. The total amount to be thus collected through Federal facilities for the States each year will be automatically geared to the national income for that year. There will be no danger or possibility of Federal control or dictation. It will provide many States with a larger amount than would be available under many other plans which have been proposed. There would be no need for a growing bureaucratic horde with an insatiable hunger for power ready to consume ever-increasing amounts of taxes.

For example, in fiscal 1954 the district director for internal revenue for Kansas collected in individual and corporate income taxes approximately \$407,343,360. On this basis there would have gone to the State of Kansas under this plan, for the fiscal year 1954, \$4,073,433 every cent of which would be available for use within the State.

This is not a new proposal. I first presented it in 1949—H. R. 1582—at which time several various proposals were pending.

In the 80th Congress—1946—the Senate passed S. 472. Under that measure, the only direct aid-to-education bill to pass in either House of the Congress, the estimated initial contribution Kansas would have been required to make to the Federal Treasury would have been \$2,552,000. From the benefits authorized by S. 472, Kansas could have received back as aid to education a total of \$1,960,000—a net loss of \$600,000. The other proposals so far advanced would operate to take out of most States more to support the proposed program than would be returned in benefits, and on the whole would provide less effective aid than is offered by my proposal.

Certainly, under the plan I propose, the States, generally, by having this 1 percent of the individual and corporate Federal income taxes paid by its citizens withheld for use within each of the respective States for educational purposes, would be much better able to cope directly, as they deemed best, with their educational problems than they would under any program directed from a Washington bureau.

This proposal will be a step toward retaining our constitutional Republic and a move away from centralized government.

Such legislation will be in keeping with suggestions made by the then Gen. Dwight D. Eisenhower, by keeping the control and responsibility local. He said:

When financing of schools is turned over to the Federal Government you get bureaucracy, and this is the approach to statism.

Every advocate of aid to education to whom I have talked insists he wants no Federal control, no bureaucracy. This resolution will meet that desire, for it need not add a single person to the Federal payroll and will certainly eliminate all possibility of Federal controls—even those found in most other proposals before the Congress.

From the table below based on tax collections for the fiscal year 1954—approximately—you can see the benefits for your own State. The logical appeal and the elimination of the danger of Federal bureaucratic controls under this plan would enable your State to provide more adequately and more efficiently for the needed enlargement of educational facilities and the necessary increase in salaries of teachers.

This direct use of income taxes is possible. It can be done. Precedent is established by Public Law 630 of the 81st Congress, where it is provided that all of the taxes of incomes earned by American citizens in Guam, while resident there, including stateside Americans, both civilian and military, should be turned over to the Government of Guam. Not just 1 percent, but all of the income tax collected from Americans there—and Guam is merely an unincorporated Territory.

TABLE I

	Income tax collections, fiscal year 1954 (including tax for old-age insurance)	1 percent of tax collected
Alabama.....	\$35,904,000	\$3,559,040
Arizona.....	153,119,000	1,531,190
Arkansas.....	148,110,000	1,481,100
California.....	4,071,673,000	40,716,730
Colorado.....	533,265,000	5,332,650
Connecticut.....	1,168,789,000	11,685,890
Delaware.....	869,525,000	8,695,250
Florida.....	569,360,000	5,690,360
Georgia.....	581,573,000	5,815,730
Hawaii.....	126,170,000	1,261,700
Idaho.....	100,902,000	1,009,020
Illinois.....	4,026,673,000	40,266,730
Indiana.....	1,205,079,000	12,050,790
Iowa.....	494,575,000	4,945,575
Kansas.....	437,870,000	4,378,700
Kentucky.....	441,353,000	4,413,530
Louisiana.....	459,357,000	4,593,570
Maine.....	179,030,000	1,790,300
Maryland.....	851,777,000	8,517,770
Massachusetts.....	1,708,884,000	17,088,880
Michigan.....	4,857,146,000	48,571,460
Minnesota.....	917,256,000	9,172,560
Mississippi.....	129,376,000	1,293,370
Missouri.....	1,472,722,000	14,727,220
Montana.....	109,285,000	1,092,850
Nebraska.....	320,620,000	3,206,200
Nevada.....	76,308,100	763,080
New Hampshire.....	118,150,000	1,181,500
New Jersey.....	1,745,232,000	17,452,320
New Mexico.....	99,351,000	993,510
New York.....	11,626,091,000	116,260,910
North Carolina.....	673,436,000	6,734,360
North Dakota.....	60,929,000	609,920
Ohio.....	1,147,301,000	11,473,010
Oklahoma.....	504,416,000	5,044,160
Oregon.....	403,821,000	4,038,210
Pennsylvania.....	4,531,795,000	45,317,950
Rhode Island.....	271,663,000	2,716,660
South Carolina.....	239,898,000	2,398,890
South Dakota.....	67,056,000	670,560
Tennessee.....	463,856,000	4,638,560
Texas.....	1,969,318,000	19,693,180
Utah.....	135,924,000	1,359,240
Vermont.....	70,790,000	707,900
Virginia.....	641,430,000	6,414,300
Washington.....	711,456,000	7,114,560
West Virginia.....	270,198,000	2,701,980
Wisconsin.....	1,121,973,000	11,219,730
Wyoming.....	51,764,000	517,640
Alaska.....	45,843,000	458,430
District of Columbia.....	707,455,000	7,074,550
Puerto Rico.....	(9,571,000)	(95,710)
Total.....	58,578,333,000	585,785,330

NOTE.—Because collections for old-age insurance are not shown separately in internal revenue reports, actual benefits would be somewhat less than shown here when adjustment is made for that factor—an average of about 7.2 percent.

Mr. Speaker, inasmuch as the Military Appropriations Committee is in conference on the 1957 appropriation bill I doubt that I can be present to offer the last three sections of this joint resolution as a substitute for the present bill. Perhaps it may have sufficient appeal to some member of the committee to so propose this language.

Mr. Speaker, my suggestion deserves favorable consideration by this Congress.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SCRIVNER] may revise and extend his remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I do not know that I will take all of the 10 minutes, but I did want to call your attention to a few points about this bill that the House will have under consideration when and if this rule is adopted.

Let me say in the first place that it comes as a surprise, I am sure, to quite a

group of the membership that this rule is up here today at all for consideration when it is recalled that for a year and a half this proposal has been in the Committee on Education and Labor and then for the past several months has been in the Committees on Rules. There seemed to be no enthusiasm for this legislation, but for some reason, reasons that you can deduce for yourself, the resolution and the proposed legislation were suddenly revived and the Committee on Rules was put in the position where it had to report it out.

I know there is no enthusiasm today among the general membership for this legislation, and there are a number of reasons for that, but time will not permit me to discuss them.

First, I want to make clear to my southern colleagues, those who have not had an opportunity to study this legislation, just what they might expect. I understand that there will be a proposal offered in the form of an amendment by some Member of the House to provide for the denial of any of these funds to those schools in my section of the country which maintain traditional segregation in their public schools. I am not too much concerned about that—that might be a little surprising to you, too—because I do not think it is material whether that amendment is adopted or not.

In the first place, that objective can be reached and, no doubt, will be reached in this or some other administration through administrative action.

If there be any doubt in the minds of my colleagues about this, I call your attention, first, to the fact that the argument will be made that the Supreme Court has spoken; that segregation is not permitted in the public schools of the land and, therefore, no Federal funds should go to States practicing school segregation. Further, I call your attention to the fact that only a few weeks ago the Civil Aeronautics Administration, another administrative agency of the Government, denied Federal funds by administrative action to airports in communities requiring segregation in the airport facilities.

However, if the funds are not denied administratively, you and I know that when the appropriation bill comes up making the funds available provided by this proposed legislation that a rider in the form of an amendment will either be placed in the bill in committee or will be offered on the floor of the House to accomplish the same end. And if such an amendment is offered before an election—and I call your attention to the fact that there will be an election just a few weeks after the appropriation bill comes to the floor this year—such an amendment will in all likelihood be adopted.

Finally, if that hurdle is overcome and neither of these things happens, is anyone here so naive as to think for one moment that those who advocate the denial of funds to segregated school systems will not resort to the friendly Federal courts? How long would the National Association for the Advancement of Colored People, with unlimited funds and lawyers at its disposal, withhold

such action? Finally, is there any doubt in the minds of either friends or foes of this legislation as to what the present nine men who occupy the marble palace across the plaza from this Capitol would do?

In this connection, each of you recently received a copy of a statement from the executive council of the American Federation of Labor and the CIO telling you in substance just what I have said. I quote from the last paragraph of that statement:

For our part, the AFL-CIO pledges that if Congress enacts a Federal school-aid program we shall keep an alert watch over its administration. If Federal money is allocated to States or school districts which have not complied with the Supreme Court's decision, we will support and, if necessary, initiate legal steps to prevent such misuse of the taxpayers' money.

To sum it up, what does this mean? Is not the conclusion inescapable that the States maintaining segregation in their public schools are going to be taxed to build in other States without receiving any of their tax money back from the Federal Government to help construct their own schools?

Make no mistake about it, the people of those States are going to have segregated schools as long as they have public schools. That is one phase of the matter I wanted to discuss.

Mr. Speaker, I call attention to another phase of it and this is nothing new from me. You have heard me in the well of this House for the past several years point out to you that the danger to this country is not from an armed invasion by the Soviet Republic; the danger lies in the destruction of the financial setup of the country with resultant inflation; then the Communists come in through the back door and work their will when the value of the dollar is destroyed. Therefore I make the unchallenged statement—and there will be plenty of opportunity here to answer it before this debate is over—that there is not a State in this Union, there is not a county or parish in any State of this Union, and I doubt if there is a municipality in one of those counties or parishes whose financial situation is not better than that of the Federal Government. Therefore, why should the Federal Government go into this one field that the people are so jealous of, the field of their public education? The most prized and jealously guarded institution, the one closest to the hearts of the people of this country, is the education of the youth, our public school system. Your and my people want no Federal interference in the conduct of their schools. You are tampering with an institution which ranks almost in the category of religion. Once the gap is let down who can foresee to what length the strong arm of the Federal Government will finally extend into our public school system?

Now I want to call your attention to another matter. This morning there came to your desk a letter from the American Legion. Some of you may not have had the opportunity to see it. It gives many of the arguments that I would like to make and speaks the voice of that great patriotic organization, which, too,

is jealous of our public school system and of maintaining it as such without Federal interference. I hope you will have an opportunity to read it before the debate is over.

Omitting the first two pages, the document reads as follows:

At the 37th national convention of the American Legion held at Miami, Fla., from October 10 to 13, 1955, the matter of the relationship of the National Government to general public education was reconsidered; and the 3,158 accredited delegates to the convention, representing every State in the Union, without a dissenting vote, adopted resolution 588, containing the following restatement of principles with respect to public education:

1. That the State and local governments ought to, can, and should assume and take care of primary- and secondary-school needs.
2. That under the Constitution of the United States, the full responsibility and authority (including financing) over the education of our children is reserved to the several States respectively and to the people.
3. That the States and local communities have the capacity to meet the financial requirements for education.
4. That the National Government should avoid interference, control, or direction in educational processes or programs of the respective States, either directly or indirectly, or by grants-in-aid, appropriation, curriculum, or program control, or by action of any agency, branch, or department of the United States Government.

By virtue of this resolution, the national commander and officials of the American Legion were directed and mandated to present the position of the American Legion to the Congress of the United States and to vigorously oppose all legislation seeking the destruction of State control over public education or making appropriations of Federal funds for the needs of general public education; or which, in any way, violates the principles enunciated above.

Naturally, many Members of Congress and many other Americans will ask: "Why should this great organization of war veterans, the American Legion, concern itself with the problems of general public education?"

The answer to that question is that the American Legion has always strongly adhered to the philosophy of broad popular education for citizenship. While recognizing, applauding and supporting the role, the right and necessity for private and religious schools in the field of education, the American Legion vigorously subscribes to the necessity of a universal publicly supported system of primary and secondary education to insure that every American child has the opportunity for an adequate education.

The American Legion believes that popular self-government, based upon a federation of states, as created by the covenant set forth in the Constitution of the United States cannot continue to exist unless there is the bulwark of a continuing system of locally controlled and financed free public education. Not only does proper national defense require trained personnel, but the daily operation of our local, State, and Federal Governments, our farms, our professions, our commerce and industry, and in fact, every phase of life today demands that we have competent citizens, who are qualified, willing, and able to discharge their responsibilities.

By and large, the State governments and the local school districts have compiled a remarkable record of achievements in providing educational opportunities to the people of this country in the last 50 years. Without a doubt, we have in the United States today the finest educational facilities that the world has ever known.

Everything in the record of our educational accomplishments in this country indicates that our national interests in education will

be best served and most quickly solved by leaving the problem in the hands of local administration and control.

However, the American Legion is aware of the fact that despite record-breaking State and local expenditures for public education in recent years, our Nation is faced with a serious immediate shortage of school buildings and teachers.

We recognize that the sharp rise in birth-rate following World War II, heavy population migrations, a backlog of construction in the years of depression, war and material shortages, and the depletion of teachers and educational personnel by attraction of higher salaries in other fields of work and a decrease in the percentage of new persons entering teaching have all combined to create a difficult situation.

Nevertheless, the American Legion is of the opinion that sound judgment indicates that the only effective solution to our educational shortages is prompt and incisive action by the States and the local school districts.

What are the reasons for the policy stand of the American Legion? In summary outline they are set forth as follows:

1. The respective States have the financial capacity to meet their educational requirements if they wish to do so.

2. Federal aid is not the way to get good schools; under any moderate program of aid, the amount going to individual States would not be large enough to count effectively. And Federal aid in an amount sufficient to mitigate the problem significantly could result in such undermining of the State and local responsibility as to seriously endanger the kind of educational system that has served us so well since the founding of our country.

3. If substantial financial support is provided to local public schools by the Federal Government, local community interest and responsibility will diminish.

4. The wealth of the Nation is to be found in the States. In most instances, this wealth is as available to the States as to the National Government. Generally speaking, all taxes come from the same pocket. Sending tax dollars to Washington, which are intended for local use merely increases overhead and administrative costs and adds to the size of the Federal bureaucracy.

5. If a reappraisal of tax values on taxable property in the various communities and States is conducted in order to equalize tax responsibility on all types of property and education given its proper recognition in the reappraisal, there would be no need for Federal aid to general education.

6. There are serious dangers in creating a powerful centralized authority. It could lead to attempts at thought control and might invite infiltration by the Communist conspiracy.

7. It would seem impossible to have Federal aid to general education without the minimum of Federal control. Education certainly should be left up to the communities and the States and not to the Federal Government.

8. Local and State ability and willingness to deal with school problems is impaired by injecting a third level of government. The task of school administration will become even more difficult and complicated. Administrative differences with respect to controls or agreements as to division of funds will make for delays and inequities.

9. If you have Federal aid to education and a minimum of Federal control over this Federal aid, then there is great danger that the Federal Government will want to prescribe the curriculums, textbooks, and other instructional materials. All of this should be left up to the community and State.

10. Federal aid whether by grants-in-aid or other forms cannot be provided without Congress imposing legal and accounting safeguards or formulas or criteria of distribution.

Some type of control or supervision whether large or small, direct or indirect, is an essential ingredient of Federal action. The mere fact that Congress could discontinue the funds in future appropriations is a potent factor in itself.

11. History indicates that once Federal appropriations are made for any purpose the tendency is for the affected groups to lobby for their continuation and enlargement.

12. Approximately 12 percent of the schoolchildren in the United States are educated in private or religious schools. The exclusion of these schools raises difficult problems. Their inclusion would raise even more difficult legal questions and policy issues.

13. There are about 62,000 separate public-school districts or systems in the United States. If the National Government dealt directly with these local school organizations, it would seriously conflict with State educational responsibility and control. If the National Government dealt with only the States, it could not achieve the objectives sought by Federal grants or funds without imposing important and unwanted conditions.

14. The general public already feels that Federal taxes are too high. There is great pressure for reduction of Federal taxes. Certainly sound national policy should require that serious consideration should be given to the balancing of the Federal budget and a planned and consistent reduction of the Federal debt before the National Government embarks upon a new and tremendous program of Federal expenditures for general public education in our elementary and secondary schools.

15. The usual purpose of Federal grants-in-aid is to stimulate State and local activities. There is no need for this in the field of public education since expenditures by States and local governments for education are already the largest and most expensive of any of their activities.

16. There is no need for Federal leadership in setting minimum educational standards. These are already well defined and administered. There is a strong desire on all sides to avoid Federal control or supervision or the imposition of Federal standards or conditions. There is a widespread feeling that any degree of Federal control over education would be dangerous. No one has ever enunciated any practical method of providing Federal funds without some scintilla of authority or administration.

17. There are other well-defined responsibilities and activities of the Federal Government, such as national defense, the Post Office Department, and the Immigration and Naturalization Service, to name but a few which require all of the foreseeable Federal funds that are likely to be available.

18. If Federal aid is predicated on the determination of necessity of local school districts or systems, who will establish the criteria of need and formulas of distribution? What agency will determine which are needy and who gets what? What weight will be given to the relationship between those districts which have for years taxed themselves to the bone to meet their requirements and those which have the resources but do not choose to impose the local taxes? What equalization assistance will be required of the respective States before the Federal Government lends a hand?

19. Federal funds could place in the hands of those in political authority the power to transform our whole way of life. The opportunity which would be opened up for the imposition of requirements as to what would be taught is frightening.

20. The creation of a system of Federal educational assistance, nationwide in scope, would destroy the traditional role of the State and local governments in the field of educational activity and would represent an unnecessary and radical expansion of the

functions of the National Government beyond anything envisioned by Thomas Jefferson and the other architects of our Federal system.

21. This is not the kind of governmental functions which has to be done by the National Government or which it can do best. In fact, efficiency, economy, forthrightness, cultural experimentation, opportunity for differences of approach and educational pioneering and programs will be sacrificed if the Congress should embark the National Government upon a program of Federal aid to education.

To prevent any confusion or misconceptions about the extent of the position of the American Legion on this subject, it should be stated that the policy as set forth herein is confined to the matter of across-the-board, general Federal financial aid to public education in the primary and secondary schools (first grade through high school) and should be strictly construed.

The American Legion as of this time has not taken a position or fixed any legislative policy of opposition upon the following matters:

1. Financing by the Federal Government in the field of higher education—such as assistance to land-grant colleges, agricultural extension programs, agricultural research (all being administered and designed as agricultural programs), support of ROTC and similar training programs, defense research and veterans' programs (all being administered and designed as defense or veterans' programs).

2. Continuation of Federal commodity donations to school-lunch programs as long as these stocks continue to be acquired and held as surplus by the National Government as part of its agricultural program. (However, the American Legion is in favor of the elimination of cash grants by the National Government, with the assumption by the States and local communities for all cash financing required—now constituting about 12 percent of the total cost of the program.)

3. Existing legislation providing for special and limited grants for school construction and operation in critical defense areas on a temporary emergency basis in support of our national-defense program.

4. Research, advisory, and clearinghouse functions presently performed by the Office of Education in the Department of Health, Education, and Welfare. (However, the American Legion's position is opposed to the continuation of existing Federal appropriations to general aid in the form of cash grants to public school vocational education programs presently administered by the Office of Education.)

Let me say to you, I claim no corner on patriotism or zealousness in protecting the public-school system, but the Founding Fathers recognized it as a responsibility and the exclusive responsibility of the States. Now, once you disturb that, once you start to undermine that, there is no telling how far it is going. The bill should be defeated.

Mr. ELLSWORTH. Mr. Speaker, I have no further requests for time on this side, and yield back the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this resolution makes in order the so-called school construction aid bill which has been hanging around here for something like a couple of years. It is a matter of great interest both to those who are in favor of it and those who oppose it. Therefore, it has been brought to the House. I know of no opposition to the resolution which provides for 6 hours of general debate. The

resolution should be adopted so that we may go into the consideration of this highly controversial measure.

I wanted to talk a little about the merits of the bill, if any can be discovered. This is an innovation. We are starting off on an entirely new road, a road that the American people, from the founding of the Republic, have said that we should never follow. That is to permit the control of our public education to go out of the hands of the local people. It is a fundamental principle of our system of government. That is the principle that this bill proposes to depart from.

If anyone thinks, having once launched on this path of Federal appropriation that we are ever going to depart from it, he is very much mistaken, because it would be without precedent. Whenever we have started on any of these programs we have always gone on and increased the appropriation from time to time.

I am in favor of public education. Everybody here is in favor of public education. Everybody here is in favor of the youth of the Nation. Everybody here loves the children and wants to see them do well. Everybody here, I venture to say, is violently opposed to sin.

But let us talk about what is between the covers of this bill itself. Let us talk about the bill. When we considered this bill in the Committee on Rules and some questions were asked about it, I was so shocked at the draftsmanship of the bill and at the provisions contained in the bill that I came here to the floor of the House, at the time of the very first rule that I had to call up and asked permission to speak out of order. I asked the Members of this House—and there were a goodly number here—"Before you are called upon to consider this legislation, please take this bill of only some 25 pages, look at it, read it, and see for yourselves what is between its covers."

I had done so, and I want again to ask you before you vote on this measure to look at it. Read it yourselves; do not take anyone else's word for it. It is supposed to be a bill to help education. It is supposed to be a bill to help those States that cannot help themselves. There is not a State in the Union as poor as the Federal Treasury. It is not supposed to be a bill to promote labor unions. It is not supposed to be a bill to promote the employment of a great many more Federal employees to set up a bureau here to tell you how to run this thing.

What we are aiming to do and what I know the membership of this House is aiming to do, if they are aiming to do anything, is to help education. Now, are you helping education by this bill? You take a whole lot of "gobbledygook" in this first title of it, and you have a lot of words in there, and you wind up by trying to appropriate \$1,600,000,000 payable in 4 yearly installments to aid the States, rich and poor alike. It does not make any difference about whether you need it or not. If you pass this bill, they are going to shovel this money out anyway. All the function of the Federal Government and the intent of this bill is to give the States \$400 million a year to help them build schools.

Will you tell me why we could not do that in a few simple words, and say so, and not have all of these conditions and ramifications and words that nobody can understand in it? All you have to do is just say, "We are going to give each State its proportion according to the population and the formula. It is a grant of \$400 million every year for the next 4 years." Why do you not do that? What is the objective of inserting all this language, and I will guarantee you there is not a man on this floor who has not been on that committee who can understand it. I challenge them, before this debate is over if there is anybody who understands the meaning of all the language of this bill, I want him to get up here and say so before this debate is over, and I hope he will let me know so I can be here to understand it myself, because I have tried awfully hard, and I thought I understood the English language fairly well.

So title I is doing what they all want to do, help education, oppose sin, and all those other things. All you have to do is appropriate the money and call it a day, and save a lot of money in all these extra expenses.

So much for title I. I am going to skip title II because the time is short. That is only \$700 million, and that is hardly worth discussing in a body of this kind when we are dealing with Federal funds, because everybody has forgotten all about the exhaustibility of Federal funds. I say everybody has forgotten them. I think there are some people back in the country who think something about fiscal affairs. But it is so easy to get up here and induce Members of Congress to promote these schemes for spending this money, which somehow or other they have gotten to think does not cost anybody anything, back down to the States. So in this bill, with all this language we have in here, we have got it so that these States have to come up here to the Commissioner of Education, a bureaucrat. They have to come with their hats in their hands, they have to comply with all the regulations, they have to grovel before a Federal bureaucrat in order to get the money back for their States which their States have sent up here with the blood of taxation year after year in increasing amounts. I do not believe that is what you fellows mean. I do not think you mean you want to do that. So I say, if you are going to do this thing, and in my judgment it should not be done at all, let us do it in a simple way so that I, and a few other Members of the Congress can understand what we are doing.

Now, I want to talk to you about title III. The gentleman from West Virginia [Mr. BAILEY] and I had some discussion on that subject last week, and the gentleman from West Virginia discussed it a few minutes ago. I want to say to you in all of the discussions of the gentleman from West Virginia who is ardently, sincerely, and honestly for this bill, he has been frank and open, and when things have gone wrong he has been free to admit it. So, he got up here a while ago and he admitted that after his committee had struggled with this bill for a year and had labored diligently and

brought forth this mouse, there were four serious errors that he was willing to correct, serious errors. Now, I do not know how many more errors are in it because, as I say, I cannot understand all the implications of this language. If there were four admitted errors in one section of the bill, and four errors that ought to be corrected and must be corrected, then I am going to pose to this House this question: Do you not think that after all this study, this bill had better go back to the Committee on Education and Labor and let them study it and let them labor a little bit more and maybe they will bring forth something a little more palatable?

Let us see about these provisions in title III, that I want to talk to you about. You have been told that this is a \$1,600,000,000 bill. Well, title II is \$750,000 more. Title III provides that if these poor, hamstrung, broken-down, bankrupt States cannot sell their bonds, and I am ashamed to see us here in this House admitting that our States are poor, hamstrung, broken down and no account and cannot take care of their own affairs in any way, shape, or form even in education, I am ashamed to see this House admit that—so finding us in that condition, this great paternal Federal Government of ours is going to see that our bonds are taken care of. So they are going to provide a \$6 billion merry-go-round here and they obligate the Federal Government for one-half the service charge of this \$6 billion worth of bonds. They are going to say that that language here does not mean what it says—of course, it does not mean what it says. But, there are a lot of people still alive who think that plain language does mean what it says—and I am one of them and I hope there are some more of them here. So, the Committee on Education and Labor proposes to offer an amendment. The gentleman from West Virginia said that he is going to offer an amendment to strike out that \$6 billion. Well, I went back and studied that language a little bit more and I discovered that if you cut out the \$6 billion that that would just be taking the lid off and then there would not be any limit on what it was going to cost the Federal Government and you would not know what the amount was going to be. If you just take the lid off, there you go. I do not know what it is going to cost.

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

Mr. SMITH of Virginia. I will reserve some time so that I may yield to the gentleman from West Virginia because he has been fair to me and I want to be fair to him.

Mr. BAILEY. I thank the gentleman.

Mr. SMITH of Virginia. This provision here authorizes this \$6 billion—and if they need any money that is not appropriated in order to get it you have another provision further down whereby the Commissioner of Education is authorized to issue obligations of the Federal Treasury. In other words, he can issue bonds of the Treasury, or having the effect of bonds of the Treasury, to get what money he is going to need for these purposes.

In the back of this conglomeration of language, you will find definitions. Under definitions, there is defined the phrase "service charge" and service charge is defined as enough money to take care of the interest and the annual amortization, on the principal payment of those bonds to the extent of 50 percent. So that whatever is issued under that title III of that \$6 billion, you are obligating the United States Treasury to one-half of the principal and interest. In case there is any doubt in anybody's mind about what that language means, that is taken care of on page 24 in a subsequent section of the bill. That section has some very astute language in it. I have tried to find out who wrote that language. I could not find anybody on the Committee on Education and Labor who would confess to having had anything to do with the writing of that language, and I was finally told it was written down in the Department of Education. They need never have told me that, because I knew it before. You would know it as soon as you read it. It says:

The Commissioner, in addition to other powers conferred by this act, shall have power to agree to modifications of agreements made under this title and to pay, compromise, waive, or release any right, title, claim, lien, or demand, however arising or acquired under this title.

And all of this money is involved in this. He can give it all away. Have any of you ever voted for a bill that gave any official of the Government that much power?

The SPEAKER. The time of the gentleman from Virginia [Mr. SMITH] has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 1 minute.

That is not all. With that very bold language in there, somebody might have commenced to fuss about giving all that away. That is taken care of in the next paragraph:

Financial transactions of the Commissioner in making advances pursuant to this title, and vouchers approved by the Commissioner in connection with such financial transactions, shall be final and conclusive upon all officers of the Government.

If I understand the language, and I think I do, those words mean that the Congress says for the purpose of this title the General Accounting Act is hereby repealed. I want to get somebody who would be willing to stand up here and debate that question. I want to find somebody who is going to stand up here and say that that language does not, for the purpose of this bill, repeal the General Accounting Act. It says so in so many words.

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

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, those are the kind of errors that are in this bill. If you think it is a bill that you can straighten out on the floor of this House, very well, but if you do not, you had better send it back to the committee.

I now yield to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. I appreciate the generosity of the gentleman from Virginia in allowing me to clarify some of the questions.

Mr. SMITH of Virginia. I yielded for a question.

Mr. BAILEY. The question I wanted to ask was, if you think the objections that were raised in the Rules Committee some days ago would be answered if the committee amendments which were approved by the committee, striking out that section that you read, which gave the Commissioner of Education the authority to preempt the Comptroller General's authority, would that clear up the matter as to that point?

Mr. SMITH of Virginia. Yes.

Mr. BAILEY. I wanted to ask another question. The gentleman raised the question about \$6 billion, with the implication that that was a \$6 billion obligation on the part of the Federal Government. I think the amendment I presented to the Rules Committee and which I expect to offer on the floor to limit the Government obligation under title 3 to not to exceed \$150 million is plain enough. Then it will be not \$6 billion but not to exceed \$150 million.

Mr. SMITH of Virginia. I think that would be a decided improvement. I think it still does not cure the principle involved in this bill.

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

Mr. SMITH of Virginia. I must yield first to the gentleman from Pennsylvania [Mr. McCONNELL].

Mr. McCONNELL. I appreciate the gentleman's willingness to yield to me but I think it will take more time than I have at my disposal unless the gentleman is willing to give more time to me, because I am going to start right at the beginning where the gentleman started.

Mr. SMITH of Virginia. I am sure the gentleman will do that if the bill is called up.

Mr. McCONNELL. I will be very glad to and I will take it up point by point.

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

Mr. SMITH of Virginia. I yield.

Mr. KEATING. I know the gentleman and I do not see eye to eye on the amendment sometimes known as the Powell amendment. I would like, however, to ask the gentleman whether he shares the view of the gentleman from Mississippi that the addition of the amendment really adds very little to the bill.

Mr. SMITH of Virginia. I will go further than that; it does not add anything to the bill and I think it is utterly unnecessary. I think there are many other ways that this nefarious purpose can be accomplished.

Mr. KEATING. Will the gentleman not agree then there could be no harm in voting for the amendment on the part of those who believe in the principle enunciated in it?

Mr. SMITH of Virginia. Except that some people do not like to be affronted.

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

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 327, nays 67, not voting 33, as follows:

[Roll No. 82]

YEAS—327

Addonizio	Dempsey	Hull
Albert	Denton	Hyde
Alger	Derounian	Jackson
Allen, Calif.	Devereux	James
Andersen,	Diggs	Jarmar
H. Carl	Dingell	Jennings
Andresen,	Dixon	Johnson, Calif.
August H.	Dodd	Johnson, Wis.
Andrews	Dollinger	Jones, Ala.
Arends	Doliver	Jones, Mo.
Ashley	Dondero	Judd
Aspinall	Donchue	Karsten
Auchincloss	Donovan	Kean
Avery	Dorn, N. Y.	Kearns
Ayres	Doyle	Keating
Bailey	Durham	Kee
Baker	Edmondson	Kelley, Pa.
Baldwin	Elliott	Kelly, N. Y.
Barden	Ellsworth	Krogh
Bass, N. H.	Engle	Kilburn
Bates	Evins	Kilday
Baumhart	Fallon	Kilgore
Beamer	Fascell	King, Calif.
Becker	Feighan	King, Pa.
Belcher	Fenton	Kirwan
Bennett, Mich.	Fernandez	Kluczynski
Bentley	Fino	Knox
Berry	Fjare	Laird
Betty	Flood	Lankford
Blatinik	Fogarty	Latham
Boggs	Forand	LeCompte
Boland	Ford	Lesinski
Bolling	Fountain	Long
Bolton,	Frazier	Lipscomb
Frances P.	Frelenghuyzen	Lovre
Bolton,	Friedel	McCarthy
Oliver P.	Fulton	McConnell
Bosch	Gamble	McCormack
Bow	Garnatz	McCulluch
Bowler	Cathomas	McDonough
Boyle	Gavin	McDowell
Bray	George	McGregor
Brooks, Tex.	Gordon	McIntire
Brown, Ohio	Grant	McVey
Brownson	Gray	Macdonald
Broyhill	Greene, Oreg.	Machrowicz
Buckley	Gregory	Mack, Ill.
Budge	Griffiths	Mack, Wash.
Burnside	Gross	Madden
Bush	Gubser	Magnuson
Byrd	Gwynn	Maillard
Byrne, Pa.	Hagen	Martin
Byrnes, Wis.	Hale	Meader
Canfield	Halleck	Merrow
Cannon	Hand	Metcalf
Carnahan	Harris	Miler, Calif.
Carrigg	Harrison, Nebr.	Miller, Md.
Cederberg	Harvey	Miller, Nebr.
Chase	Hays, Ark.	Miller, N. Y.
Cheif	Hays, Ohio	Mills
Chenoweth	Hayworth	Minshall
Chioperfield	Healey	Mollchan
Christopher	Henderson	Morano
Chudoff	Heselton	Morrison
Church	Hess	Moss
Clark	Hiestand	Moulder
Coon	Hill	Multer
Cooper	Hinshaw	Munma
Corbett	Hoeven	Murray, Ill.
Coudert	Hoffman, Mich.	Murray, Tenn.
Cretella	Holifield	Natcher
Curtis, Mass.	Holland	Neison
Curtis, Mo.	Holmes	Norblad
Dague	Hoit	Norrell
Davidson	Holtzman	O'Brien, Ill.
Dawson, Ill.	Hope	O'Brien, N. Y.
Dawson, Utah	Horan	O'Hara, Ill.
Deane	Hosmer	O'Konski
Delaney	Huddleston	O'Neill

Osmers	Sadlak	Thomson, Wyo.
Ostertag	St. George	Tollefson
Patterson	Schenck	Trimble
Pelly	Scherer	Tumulty
Perkins	Schwendel	Udall
Pfost	Scott	Vanik
Philbin	Scrivner	Van Zandt
Poik	Seely-Brown	Velde
Powell	Selden	Vorys
Price	Sheppard	Vursell
Priest	Short	Wainwright
Prouty	Shuford	Walter
Quigley	Sieminski	Watts
Rabaut	Sikes	Weaver
Radwan	Siler	Westland
Rains	Simpson, Ill.	Wharton
Ray	Simpson, Pa.	Wickersham
Reece, Tenn.	Sisk	Widnall
Reed, N. Y.	Smith, Wis.	Wier
Rees, Kans.	Spence	Williams, N. J.
Reuss	Springer	Williams, N. Y.
Rhodes, Ariz.	Staggers	Willis
Rhodes, Pa.	Steed	Wilson, Calif.
Riehlman	Sullivan	Withrow
Roberts	Talle	Wolverton
Robison, Ky.	Taylor	Wright
Rodino	Teague, Calif.	Yates
Rogers, Colo.	Thomas	Young
Rogers, Fla.	Thompson,	Younger
Rogers, Mass.	Mich.	Zablocki
Rooney	Thompson, N. J.	Zelenko
Roosevelt	Thompson, Tex.	

NAYS—67

Abbitt	Forrester	Pillion
Abernethy	Gary	Poage
Alexander	Gentry	Poff
Allen, Ill.	Haley	Preston
Ashmore	Hardy	Richards
Bennett, Fla.	Harrison, Va.	Riley
Bonner	Hebert	Rivers
Boykin	Heronig	Robeson, Va.
Brooks, La.	Ikard	Rogers, Tex.
Brown, Ga.	Jenkins	Rutherford
Burleson	Jensen	Smith, Kans.
Carlyle	Johansen	Smith, Miss.
Clevenger	Jonas	Smith, Va.
Cole	Jones, N. C.	Taber
Colmer	Landrum	Tuck
Cooley	Lenham	Utt
Cramer	McMillan	Van Pelt
Crumpacker	Mahon	Vinson
Davis, Ga.	Marshall	Whitten
Dies	Matthews	Williams, Miss.
Dowdy	Nicholson	Winstead
Fisher	Passman	
Flynt	Pilcher	

NOT VOTING—38

Adair	Eberhardt	Patman
Anfuso	Green, Pa.	Phillips
Barrett	Harden	Saylor
Bass, Tenn.	Hillings	Scudder
Bell	Hoffman, Ill.	Sheehan
Blitch	Kearney	Shelley
Burdick	Klein	Teague, Tex.
Celler	Knutson	Thompson, La.
Chatham	Krueger	Thornberry
Cunningham	Lane	Wigglesworth
Davis, Tenn.	Mason	Wilson, Ind.
Davis, Wis.	Morgan	Wolcott
Dorn, S. C.	O'Hara, Minn.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Anfuso for, with Mr. Bell against.

Mr. Wigglesworth for, with Mr. Thompson of Louisiana against.

Mr. Klein for, with Mrs. Blitch against.

Mr. Celler for, with Mr. Mason against.

Mr. Sheehan for, with Mr. Dorn of South Carolina against.

Until further notice:

Mr. Shelley with Mrs. Harden.

Mr. Green of Pennsylvania with Mr. Saylor.

Mr. Barrett with Mr. Hillings.

Mrs. Knutson with Mr. Wilson of Indiana.

Mr. Morgan with Mr. O'Hara of Minnesota.

Mr. Eberhardt with Mr. Kearney.

Mr. Patman with Mr. Cunningham.

Mr. Thornberry with Mr. Krueger.

Mr. Teague of Texas with Mr. Scudder.

Mr. Bass of Tennessee with Mr. Davis of Wisconsin.

Mr. Davis of Tennessee with Mr. Wolcott.

Mr. VELDE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. BARDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7535) to authorize Federal assistance to the States and local communities financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of H. R. 7535, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from North Carolina [Mr. BARDEN] will be recognized for 3 hours, and the gentleman from Pennsylvania [Mr. McCONNELL] will be recognized for 3 hours.

The Chair recognizes the gentleman from North Carolina [Mr. BARDEN].

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

At this time I wish to discuss the bill as it is before you. I will not attempt to go into detail, because I believe other committee members will desire to discuss the various titles, some of them in detail.

I believe the House would be interested in a little history of this legislation. I do not have to say to the House that I have been interested in the subject of education for many years. I guess I started my education in what was about as near the little red schoolhouse as anyone in this Chamber; a little schoolhouse in the country, a little one-room schoolhouse built by my father on his farm. I have been interested from that day to this. I served on the education committee in the State Legislature of North Carolina, at which time we made a thorough and full and complete study of the educational system in North Carolina.

I have been serving on this committee for over 20 years in this House. I have probably attended more hearings and listened to more witnesses on the subject of education than any living man.

When we started consideration of this bill my remarks to the committee were simply these: That I thought our objective was important enough, big enough, to require our full time, our best thought, and our most careful consideration. My own views were a little like those expressed by the superintendent of schools in North Carolina when one member inquired of him how he could justify calling for some Federal assistance. His answer was simple and clear and is known to every Member of this House. He simply said, "The Federal Government has invaded virtually every source of revenue of the States, and we are finding ourselves in trouble. So I say to you, sir, my plea is either leave more money down with us to take care of our obligations, or divide with us." That is rather a hard answer on which to comment.

Then I said to this committee, as important as this objective it, and as large

a field as it will be necessary for us to cover, we should keep our eyes on the one and all-important objective of building these school buildings, and stay out of the field of social legislation and labor legislation. That admonition, suggestion, or request did not last long, for the labor unions were very quickly more concerned over the Davis-Bacon law than they were on the school bill. Finally, the old racial question became so important that it almost crowded out the other. Finally NEA, who has been so anxious about education, focused their attention particularly upon the money and not on the details and the all-important language of the bill.

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

Mr. BARDEN. Yes, I yield briefly.

Mr. KEARNS. Will the gentleman explain to the Congress why he voted for Public Law 874, the Bacon-Davis law?

Mr. BARDEN. I do not have to explain my acts to any person in this House. They understand me.

Mr. KEARNS. But you did vote for that.

Mr. BARDEN. I do not yield any further. I want to be courteous to the gentleman and I want to be considerate, and I would like to be an angel in his presence, but it is just a little different situation right now.

Then we were left to grapple with many problems. At one time this bill was assigned to a subcommittee and the subcommittee worked hard. They came up with a proposal to the full committee. In that bill there are some things with which I do not agree. So we started as objectively as possible to give it the most careful consideration paragraph by paragraph and sentence by sentence.

I do not like the so-called State plan but we wrestled and grappled with it. We went along and people began to get impatient. We started a big building on Capitol Hill and nobody gets impatient when it takes years to complete, but start an all-important piece of legislation affecting the lives and pocketbooks of everybody in America and we soon get impatient and ask why something is not done; and this I did not agree with in my committee and, of course, they all know it.

Suddenly about the time we had read 12 or 13 pages, the motion was made to report the bill out, and it was reported out. Since then we have been called together to consider some committee amendments, which in my opinion, are good amendments and should be added to this bill. Frankness compels me to say to the House, that those amendments will correct serious defects. There may be others that are needed which will develop when we begin to read the bill in detail.

Without consuming too much time, I want to brush through the bill. The purpose of the bill is stated, then the formula under which the funds are to be divided among the States. It then goes into the State planning, which under some circumstances I think might be workable were it not applicable to the entire school system of America. That deals with certain powers, implied powers, and so forth, for the Commis-

sion, and then it proceeds to provide a court review with the idea in mind of protecting Federal funds. Following that, we go into title 2 which deals with the purchase of bonds for the Federal Government to assist these various school districts throughout the Nation.

The third title deals with an arrangement whereby it will help the States to take care of bonds issued by the States.

The cost of this bill does not frighten me at all. I would say to the people of America that \$1,500,000,000 is not too much to spend for education; but I would object to the expenditure of \$1 million wrongfully, because \$1 million might set a precedent that would be dangerous. I would like to see some buildings built; I would like to see some school buildings provided; I would like to see a revival of interest in the people of all America in education, but unfortunately for some reason, whether it be on account of world conditions or whether it be one of the prices we paid for war, or whatever it may be, something has killed off the ardor. I remember so well the fights I have been involved in on this floor in trying to make it possible for young men who had the ambition to have the opportunity to finish their education and to take post-graduate work and become experts in the field of education, in the field of engineering, in the field of medicine, or of the sciences. Of course, you know the results of those fights. It did not work. Now we are crying to the world that we are short of doctors, we are short of engineers, we are short of experts in many fields of the sciences. The sad part about that is we are short of them. Little are we doing to correct it.

A draft act does not make doctors, a draft act does not make engineers, a draft act does not produce chemists. There should be a middle ground of commonsense with plenty of room for us to exercise our good judgment in providing the protection that this country needs. So I say to you there is no harm in being enthusiastic over education. I am enthusiastic over it myself.

Let me say to you, Mr. Chairman, that once you touch the educational situation in America, you touch the nerve center of the American people. First their reaction may be quiet but it could become violent.

I have prepared an amendment, and I did it with the assistance of some of the best minds I could find. I prepared it sincerely and honestly because I believe this House expects me as chairman of the Committee on Education to do my best, not up to the point where it may cross some selfish desire of mine, but you expect me to do my utmost to bring the best product to this House, the best bill to the floor of the House of which I am capable. For that reason I thought the bill could be materially improved and I set about with that desire and with that objective in mind.

My amendment would begin on page 3 of the bill as it is printed, and beginning in line 20 strike out about 6 pages of language that I greatly fear, both from the standpoint of precedent and from the standpoint of looking at

the future of education in this country. In those 6 pages there is enough discretionary power, enough direct power, enough implied power for a Commissioner of Education to foul up the situation.

THE CHAIRMAN. The time of the gentleman from North Carolina has expired.

MR. BARDEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, the question may be asked, Why should that trouble anyone? This is a school-building program and when the building is completed they walk out and there it is, and there you are with the precedent you have written into the law of this land and into the statute books. You and I know what history will be.

There are such bonding provisions as would provide for lending money, the Government buys the bonds and the commissioner owns the bonds for that school district. They start operating the school district on a rental basis, if you please, and then there is default in the bonds. Who takes over the school building and who runs it? To me that is of great concern.

Now, take these various sections between page 3 and page 9 and read them. You will find statements such as this set forth: "Principles for determining the priority of projects in the State for assistance under this title which will assure that first priority will be given" to this one or that one or the other. Who determines that? Nobody under the sun but the United States Commissioner of Education. If you get into an argument with the Commissioner, to whom do you appeal? You appeal to the Commissioner. Well, it would not be hard to guess what his final decision would be in that case, of course. And then you go into the courts by a procedure that is all right, I guess. I will not question the legality of it.

Turning now to page 7:

If any project for which one or more payments have been made under this section is abandoned, or is not completed within a reasonable period determined under regulations of the Commissioner—

Well, there is no paragraph in there that gives the Commissioner authority to write regulations, but there it is in the body of the law.

Now, I do not like to make these kinds of statements about a bill that I am bringing to the floor, but I want to say this in connection with my amendment: That at the time it was prepared the major portion was liked by an overwhelming majority of the committee. But at that time I had attached to it a provision that would have removed the Davis-Bacon Act from the bill. Of course, when the committee asked me if that was true, I told them "Yes," and they voted down the amendment. Well, I still do not like some features of the Davis-Bacon Act, to be spending State tax money, but I am practical enough to know that I doubt very much it could be defeated in this House, and at the same time I recognize the fact that the rest of the amendment was so much more important than the Davis-Bacon portion that I separated the Davis-Bacon portion and left the Davis-Bacon Act in the

bill as it now is. My amendment does not affect the operation of the Davis-Bacon Act in one particular in this bill.

My amendment that takes the place of six pages says this:

The Commissioner shall pay the State allotment for any fiscal year, or so much thereof as the State educational agency requests, to the State educational agency upon certification by it that the amount to be paid does not exceed one-half of the cost of constructing the school facilities for which such funds are to be expended. Funds paid to a State educational agency under this section shall be expended solely for construction of school facilities in the State, and shall be used to pay not more than one-half of the total cost of constructing all school facilities in the State which are assisted under this title.

Now, that is to be determined by the operation of the formula as it is written in the beginning of the bill. What does that do? That takes 6 pages of dangerous and unnecessary authority out of a nebulous state, floating around, that the Commissioner could use or not use and consolidates it and says that when it is certified, that the State is entitled to this much money and shows that it will be spent, that it shall be paid to the State agency. And then I provide direct jurisdiction to the United States district court of the district in which the capital of the State is located to handle these matters expeditiously and settle any argument that may come up, without the whole State having to come to Washington and crawl around in front of the United States Commissioner of Education.

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

MR. BARDEN. I yield to the gentleman.

MR. PERKINS. I certainly do not want to make any comment on the gentleman's proposed amendment, but I should like to clarify one statement concerning the plan set out in the first 6 pages of this bill. I should like to ask the chairman if we did not have similar plans in the so-called impacted-area legislation and also in the vocational-educational bills.

MR. BARDEN. Mr. Chairman, let me say to the gentleman that I was the first man to work out the first State plan under the vocational training bill. I was certainly also concerned in handling the impacted school area bill. One was a specified, limited area in vocational training. The other was to take care of a situation created by the Federal Government, was a Federal problem, and was to be handled by the Federal Government. It was entirely different.

Here we have a problem that covers all of the 48 States of the Union and involves our educational system and involves altogether the public school system of America. There can be no comparison whatever.

But that just illustrates what I said a few minutes ago about writing this kind of legislation. Two years from now, 5 years from now, 10 years from now, it will be pointed to as a precedent and someone will say, "You gave that much authority to the United States Commissioner of Education; why should you not do it again and expand it?"

No man in America loves the educational system of this Nation more than I. I am as jealous of its proper place and against anyone's attempting to interfere with it, as any man who ever lived. I am not basing this on any racial prejudice, or any other side issue, political or otherwise. Mr. Chairman, I say to you that the thing we are dealing with here is big enough, important enough, affects our Nation enough so that we can throw the rest of those side chips in the wastebasket. This will tax the best brains in this Congress.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

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

Mr. Chairman, today we begin a debate of vital and far-reaching significance to America. Because it concerns the welfare of our Nation's children; because it involves questions of fundamentals of government; and because it contains the elements of emotional conflict, there is need for sober reflection and restraint on the part of the membership of this body.

I do not know a single Member who is not sincerely interested in the welfare of our children and in the preservation of the intrinsic strength of our country. We may differ over methods, but not over objectives. No amount of differences over provisions of a bill could persuade me that any Member does not desire earnestly to do that which is right as he sees the right.

The bill, H. R. 7535, now before us, would authorize Federal assistance to States and local communities in financing a program of construction of school facilities to eliminate the national shortage of classrooms.

Federal aid to education has been discussed for a number of years. Roughly, the subject can be divided into three broad categories.

First, aid to school districts adversely affected by the impact of Federal activities, principally defense establishments.

Second, aid for the maintenance and operation of schools, principally the expenses of school operation, textbooks, teachers' salaries, and so forth.

Third, aid for the construction of school facilities.

Legislation for maintenance and operation and construction of schools under category one has been overwhelmingly approved by Congress. There has been sharp controversy over category two. Legislation for category three, which is somewhat less controversial than category two, provides for the construction of school facilities and is now before us.

During the period from 1930-50, school construction lagged very noticeably. An economic depression and a low birth rate, and labor and material shortages due to World War II, caused school construction deficiencies to accumulate. In recent years the deficiencies have been accentuated by rapid increases in school enrollments—from 25,070,000 in the school year 1949-50, to about 30,500,000 this past fall. The enrollment increase is expected to continue to about 37,300,000 pupils in 1959-60. The shifting of

the population has aggravated the conditions in many communities.

States and local school districts have been increasing their efforts to meet the classroom shortages. In 1949-50, they spent about \$1 billion to build 36,000 new classrooms. Each year since they have been increasing their construction efforts; during the past year they have been spending about \$2½ billion to build 67,000 classrooms. For several years the increased construction failed to keep pace with the expanding needs, and the accumulated deficit continued to increase. For the past 2 years the construction rate slightly exceeded each year's new classroom needs, showing that some progress has been made in reducing the deficit. However, at the current increased rate, it would take many years before the shortage would be eliminated.

Exact estimates are impossible to obtain, but the best information available indicates these probabilities:

Over the next 5 years based on population estimates, school enrollment increases alone will require about 210,000 classrooms.

States report about 2,250,000 pupils are enrolled in excess of normal capacity of public schools now in use. To relieve overcrowding, double shift school sessions, or use of buildings not designed as schools, the States estimate an additional need of 80,000 classrooms.

There is need for replacement of obsolete, unsafe and unsuitable facilities. Although replacement needs are matters of judgment and hence difficult to figure precisely, a fair and reasonable estimate from available information by the Office of Education would fix a goal for replacement of 180,000 classrooms.

Adding these figures, a reasonable objective for classroom construction for the next 5 years would be approximately 470,000.

Naturally, those favoring larger appropriations or those opposing this or any legislation will contend that the figures are too low or too high, but no one has been able to sustain by reliable figures that no sizable classroom shortage exists.

No one has argued for no action to meet the situation.

No one has favored Federal control of education; all proponents and opponents of this type of legislation have favored State and local control of education, which is traditional in America. And I most emphatically want it to continue that way. Therefore, the methods employed to meet the problem must be those which will not mean the running of our school systems from Washington.

Differences arise over the question of whether any type of assistance can be provided by the Federal Government without Federal control of our schools. In proposing methods of Federal aid for construction of school facilities for a period of 4 or 5 years to help the State and local districts to more rapidly eliminate the shortages of classrooms, it is sincerely believed that Federal control of the operations of our schools will not occur from that kind of assistance. I have never been able to understand how the Federal Government could control

the running of the school systems of America after the classrooms have been constructed in various school districts.

The administration has been seriously studying the factors involved in the problem for the past few years. President Eisenhower's messages on education to Congress at past and present sessions contained certain recommendations. It has been and is now the administration's belief—in which I concur—that no single approach to the problem will suffice. I agree that the purpose of the proposed methods should be so designed as to stimulate State and local action.

The recommendations of the President to this session of Congress, which are embodied in S. 2905, except for certain specific differences which will be discussed during the debate, are also in H. R. 7535, the bill now before us, which was reported out by the Education and Labor Committee last year by a vote of 21-9. There was an earnest effort in the committee to work out a compromise bill.

Both bills provide for a multiple rather than a single approach to the problem.

The administration bill, S. 2905, proposes a 5-year program. It authorizes Federal grants to State educational agencies of \$250 million annually for 5 years. H. R. 7535 authorizes \$400 million annually for 4 years.

In S. 2905 a different method of Federal allotment to the States is provided than in H. R. 7535. The administration bill would allot the sums appropriated to the States on the basis of the school age population; the income per person of school age; and the effort for school purposes of the respective States.

S. 2905 provides that the Federal payments shall be matched on a 50-50 basis by the States and local communities for 1 year—thereafter by the States alone for the remaining 4 years of the program.

Both bills make provisions for hearings of a State educational agency before the Commissioner, and for judicial review if any State is dissatisfied with the final action of the Commissioner.

Both bills authorize the Commissioner to purchase obligations of local educational agencies to assist them in financing construction of school facilities, where such agencies are unable to obtain such financing or reasonable terms from other sources.

Both bills limit the aggregate principal amount of obligations to be purchased to not exceed \$750 million.

Both bills limit the aggregate principal amount of obligations to be purchased in any fiscal year in any single State to not exceed 15 percent of the aggregate principal amount of obligations purchased during the fiscal year.

Both bills provide that the obligations purchased may be either general or special obligations; shall be purchased at par or face value; shall be repaid within a period of 30 years or less and shall bear interest at a rate equal to the quarterly rate specified by the Secretary of the Treasury as applicable to the calendar quarter during which obligations are

purchased by the Commissioner plus three-eighths of 1 percent.

The quarterly rate applicable to each calendar quarter shall be determined by the Secretary of the Treasury by estimating the average yield to maturity on the basis of daily closing market bid quotations of prices during the month preceding such calendar quarter, on all outstanding marketable obligations of the United States having a maturity date of 15 or more years from the first day of such month, and adjusted to the nearest one-eighth of 1 percent.

Obligations purchased must be accompanied by a certification that the local educational agency issuing them was unable to obtain the necessary funds by a public offering upon reasonable terms. That there is an opinion by a qualified attorney that the obligations were legally issued and are binding on the local educational agency. That the school facilities to be constructed with the proceeds of the sale of the obligations are needed and are in compliance with applicable State construction laws and standards. Also any additional information as may be necessary to make a reasonable showing that the local educational agency is financially able to pay them as they become due.

The Commissioner may sell or exchange any obligations purchased by him at public or private sale upon such terms and at such prices as he may fix. Also, he may consent to a modification of any term of an obligation purchased by him; or any agreement entered into by him under this title where necessary to protect the financial interest of the United States.

An annual report of his activities under this title is required.

Both bills authorize the Commissioner to enter into agreements with State school-financing agencies to make advances to a basic reserve fund established by such agencies to help assure payment of obligations issued by them to finance the construction of school facilities for rental use and ultimate ownership by local educational agencies.

Briefly, a State would establish a State school financing agency. That agency would sell its obligation to obtain funds. With those funds school facilities would be constructed. Then a local school district would use the school on a rental basis, paying an amount sufficient to take care of principal and interest and certain other charges. At the end of a specified period of time the school facilities would be paid for and could be turned over to the school district.

The agreement with the Commissioner would provide that the State school financing agency shall establish and maintain a basic reserve fund and a supplemental reserve fund for each issue of obligations. Into the basic reserve fund the State would deposit an amount equal to one-half the maximum annual debt service, to be known as the State account. The annual debt service means the aggregate amount required to pay the interest and principal of each issue becoming due in each successive 12-month period.

The Commission shall also advance for deposit into the basic reserve fund for

each issue an amount equal to one-half the maximum annual debt service and that will be known as the Federal account.

Into the supplemental reserve fund established by the State school financing agency would be deposited the rental payments of the local school district, which would be sufficient to pay, first, the annual debt service; second, an amount equal to one-fourth of 1 percent of the original principal amount of the issue of obligations to repay the Federal and State advances to the basic reserve fund and any subsequent advances if required by a default in rental payments; third, the cost of maintenance, repairs, replacements, and insurance of the school facilities; and fourth, other expenses of the school financing agency in respect to the financing of such facilities.

Federal advances may be made with respect to obligations issued by State school-financing agencies to an aggregate principal amount not to exceed \$6 billion.

S. 2905 proposes a total of \$20 million Federal funds as grants to States to assist them in meeting administration expenses in the development of State programs to increase school construction.

The allotment shall be made to each State on the basis of its school-age population in relation to the total school-age population of all the States.

From the State's allotment the Federal Government shall pay 50 percent of the State's administrative expenses in the development of a program to promote greater efficiency in planning or financing school construction to eliminate restrictive debt or tax limits and to achieve a more efficient organization of school districts in the State.

This represents a stimulus by the Federal Government to a greater effort by the States and local areas to construct more schools in the future.

H. R. 7535 contains no such provisions.

It should be evident at this stage of the discussion that the differences between H. R. 7535 and the administration proposal, S. 2905, are not numerous.

Summarized briefly they are as follows:

H. R. 7535 proposes Federal grants to States for school construction of \$400 million annually for 4 years, or a total of \$1,600,000,000.

S. 2905 proposes Federal grants to States of \$250 million annually for 5 years, or a total of \$1,250,000,000.

H. R. 7535 would allot Federal funds to States on the basis of the school-age population alone.

S. 2905 would allot Federal funds to States on the basis of the school-age population; the average income per child of school age; and the school effort of a State to take care of its needs.

H. R. 7535 provides for State and local matching of Federal funds for 4 years.

S. 2905 provides for State and local matching of Federal funds for 1 year, and State matching along for 4 years.

If there is State and local matching the result would be that Federal funds would go to the local school districts financially able to provide matching funds, thereby passing many needy dis-

tricts not able to provide the necessary funds. It should be a Federal-State relationship—not a Federal-local relationship.

S. 2905 provides under title 4, Federal grants to States totaling \$20 million to encourage and assist them in developing programs to build more school facilities by better planning, more efficient organization of school districts and by the elimination of restrictive debt and tax limits.

Federal funds are to be allotted to all States on the basis of their school-age population.

The funds allotted shall be used to pay 50 percent of the administrative expenses of developing such programs.

H. R. 7535 contains no provisions for Federal funds for such purposes.

I favor a bill for Federal aid of a temporary nature to eliminate more rapidly the present shortages of school facilities in various areas of the United States.

As I stated at the beginning, and because it is a true statement, I will repeat it. I do not know a single Member who is not sincerely interested in the welfare of our children. Education by better fitting them for a useful life is a necessary contributing factor to the welfare of our youth. The Nation's present and future need for trained manpower is widely recognized. Shortages exist in virtually all professional and technical fields. The development of trained manpower and the overcoming of those shortages can only be done by making our educational systems more effective.

No one will contend that adequate school facilities are not indispensable to an effective educational system. No one has been able to show by reliable figures that no classroom shortages exist. No one has advocated doing nothing to correct the condition. And no one advocates the running of our school system from Washington.

The bill before us today seeks to provide adequate school facilities, and in such a way that danger of Federal control in the operation of our schools is avoided. Rather it seeks to stimulate State and local action.

It is a temporary measure, designedly of short duration and for the sole purpose of reducing rapidly the deficiencies in school facilities; deficiencies which accumulated principally because of national and international situations, and not from State and local inaction alone.

I earnestly ask your support of this legislative effort for a very worthy objective.

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

Mr. McCONNELL. I yield.

Mr. VORYS. The gentleman refers to the shortage of classrooms and I find the title of this bill refers to eliminating the national shortage of classrooms, but as far as I can see throughout the bill they refer to the construction of school facilities. Now a gymnasium is an ordinary school facility in many parts of my State. Some schools have swimming pools and playing fields. I wonder if this is a classroom bill, why it does not say so and provide for classrooms instead of school facilities.

Mr. McCONNELL. The main purpose of the bill is to eliminate the shortage of classrooms. The term "facilities" is defined on page 27:

The term "school facilities," except as otherwise provided in this paragraph, means classrooms and related facilities (including initial equipment, machinery, and utilities necessary or appropriate for school purposes), for education which is provided as elementary or secondary education, in the applicable State.

Classroom facilities is a little more inclusive term than just classrooms. We not only mean to provide for assistance to the States in providing classrooms, but also the various facilities in connection with classrooms such as light fixtures and facilities that would be used in a classroom, and so on. It is not just limited to the actual space known as a classroom.

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

Mr. McCONNELL. I yield.

Mr. BAILEY. Would the gentleman continue reading to show what it does not include? That follows the language which the gentleman just read.

Mr. McCONNELL. Yes, I will read it from the beginning and go all the way through:

The term "school facilities," except as otherwise provided in this paragraph, means classrooms and related facilities (including initial equipment, machinery, and utilities necessary or appropriate for school purposes), for education which is provided as elementary or secondary education, in the applicable State, at public expense and under public supervision and direction; and interests in land (including site, grading, and improvement) on which such facilities are constructed. Such term does not include athletic stadia, or other structures or facilities, intended primarily for events, such as athletic exhibitions, contests, or games, for which admission is to be charged to the general public. For purposes of title I, such term does not include interests in land, off-site improvements, or structures or facilities designed to be used exclusively for special activities, such as single-purpose auditoriums and gymnasiums.

Mr. BAILEY. I thank the gentleman.

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

Mr. McCONNELL. I yield.

Mr. WAINWRIGHT. The gentleman, as I understood him, made the statement that this bill referred purely and simply to school construction. The gentleman could not see how that had anything to do with the running of the schools. Is that correct?

Mr. McCONNELL. That is correct.

Mr. WAINWRIGHT. Would the gentleman say that after we constructed these schools and built the schools, then the next step is for the Congress of the United States to appropriate funds for the running of those schools, and then the question is before us again.

Mr. McCONNELL. No, I do not say that is the next step at all. I have heard statements made in this body that if we do this or that it is a precedent. It is not necessarily a precedent. Each Congress will have to determine for itself whether it will agree to embark on a new adventure, broaden this one, or even do away with some of the programs we have started. I was quite interested

in some of the statements made earlier by some speakers during the debate on the adoption of the rule. There seemed to be a feeling at that time that the Federal Government should not be in these educational activities. I wondered if some of them had forgotten some of the programs the Federal Government is engaged in, in connection with Federal aid to education. I was quite interested when a man handed me a book yesterday and he said, "I do not know whether you know how many activities the Federal Government is engaged in with respect to educational matters."

The State College of Washington had a compilation made of the laws and proposals relating to Federal aid to education. It contains 425 pages. Here it is. You can see how large a volume it is. These activities of the Federal Government occurred prior to any consideration of the present bill. These are the activities in connection with Federal aid to education. Talk about setting a precedent. The precedent has been set long ago.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. RHODES of Arizona. Is it not also true that under Public Law 874 we provide money for maintenance and operation of federally impacted schools and that the Federal Government deals directly with school districts in determining the allotment for maintenance and operation?

Mr. McCONNELL. That is right.

Mr. RHODES of Arizona. Whereas, under this bill, the Federal Government is dealing exclusively with the States?

Mr. McCONNELL. With the exception of one title. That is the bond-purchase section.

Mr. RHODES of Arizona. The analogy I was making between two grant programs, where one of them is dealing directly with a school district, this one is a grant program dealing with a State agency, which is a go-between.

Mr. McCONNELL. That is right.

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

Mr. McCONNELL. I gladly yield to the gentlewoman from Illinois.

Mrs. CHURCH. If the gentleman returns to the criterion set up in the definition, would he be able to state that the term "equipment" does not include schoolbooks?

Mr. McCONNELL. It does not include schoolbooks. Textbooks will not be provided under this bill.

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. McCONNELL. Mr. Chairman, I yield myself 10 additional minutes.

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

Mr. McCONNELL. I yield to the gentleman from New Jersey.

Mr. HAND. The gentleman has mentioned that in 1 year the States and localities built 67,000 classrooms at a cost of \$2½ billion. The gentleman then made reference to the fact that within the next 5 years we ought to be able, in order to bring up the deficiency which exists, to build some 470,000 classrooms,

if I remember what the gentleman said. In view of the obvious billions that any such construction program as that would cost does the gentleman care to comment on the significance of the Federal assistance here involved, \$400 million a year?

Mr. McCONNELL. I think it would be well on the part of all Members to understand the purpose of this Federal assistance bill. It is not alone in the amount of grants involved; the amount involved is not a large one, as shown in the analysis of the bill, but it is hoped by the entire provisions of this bill to stimulate a much larger State and local action.

Mr. HAND. I understand that; the Commissioner of Education has mentioned that before my committee, I want to illustrate to the gentleman what I mean. The State of New Jersey under this bill would get something like \$11 million a year for the 3 years of the program. They would, of course, pay much more than that into the Federal Treasury in taxes.

Mr. McCONNELL. The gentleman is speaking of the grants program.

Mr. HAND. I am speaking of the grants program. In the very small community in which I personally live, having some seven thousand or eight thousand people, we are considering the building of an addition to the school facilities which will cost us \$1,300,000. Does not that make the Federal school construction program seem rather insignificant and inadequate?

Mr. McCONNELL. It is not a large program.

Mr. HAND. The gentleman's feeling is that it is to encourage State and local programs rather than supplant them.

Mr. McCONNELL. I consider it one of the best programs to stimulate action to meet classroom shortages that I have seen since I have been in Congress.

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

Mr. McCONNELL. I yield.

Mr. JUDD. How many classrooms would \$400 million a year build? Does the gentleman have the figures available? This is along the lines of the questions just asked by the gentleman from New Jersey [Mr. HAND].

Mr. McCONNELL. No; I do not have such figures available. It would be a little difficult to get.

Mr. JUDD. I mean, for instance, if the States have been building about 67,000 classrooms a year it ought to be possible to find out what their total expenditures in a year for that purpose were, and simple division would show how much each classroom cost, on the average. We could then divide that figure into 400 million and find out about how many classrooms a year the money in this bill would build. It would seem to me very important to get an idea of the cost per classroom. I would just like to get an idea of how far this program will go in meeting the needs.

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

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

Mr. PERKINS. It has been the experience of the office of the Commissioner

of Education that the average cost is approximately \$32,000 per classroom.

Mr. JUDD. \$32,000 per classroom?

Mr. PERKINS. Yes, it varies in different sections of the country.

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

Mr. McCONNELL. I yield.

Mr. BARDEN. I ask for this time only to try to clear this matter up. I do not think the gentleman from Kentucky intended to say \$32,000 per classroom.

Mr. PERKINS. That is what I intended to say, Mr. Chairman. That is the average cost according to the office of the Commissioner of Education under H. R. 815.

Mr. BARDEN. Per classroom?

Mr. PERKINS. Per classroom.

Mr. McCONNELL. Mr. Chairman, I think that is rather close to it.

Mr. JUDD. According to that, this \$400 million a year would provide for only about 13,000 classrooms. I am not sure of my arithmetic, but it seems to me it would be about 13,000 a year, yet the States are building 67,000 a year already.

Mr. McCONNELL. May I say this to the gentleman once again, the philosophy of this whole approach—

Mr. JUDD. I understand that philosophy and I have no criticism of it. I am merely trying to find out how far this \$400 million a year in grants would go.

Mr. McCONNELL. We are assuming that most districts can take care of their needs, but there are certain districts whose financial resources are so meager that they cannot meet their problems, and it seems to me there is the place where help is needed to build classrooms.

The real spending, I may say to the gentlemen from Minnesota, will occur under those provisions providing for the issuance of bonds. There is where the real expansion and the building of classrooms will take place, also in the setting up of school authority finance agencies in the States.

Mr. JUDD. Does the gentleman feel that once this bill is passed the school districts that are in the process of planning and selling bonds to build their own school facilities may perhaps be discouraged from doing so? May they not say, "Let us wait to see if we cannot get something out of the \$400 million from Washington"? Does the gentleman feel it might operate in that way?

Mr. McCONNELL. There may be some operation of that kind, but the program is not that big to risk delay.

Mr. JUDD. Of course, it cannot go far; but is not every school district likely to say, "I hope we can get some of that money. Let us try that first"? Might we thereby delay the building of classrooms instead of speeding up the building of classrooms?

Mr. McCONNELL. I am planning to offer an amendment which will take into consideration the financial income and the school-age population of the States, and also the efforts they are putting forth to meet their own educational needs. All of those things are a restraining factor to those districts which are seeking to coast in any way. I am not ready now to say that the character,

the temper, and the type of our school communities and educational officials in America are such that they will not attempt to make an earnest effort to meet their own school needs.

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

Mr. McCONNELL. I yield to the gentleman from Georgia.

Mr. LANDRUM. So that the committee may not get any erroneous information, I would like to give the gentleman the cost per classroom figure we are spending in the State of Georgia as of February 14, 1956. Certainly it would be absurd, in my opinion, to think one classroom would cost \$32,000. Under date of February 15, 1956, the State superintendent of schools of Georgia, M. D. Collins, in a letter stated:

Current costs per classroom average around \$13,000.

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

Mr. McCONNELL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I would like to clarify again a point which the gentleman from New Jersey [Mr. HAND] raised in connection with our needs in New Jersey. The gentleman pointed out that approximately \$11 million would be available under the formula of the Kelley bill. If the formula which the gentleman suggests he is going to offer as an amendment should be accepted by the House, New Jersey would get even less than the \$11 million that he has just discussed. I think that points it up and I think the overall figure of how many classrooms \$400 million would build points up the danger of overemphasizing the importance of Federal grants. As the gentleman from Pennsylvania has already stated, Federal cooperation with States and local communities is primarily to stimulate further action at those levels. The assistance which is provided in the form of grants is inevitable no matter how much we try to provide a small portion of the total that will be needed over a 5-year period to clear up a backlog of 500,000 classrooms by the year 1960. Is that not true?

Mr. McCONNELL. Yes.

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

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

Mr. PERKINS. Further clarifying the point made by the gentleman from Minnesota and referred to by the gentleman from Georgia [Mr. LANDRUM] I think the \$32,000 figure includes auxiliary facilities, no doubt, and I believe the records will disclose that the classrooms south of us in Arlington cost more than \$35,000 on the average.

Mr. McCONNELL. I thank the gentleman.

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

Mr. McCONNELL. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I agree with the purpose and the proposed method should be so designed as to stimulate State and local action. We have just brought that out in our discussion. The recommen-

dations of the President to this session of Congress which are embodied in Senate bill 2905, except for certain specific differences which will be discussed during the debate, are also in H. R. 7535, the bill now before us, which was reported out of the Committee on Education and Labor last year by a vote of 21 to 9.

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

Mr. McCONNELL. I yield to my chairman.

Mr. BARDEN. During my remarks I made reference to the fact that in title II the Commissioner buys bonds from the local school districts. I believe that is provided for, is it not?

Mr. McCONNELL. That is correct.

Mr. BARDEN. The subject I made mention of was, assuming that the local school district issues bonds and the Commissioner buys them and they construct the school building, what happens in case of default of those bonds? Does the commissioner take over; or what is the next step?

Mr. McCONNELL. The Commissioner has first the obligation to discuss the situation with the officials of the local school district, to find out what they can do, if anything, in the matter of their default. In other words, do they have a proposal to offer to the commissioner in connection with the payment on the bonds? Could they handle the payment on the bonds if there were a moratorium for 1 year? Could they call for a reduction of the amount of principal? Would he consider that? The local school district would discuss those matters with him. My understanding is that he would take the matter up with the Attorney General of the United States to determine what legal action would be taken from then on to protect the interests of the United States and to obtain as much of the money as possible for the Treasury.

Mr. BARDEN. Is that one of the instances where the Commissioner would have the authority to waive, adjust, settle, or give back, so to speak, the amount owing to the Government by virtue of that obligation?

Mr. McCONNELL. You are running into two questions here. One of them is, Should he have such authority and to what extent? We are trying to deal with that, I understand by some amendment to that section. I think the gentleman has spoken of it. If that section is thrown out, and I believe the committee has worked on such an amendment—to strike out that provision—you have the problem of who is to be responsible to the individual holder of the bonds or the bankers who might purchase them.

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

Mr. McCONNELL. Mr. Chairman, I yield myself 5 additional minutes.

These bonds will be resold as a revolving fund by the Commissioner. In other words, it is not his intention or obligation to keep holding these bonds. If he can sell them in the bond market or privately he then does that and the proceeds go back into this revolving fund. If he does sell those bonds he has to give some assurance to the people

who are buying them that he is obligating the United States in certain respects as to the payment or performance of certain obligations, that the United States will do whatever they say they will do. Somebody has to speak authoritatively for the United States. The Commissioner of Education, carrying on the negotiations, would probably be the logical one to do that, subject to any litigation over possible fraud or irregularities to protect the interests of the Government.

Mr. BARDEN. As I understand it, there would be no question about the Commissioner's authority to buy the bonds. I assume if some bank bought them from the Commissioner of Education the Commissioner of Education would be required to protect that banking institution on those bonds, which would in effect be a Government obligation. I understand it up to that point, but now we will say the school district did not get the returns from taxation or any other source that would take care of it, and they overestimated the possible yield. Then there is a default on those bonds. Then you start back down the road. The bank calls on the Commissioner, he pays the bank, and the Commissioner has the bonds. Now, what does he do with the obligation? Does he by mandamus or otherwise force the school district, or does he take over, or does he operate the building? Where is it left then?

Mr. McCONNELL. The gentleman knows, of course, that I am not a lawyer.

Mr. BARDEN. I have ceased to claim that I am, since they have mixed it up, but I used to be one.

Mr. McCONNELL. My understanding would be that if the Commissioner was the holder of the bonds and not some bank or other purchaser he would discuss the matter with the local school district authorities and find out what the situation is. He would then have to determine in his mind whether he should agree to certain changes in the original agreement as to the purchase of the bonds. That would be my understanding of it. All of this, however, is subject to the overall general scrutiny of the Attorney General of the United States. In other words, I think there are certain things he could not do of a nature which would cause us loss by negligence or any type of illegal or fraudulent action. I am sure the Attorney General would have authority over his actions if they involved the standing of the United States.

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

Mr. McCONNELL. I yield to the gentleman from New Jersey.

Mr. HAND. I dislike to trespass again on the gentleman's time. However, section 201, which is the general title we are talking about now, provides that the Commissioner—the Federal Commissioner, of course—may purchase obligations of local educational agencies, as provided in this title, to assist such agencies, and so forth. Can the gentleman give me his thinking as to why the purchase of those bonds should not be made for the local school districts by the respective States, most of which have superior credit and superior finan-

cial resources to the United States? State bonds, for example, sell at a cheaper rate of interest and at a higher premium than Federal bonds do. Why do they not finance these school districts?

Mr. McCONNELL. I wish they would. That is the answer: I wish they would.

Mr. HAND. They will not if we do. Is not that the further answer?

Mr. McCONNELL. I would say they should supplement it if there are no State statutory or constitutional restrictions. This is a big problem for Federal, State, and local agencies, I believe, to work out to correct these deficiencies in classrooms. They should use whatever method they can, jointly or separately. That is quite in line with the overall theory of this pending legislation.

Mr. KELLEY of Pennsylvania. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, it is not my purpose to discuss in detail the bill H. R. 7535 because there are many members of the Committee who are very familiar with the financial and legal aspects of this legislation.

Mr. Chairman, H. R. 7535, a bill to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, is the result of long and intensive study by the members of the Committee on Education and Labor. The shortage of classrooms in our Nation began to develop during the depression years, when, because of poverty, school construction was curtailed. The shortage grew rapidly during the war years, when because of lack of materials the building of schools virtually ceased. But, as always during war, the birth rate increased rapidly so that by the end of the war practically every community in the Nation was faced with a serious classroom shortage and the vexing, complicated problem of how to finance the building of needed schools. Many, many school districts throughout the country needed buildings; they needed equipment and textbooks; they needed more teachers, and they watched their children go to packed and jammed classrooms, sometimes in obsolete and unsafe buildings, sometimes on a part-time basis, and in many cases not at all because there was simply not enough classrooms even of a makeshift nature. And, as they pondered the problem, bonded themselves to the limit, and built what schools they could, the problem continued to grow.

The interest and concern on the part of Congress was reflected in the enactment of Public Law 815 in the 81st Congress which was designed to assist school districts to meet their classroom shortage problem insofar as that problem was aggravated by Federal activities. During the 82d Congress a subcommittee gave further study to the problem and recommended that the Federal Government take appropriate steps to assist local school districts in financing needed school construction. In the 83d Congress another subcom-

mittee held extensive hearings in an effort to determine the existing need for additional classrooms. In its report dated December 2, 1954, that subcommittee unanimously recommended that legislation be enacted providing for Federal payments to enable States and local communities to expand their school construction program. That subcommittee estimated that it would cost from 10 to 12 billion dollars to provide adequate classrooms for children then enrolled in schools and that the hearings held by the subcommittee had demonstrated that the national interest required that the Federal Government join with State and local governments in solving the pressing problem of building needed schools.

The President sent a message to Congress on February 8, 1955, in which he pointed out the current problem with respect to the classroom shortage existing in our country and recommended that the Congress enact legislation authorizing the Federal Government to assist in the financing of school construction in several ways, without interference in the responsibility of State and local school systems. At the beginning of the first session of this Congress, a large number of bills were introduced by Members of Congress and referred to the Committee on Education and Labor. Some encompassed the recommendations of the President. Others provided for a wide variety of methods by which the Federal Government would assist in school construction. Most of the bills provided for a grant-in-aid program and contained a variety of formulas for matching State and local funds.

The Committee on Education and Labor decided that emergency school-construction legislation was the most important issue before it and therefore the full committee commenced hearings on the subject March 1, 1955. Although some conflicting testimony was presented to the committee regarding the extent of the classroom shortage and the ability of States and local communities to meet the shortage without Federal assistance, there was general agreement that a serious classroom shortage did exist in practically every State in the Nation. Although it is probably impossible to obtain an accurate figure regarding the number of classrooms needed throughout the Nation, the committee believes that the estimates made by the United States Office of Education are as accurate as any that are possible to obtain. The Office of Education estimated that at the beginning of 1954 there was a classroom deficit of more than 300,000 and that, if no additional rooms were built, this deficit would increase at the rate of 50,000 classrooms annually because of increased enrollments, and 8,000 classrooms a year because of obsolescence. However, they estimated that 50,000 classrooms were built in 1952-53, 55,000 in 1953-54, and during 1954-55, 60,000 classrooms would be built. This rate of construction has more than kept pace with mounting enrollment but it has only slightly reduced the total classroom deficit. As a consequence, millions of children still attend schools which are unsafe or which permit learning only

part time or under conditions of serious overcrowding.

After hearing 49 witnesses over a period of 27 days, the chairman appointed a subcommittee consisting of 9 members and charged them with the responsibility for writing a bill to be considered by the full committee when completed. The subcommittee, of which I had the honor of being chairman, consisted of the following members, Hon. CLEVELAND M. BAILEY; Hon. CARL ELLIOTT; Hon. PHIL M. LANDRUM; Hon. FRANK THOMPSON, JR.; Hon. SAMUEL K. McCONNELL, JR.; Hon. RALPH W. GWINN; Hon. CARROLL D. KEARNS; Hon. PETER FRELINGHUYSEN, JR. On July 1, 1955, the subcommittee reported a bill to be considered by the full committee. After 9 days of consideration by the full committee in executive session, H. R. 7535 was reported by the full committee.

The primary objective of the committee during all of its sessions was to provide a method whereby the Federal Government could join with the States in meeting the classroom shortage problem, and at the same time insure against any Federal control or interference in the operation of schools and school systems. The committee was unanimous in its belief that any legislation on this subject should carry with it the least possible amount of Federal control. The same position was voiced by every witness appearing before the committee during the hearings. The majority of the committee believes that H. R. 7535 meets these objectives.

Local school districts, of which there are 63,000 in the country, have several ways in which they finance new school construction. A few of them are able to build schools out of current funds. A few get loans from the States to supplement local funds. Some rent schools from State school-construction authorities, but most districts must borrow funds by voting bond issues. They operate under widely varying laws which in many cases make it difficult to finance school construction. There are debt limits, constitutional in 26 States and statutory in 21, beyond which a district cannot issue bonds. There are tax limits in 16 States. These common difficulties are often aggravated by under-assessment of property, and school district size. In some cities the children attend schools in areas of low assessed valuations and adjacent industrial areas with high assessed valuations do not contribute to the school costs. This most common method of school financing through bond issues is an involved process. The cost of the building must be estimated, plans must be cleared with the State authority, the bond issue made, a vote taken and a two-thirds majority obtained. Then the bonds must be sold and sometimes these bonds can only be sold at a high interest rate.

It is the purpose of H. R. 7535 to provide alternative programs for the solution of these different problems by authorizing: First, payments to State education agencies for assistance on a grant basis to communities where this type of assistance can be most effectively utilized as determined by a priority system established by the State; second,

purchases by the Federal Government of bonds issued by school districts which are capable of financing from ordinary sources on reasonable terms; and, third, credit assistance to State school-financing agencies to provide schools and related facilities in States where such agencies exist or are created.

Title I of the bill, which deals with payments to State educational agencies, authorizes an annual appropriation of \$400 million for 4 consecutive years beginning July 1, 1956. The funds appropriated are to be allotted to each State on the basis of school-age population, which means that part of the population between the ages of 5 and 17, both inclusive.

In order to participate in this program a State is required to submit to the United States Commissioner of Education through its State educational agency a State plan setting forth a program under which the plan will be administered. Among other things, such as adequate reporting and accounting, this plan must set forth principles for determining the priority of projects within the State for assistance under this title which will assure that priority will be given to local school districts that are making an effort commensurate with their economic resources and are unable to finance the full costs of needed facilities, taking into consideration the financial resources, the efforts being made to meet needs on a local basis, and the urgency of their needs for school facilities. These State plans are made by the States: They are their own plans and cannot be finally disapproved by the United States Commissioner of Education without affording the State an opportunity for a hearing.

Payments under this title are made to the States in an amount not to exceed one-half the total costs of constructing the projects to be assisted under the plan. This means that the Federal grants are matched dollar for dollar by State and/or local funds on a statewide basis. It should be noted that the bill provides that within the State, Federal funds can be used to whatever extent necessary to pay for the construction of a school building. For example, it is possible and probable that of all the projects receiving Federal assistance under this title within each State some may receive as much as 80, 90, or even 100 percent of Federal money and others receive as low as 10, 15, or 20 percent. The only requirement is that, of the total cost of constructing all of the projects receiving Federal assistance within the State, the Federal Government shall not pay more than 50 percent.

The bill provides that if any State is dissatisfied with the Commissioner's final action with respect to the approval of State plans the State may appeal to the United States District Court for the district in which the capital of the State is located. It also provides that in order to receive payments under this title a State must provide assurances that the schools built under this title shall be subject to the provisions of the Davis-Bacon Act, including the fixing of wages by the Secretary of Labor.

Title II of the bill, which deals with the purchase of obligations of school districts, establishes the second of the alternative methods of assisting communities to provide the needed schoolrooms. This title authorizes the Commissioner of Education to purchase bonds issued by local communities which are capable of financing their own school construction, but which cannot obtain such financing from other sources on reasonable terms.

Many of the districts to which this title of the bill is directed are districts with unexplored credit standings—generally small districts with low assessed valuations. Others are areas where a sudden expansion of population has resulted in an increase in the public expenditures and debt more rapid than the increase in assessed valuation. Some are subject to financial uncertainties created by shifts in population or local industry.

Title II of the bill enables the Federal Government to help these communities finance their own school construction. Under it, the districts which qualify will be able to sell their bonds at reasonable rates to the Federal Government. A revolving fund will be established, to be used during the four fiscal years beginning July 1, 1956, for the purchase of these obligations. Any proceeds from the resale of the obligations during this period will be deposited in the fund.

An initial appropriation of \$300 million and such additional sums as might be necessary thereafter is authorized to be appropriated to the revolving fund. However, the aggregate principal amount of the obligations purchased under the title is limited to \$750 million over the 4-year period.

The obligations purchased will bear interest at the rate for long-term Federal obligations, plus three-eighths of 1 percent.

To be eligible for Federal purchase of obligations under this title a community will have to demonstrate that it is unable to market its obligations on reasonable terms and at the interest rate applicable under this title of the bill. It will also have to show that the bonds were legally issued and that the classrooms to be constructed are for current and reasonable anticipated enrollments and are consistent with applicable State redistricting plans and policies.

Title III of the bill, which deals with Federal credit assistance to State school-building agencies enables the Federal Government to assist States desiring to do so to issue and market obligations to finance the construction of public elementary and secondary school facilities for use and ultimate ownership by local educational agencies. It establishes a program for assistance to State school-financing agencies through sharing in the cost of establishing and maintaining a reserve fund equal to 1 year's payment of principal and interest on the bonds issued by such agencies to build schools. The Federal Government is authorized to share in establishing reserve funds to cover \$6 billion of State school-financing-agency bonds.

The urgent need for construction of more classrooms is not limited to areas

of low per capita income, or to rural areas. There are also serious shortages in many rapidly growing suburban areas. For it is in the suburban areas that the population growth has, in general, been the fastest. Population in these areas grew between 1940 and 1950 at a rate 2½ times as great as the rate of growth for the United States.

These areas can generally be expected to finance the cost of construction of their school buildings over a period of time. Their difficulties result from their inability to finance this construction now. Their potential resources are adequate; but, because of restrictive debt limits or because the need for schools, sewers, water, streets, and so forth has occurred simultaneously, or for both of these reasons. These localities cannot now pay for the school construction.

This program is principally designed to facilitate immediate construction of schools for localities such as these. It is keyed to the establishment of a State school-financing agency, coordinated with the State's educational authorities, which will issue bonds to build schools for local school districts. The school districts will pay annual rentals—or other payments for the use of the buildings—sufficient to cover the interest and principal on the bonds, make payments to a reserve fund, and pay the administrative costs of the State agency. Each district can thus ultimately receive title to the building through these rentals or other payments over a period of years.

The role of the Federal Government is to advance to the State school-financing agency for each issue of its bonds one-half of a basic reserve fund equal to 1 year's debt service on the bonds. Should deficits occur and be paid out of this fund, the Federal Government will undertake to restore its half of this reserve to its initial level, up to a maximum of one-half the annual debt service. The State will be required to advance an equal amount to the basic reserve fund, and thereafter, to the extent State appropriations are made available for the purpose, to maintain its half of the fund in case of deficits.

Federal and State advances will be repaid from a supplemental reserve fund, built up through small annual payments charged the school districts as part of their rentals, when this reserve fund reaches a specified level.

Most of the members of our committee believe that with emergency Federal assistance as provided under this bill the backlog of needed classrooms can be overcome in a 4-year period after which the States and local school districts will be in a position to meet their needs without further Federal assistance.

Now, Mr. Chairman, I would like to discuss this matter of Federal control for a few minutes. Federal control of our educational system is feared by all of us in Congress, by every witness that came before our committee, and I believe by the vast and overwhelming majority of our citizens. It has for years been of deep concern to me in connection with every measure dealing with education that has been brought to the attention of our Committee. There is no Member of Congress, indeed, no one any-

where who is more unalterably opposed to Federal control of our schools in any way than I am.

Now let us examine H. R. 7535 from this viewpoint. First of all, it must be borne in mind that the life of the legislation is 4 years. By 1960 the backlog of needed classrooms will be to a large degree, if not completely, met. The schools will be built, the law will expire, and the Federal Government will be completely out of the picture. Secondly, I want to point out that during the 4-year life of this legislation, the States will participate in the program according to a State plan that is submitted to the United States Commissioner of Education through its State educational agency. This State plan will set forth a program under which the program will be administered by the State educational agency. The State educational agency will determine which school projects in the State are to receive assistance under this plan. The plan must assure that first priority will be given to local educational agencies which, upon making an effort commensurate with their economic resources, are unable, solely because of lack of such resources, to finance from the resources available to them the full cost of needed schools.

The priority system established under the plan must take into account the financial resources of the educational agency in the State, past and present efforts to meet the needs for schools, and the urgency of their needs for schools. In addition the plan must contain provisions for accounting and reports, establishment of standards for planning and constructing schools, and hearings for local educational agencies which apply for assistance under the plan. These requirements are the minimum needed to expedite the building of schools in the places where they are most needed and for the proper reporting and accounting of the Federal funds used.

These State plans are made by the States; they are their own plans and they cannot be finally disapproved by the United States Commissioner of Education without an opportunity for a hearing, after which the State can obtain judicial review of the Commissioner's action in the Federal district court.

Thirdly, I want to call attention to section 404 of the bill which gives assurance against Federal interference in schools. This section provides that in the administration of the act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system.

And finally on the subject of Federal interference, Mr. Chairman, I would like to consider for a moment whether or not right now, even without any legislation on this subject, Federal interference is affecting our school systems. The Federal Government over the years has been gradually but surely invading the sources of income of our State and local governments. Federal taxes are drying up these sources of income to States, counties, cities, and towns. Federal taxes are interfering with their

ability to finance school construction programs. Is this not Federal interference? Inadvertently, we have visited upon our State and local governments an insidious type of interference that affects our school systems to a degree that is appalling.

Mr. Chairman, I submit that this bill not only has adequate safeguards against Federal control, but that when it is enacted it will go a long way toward eliminating the indirect Federal interference that has crept in upon our school systems and is operating right now.

On May 8 of this year this House voted 377 to 0 for a bill providing \$36 billion for defense purposes. Now that legislation is needed, and we did our duty. But, unfortunately, not one dime of that \$36 billion will go to our first line of defense which is the education system of our Nation. Education is as vital to our defense and development as our Armed Forces with their planes, tanks, battleships, A-bombs, H-bombs, and guided missiles. If for no other reason than defense, and there are many, we must pass this measure.

H. R. 7535 provides a program for eliminating the classroom shortage within the next 4 years. It forces nothing upon our State and local governments, it requires no change in the many different methods of taxing and financing school buildings now employed by State and local governments; it offers concrete help, hope and stimulation. I am convinced that the overwhelming majority of our citizens want this legislation, the administration wants it, and I am confident that the Congress will reflect the desires of the people by approving H. R. 7535 without any major amendments.

In conclusion, Mr. Chairman, I want to thank the members of the Committee on Education and Labor for the long and careful study they have given to this problem of Federal assistance for school construction, and their unceasing efforts to find solutions to the many aspects of the problem, which have culminated in this bill.

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

Mr. KELLEY of Pennsylvania. I yield to the gentleman from Alabama.

Mr. SELDEN. Is the gentleman satisfied in his own mind that the passage of this legislation will not result in Federal control of our public-school system?

Mr. KELLEY of Pennsylvania. I definitely am of that opinion and if I thought so I would not support this measure.

Mr. SELDEN. In the gentleman's opinion, is there any possibility that funds authorized under this bill will be denied to those States which practice segregation in their public-school system?

Mr. KELLEY of Pennsylvania. I do not believe so.

Mr. SELDEN. The gentleman does not think so?

Mr. KELLEY of Pennsylvania. That is my opinion.

Mr. SELDEN. In the gentleman's opinion, and under the terms of this legislation, could any organization or group

that is opposed to segregation obtain an injunction that would prohibit money being spent in any State that practices segregation in their school systems?

Mr. KELLEY of Pennsylvania. There is nothing in here. Someone who is an attorney could answer that question. In the bill as presented there is nothing that would permit such a thing.

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

Mr. KELLEY of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. BAILEY. I think I can answer the gentleman's question. I assume he is thinking about the supposed authority of Dr. Brownell, of the Office of Education, to get into this picture on the distribution of these funds. I would like to call the gentleman's attention to hearings before the Appropriations Committee, page 150, when Dr. Brownell was testifying. Mr. LANHAM, a member of the committee from Georgia, asked Dr. Brownell practically the same question you are asking Mr. KELLEY. Here is what was said:

Mr. LANHAM. Dr. Brownell, I was particularly interested in what you said about Federal influence or pressure on the States if the complete program is adopted. We have Public Law 815 in operation and there has been very little attempt to dictate to the States and, certainly, there has been no complaint from our school people that there was any attempt to influence the States. However, I have seen some statements in the press recently that seemed to indicate that there might be some administrative action to withhold funds from States who have not fully integrated their schools, under this bill if it were passed.

Is there any attitude or intention on the part of the Department to pass any such administrative order or to deny the Southern States funds, especially since this legislative decision of the Supreme Court?

Dr. BROWNELL. We have taken the position, and have tried to be consistent in our application of it in all respects along this line, Mr. LANHAM, that the decrees of the Supreme Court indicated that the question of whether or not a State was in compliance with the Constitution was a matter for the determination of the Federal courts in the district where a particular case might be raised.

To that extent, therefore, we have assumed that the matter was taken out of the realm of the jurisdiction of the Department to make any such interpretation, so that when the question has been raised, I have repeatedly said that from my point of view the administration of Federal funds had to be within the Constitution, but that the determination of whether it was within the Constitution was a matter for the courts to decide.

So apparently they say they have no authority to withhold those funds.

Mr. SELDEN. The gentleman was speaking primarily of an administrative ruling?

Mr. BAILEY. That is right.

Mr. SELDEN. What would be the case in the event an injunction was sought?

Mr. BAILEY. Well, you know, the court was interpreting the Constitution. They were not acting on a statutory enactment by the Congress. This is a different proposition entirely. There was no law under which the Attorney General of the United States could come in. The Congress had never passed any law affecting segregation. This is just an in-

terpretation of the United States Supreme Court.

Mr. SELDEN. Then possibly the gentleman would express his opinion as to whether or not, in the event this legislation is passed, an organization opposed to segregation could obtain an injunction that would prohibit money being spent in States where segregated schools now exist.

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

Mr. KELLEY of Pennsylvania. I yield to the gentleman from Montana.

Mr. METCALF. I have been informed by the Chairman, I will say to the gentleman from Alabama, that I will get some time to talk on this very subject tomorrow. I take a little different view than my friend from West Virginia, but I would like during my time to have the gentleman from Alabama ask me the question tomorrow.

Mr. SELDEN. I shall be happy to do so.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Pennsylvania. I yield to the gentleman from California.

Mr. JOHNSON of California. I would like to direct this question to the gentleman from West Virginia [Mr. BAILEY]. Several years ago, through your help, a school district in my area, on the edge of Stockton, received \$145,000 to help them out in the building of a school. In the next year more people came in. We have a continual tide of migrants coming in all the time. We cannot stop them. We get on the average about 1,000 a week. The next year they were not able to increase their allotment, although they had bonds out. The bonds were very poor sellers. Now, my question is, what relief can these people get, if any, under this law.

Mr. BAILEY. What the gentleman is referring to is Public Law 815. The Committee on Education and Labor just reported out a bill, and have a rule now that will probably reach the floor of the House next week, whereby we are re-enacting and extending Public Law 815 until June 30, 1958. Now, if the impact is still continuing, you will be eligible to receive funds under Public Law 815 during this coming year, during 1957 and during 1958, just like you received them in the past. You have a new impact.

Mr. JOHNSON of California. Yes.

Mr. BAILEY. Due to Government activities.

Mr. JOHNSON of California. The migrants keep coming in, but the value of the property in the district does not rise very much.

Mr. BAILEY. I understand that.

Mr. JOHNSON of California. It is not rising at all.

Mr. BAILEY. It is what you call a new impact due to the Federal Government probably installing an airbase or something. You just make an application like you made to get the original \$145,000 and make it to the Department of Education and Labor.

Mr. JOHNSON of California. I thank the gentleman for his comments.

Mr. BARDEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I do this purely and simply for what I think is a correction

of the RECORD. I have consistently refrained from indulging in any discussion concerning the racial question. But when the question is directly asked as to whether or not the Commissioner of Education could, within the law, withhold funds under the bill as it is now written, I think the RECORD should show that he most definitely can; because I have gone thoroughly over that with some legal minds in which I have great confidence.

I will say that the amendment which I have offered and discussed does not protect the situation. It is a matter now that is with the courts and probably will remain with the courts for some time. My amendment only removes it from the administrator. Then whatever is to be done will be done by law and not by the whims of some administrator.

I might say further that I think the membership of the House might be interested in inquiring about an administrative order that I believe has already been issued by the Civil Aeronautics Administration which definitely and specifically says that the requirement will be imposed in the matter of the construction of airports.

As I said a minute ago, I do this only to alert the House, because in a matter as important as this, I think we should certainly sift all information and statements to be sure that we are acting on accurate and reliable information.

Mr. BARDEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. McCORMACK, having assumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 7535) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, had come to no resolution thereon.

FIRST BIRTHDAY ANNIVERSARY OF ROLL CALL

Mr. BOYLE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. O'HARA] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, this is a day of happy anniversary. Today Roll Call, the newspaper of Capitol Hill, is 1 year old. I know I speak for all my colleagues on both sides of the aisle in extending an expression of appreciation and words of congratulations to Sid Yudain, the editor and publisher. I have in my hands a copy of Roll Call, just off the presses, and identified as "Vol. 2, No. 1." Many publications are born and perish before they have grown beyond volume 1. That has been true on Capitol Hill. Roll Call is the first Capitol newspaper in the entire history of the Congress to reach the prestige and