

In addition to a few brief remarks expressing the thoughts of all of us at the dinner, two very nice messages were read which had been received from Vice President RICHARD M. NIXON and Senator LYNDON B. JOHNSON who were unable to be present. The message from the Vice President reads as follows:

It is a pleasure to join the members of the National Milk Producers Federation who are meeting together this evening to pay tribute to CLIFF HOPE for his distinguished career of 28 years in Congress.

As both ranking Republican member of the House Agriculture Committee and its chairman for a number of years, CLIFF HOPE has always dedicated his public service toward the goal of forwarding and protecting the interests of the American farmer. I have enjoyed his friendship and benefited by his unselfish advice, as have hundreds of others in the Halls of Congress. My best wishes go with CLIFF in the years ahead.

The other message reads:

I very deeply regret that I will be unable to attend the dinner in honor of Representative CLIFFORD R. HOPE. I can think of no man who is more deserving of such a tribute.

For many years CLIFFORD R. HOPE has served the country with distinction. He is an honorable man who is beloved by his colleagues on both sides of the aisle and a man of whom it can truthfully be said that he is always fair and always objective.

CLIFFORD HOPE has always proceeded on the basis that what is best for America is the thing that should be done, and I am very proud to have known him and to have worked with him.

Sincerely,

LYNDON B. JOHNSON.

This most enjoyable dinner ended with the presentation of a framed scroll to the guest of honor in recognition of a lifetime of distinguished service. Also, a gift certificate was given for a comfortable leather chair to be delivered to the law office of our friend when he returns to Garden City, Kans.

I know I speak for all of us who attended the dinner; we had a very pleasant and enjoyable time as guests of the National Milk Producers Federation.

SPECIAL ORDER VACATED

Mr. SADLAK. Mr. Speaker, inasmuch as the theme of my special order for today was taken up on the McCormack-Martin resolution on Tuesday, I ask unanimous consent that the special order I have for today be vacated.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HOLLAND. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently no quorum is present.

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

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Anfuso	Chatham	Eberharder
Bell	Cooley	Evins
Blitch	Cretella	Gamble
Celler	Dorn, S. C.	Harvey

Healey	Nelson	Sieminski
James	O'Hara, Minn.	Smith, Va.
Kean	Pilcher	Thompson, La.
Keating	Powell	Thornberry
King, Pa.	Brouty	Wilson, Calif.
Kluczynski	Scudder	Winstead
Lane	Shelley	

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

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

FEDERAL ASSISTANCE TO STATES FOR SCHOOL CONSTRUCTION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the Record on the school construction bill.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, I am impressed by the convincing evidence that our public schools need more classrooms. Many schools in almost every part of the United States are overcrowded; others are obsolete and should be replaced by modern, safe school buildings; new schools are needed everywhere to take care of the thousands and thousands of babies born during the past decade.

I am dismayed to hear some people talk about our high birthrate as though it were a calamity. There is too much talk about the crisis in our schools, the desperate need for teachers, the horrible shortage of classrooms. These sad cries of alarm and disaster should stop. There is no sense to such thought or argument.

These children are a blessing of God upon our Nation. To provide good schools for them is not a backbreaking burden; it is a grand and wonderful opportunity and privilege to be able to prepare them for good citizenship in our great Nation.

This is no time to wring our hands in fretful worry about the cost of education. This is the time to roll up our sleeves and get to work on new schools. Every penny spent for education is a solid investment in the future of our Nation. In a Nation as wealthy as ours pennypinching with regard to education has no place.

The American people want good schools and are willing to pay the price. Time and time again they have voted for increases in their taxes for educational purposes. They expect the Federal Government to help out whenever this is necessary to guarantee a child a reasonable opportunity for a decent education. Across the whole Nation there is widespread support and enthusiasm for the legislation before us.

Today I want to pay particular tribute to some people whose generous support of education in our country is frequently overlooked or even ignored. I refer to the parents and guardians of children attending private and parochial schools. I also refer to those religious groups which operate the parochial schools

which so many of us appreciate and admire.

At their own expense these good people now provide excellent grade and high schools for about 4,400,000 pupils. At least 12 percent of the Nation's schoolchildren attend private and parochial schools. Three million, nine hundred thousand of these children are enrolled in the parochial schools of the Catholic Church.

In Massachusetts, 23 percent of the children attend private and parochial schools; in Rhode Island, 28 percent; in New Hampshire, 25 percent; in New York, 25 percent; in New Jersey, 21 percent; in Pennsylvania, 20 percent; in Illinois, 22 percent.

In these States as in every other State, private and parochial schools are an essential part of our educational enterprise. Without them the public schools today would be burdened to a much greater degree. In many places it would be impossible for our crowded public schools to accommodate even a small part of the thousands of children in private and parochial schools. These schools, therefore, are an indispensable part of the Nation's school system. We simply could not get along without them.

These private and parochial schools save the Nation's taxpayers a tremendous sum of money. Using a conservative estimate, I would say these schools are saving the taxpayers at least \$1,210,-000,000 maintenance and operating costs a year, money which would be added to our tax bills if the children in private and parochial schools had to be accommodated in public schools. Imagine the increase in taxes if all the private and parochial schoolchildren in States like New York, Massachusetts, California, and Illinois—to name a few—were transferred to public schools. These are facts we ought to remember when we talk about spending Federal money for education.

Operating these private and parochial schools costs money. We do not have an exact per capita cost of operating a private or parochial school, but I would estimate that on the average it would be in the neighborhood of \$200 per student per year. Multiply \$200 by 4,400,000 pupils and you will find that the annual cost of operating these schools is \$880 million a year, \$440 million more than the annual authorization for Federal grants for school construction in the bill before us. Moreover, people supporting these private and parochial schools will be expected to pay interest on school-building debts, to pay off part of the principal, and after all this, to pledge even greater donations to finance new building to take care of the huge increases in enrollment anticipated during the coming decade.

The United States Office of Education predicts that by 1960 private and parochial schools will enroll in excess of 5 million pupils, at least 600,000 more pupils than were enrolled during the school year 1955-56. At a very minimum, therefore, these schools will need 15,000 new classrooms by 1960. To build them they will need a minimum of \$400

million, about \$100 million a year for the next 4 years.

The children destined for enrollment in private and parochial schools in 1960 are already born. The need for new classrooms, therefore, is compelling and urgent. People who believe in these schools will have to provide the necessary funds for these school facilities. This applies to our whole educational system, whether public or private.

I want to point out that, despite the heavy burden of financing their own schools, those who support private and parochial schools have not complained about the cost of public education. On the contrary, they want good public schools and are willing to pay the price. All one has to do is to read the hearings on Federal aid for school construction and you will find no complaints, no opposition, no obstructionist proposals that have come from private or parochial school sources. For the most part, people who generously supported private or parochial schools have refrained from any action that might impede passage of this bill even though it will bring no direct benefit to their schools. These people have an unselfish, statesmanlike attitude. Their reasoning is that, if this bill and the money it authorizes are proven to be essential for the general good of the Nation's public school children, they do not want to stand in its way. That, I say, is an attitude deserving of highest commendation. It is big, noble, and generous.

I cannot help but recall that a few years ago some of us wanted to help the public schools with their operating expenses, particularly with better salaries for teachers. Most private and parochial school representatives were willing to go along. They did not want to stand in the way of legislation that would help public school children. Some of us, however, wanted to use a little part of the money for health and safety services, like polio shots or bus rides, for nonpublic school children. What happened? Public school devotees descended upon us en masse. They opposed our giving millions of dollars to the public schools if at the same time we were to spend a few thousand dollars for the health and safety of private and parochial school children for auxiliary services. They would not listen to reason. Better to have no Federal aid at all, they said, than to give a penny to a private or parochial school child. This was their unthinking, and in fact and effect, selfish and belligerent attitude. The result of their attitude was inaction in this important field.

I do not know whether we shall again need to consider Federal aid for current expenditures. If we do, I hope we will be spared a repetition of the ordeal of a few years ago. I hope public-school authorities will have a tolerant, cooperative attitude if an effort is made to try in a small way to help private and parochial school children by giving them health and safety services clearly allowable under the Federal Constitution as interpreted by the Supreme Court of the United States. If these public-school authorities want to see a good example of a cooperative, constructive attitude, I suggest they examine the attitude which many private and parochial school au-

thorities have shown toward the legislation before us today.

Public, private, and parochial school children are equally precious in the sight of God, their Father. All are citizens of this blessed land. All deserve fair consideration that can be given them under the laws of our Government.

Mr. POFF. Mr. Speaker, every legislator in America, both State and Federal, favors aid to education, that is, free public education financed by government. The only question at issue is, "Which government?" Shall aid to education come from the Federal Government or from the State government? Since power follows the purse, either immediately or ultimately, the real question is, "Shall education be controlled by the Federal Government or the State government?"

The Constitution answers the question. Since educational authority was not one of the powers specifically enumerated and delegated by the sovereign States to the Federal Government, it was reserved by the 10th amendment to the several States and the people. To me, that answer and that answer alone is sufficient. It is not necessary, at least in this speech, to itemize all of the ideological and philosophical reasons why educational authority should not be centralized in an unelected bureaucrat in Washington.

Proponents of Federal aid say that the States are financially unable to meet the schoolroom crisis individually. There are three answers to that. First, every national survey report disputes the contention. Second, the whole is no stronger than the sum of its parts. Third, the combined debt of all of the 48 States today is only \$20 billion compared to the Federal debt of \$273 billion.

Nevertheless, it is true that the States could and would build more schools except for one thing. The Federal Government today has gobbled up practically every source of revenue. It taxes nearly every sale, service, and commodity. The States have little left to tax except property and income, and even in that category, billions of dollars annually are siphoned out of the States in Federal individual and corporate income taxes. A Federal aid program would require additional Federal tax revenue which would further aggravate this situation.

The Federal Government can give to the States nothing which it does not first take from the citizens of the States, and the amount it gives is the difference between what it takes and what it costs to administer the program—costs of new employees, office facilities, paper work, postage, telephone, travel, and so forth. It has been estimated that this overhead expense is at least 30 to 35 percent of total appropriations.

I have introduced a bill which will, first, save these overhead expenses; second, preclude the danger of Federal control over education; and, third, enable the individual States to build their own schools with money collected from their own citizens in accordance with their own judgment. My bill provides in part as follows:

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.

The district directors of internal revenue are directed to transfer this money to the State treasurer. Thereafter, no Federal official would have any control over it. It would be spent under the exclusive jurisdiction and control of State officials for educational purposes.

There is ample legal precedent for my bill. For instance, in Public Law 630 passed by the 81st Congress, all Federal income taxes collected from American citizens in Guam are turned over to the Government of Guam.

In fiscal year 1954, the Federal Government collected from all the States and Territories in income taxes a total of \$58,578,533,000. Under my bill, \$585,785,330 would be returned to the States for school purposes every year so long as needed. This is \$185,785,330 more than the Federal-aid program currently under consideration provides. This loss of revenue to the Federal Treasury would not be a loss to the taxpayers of the States. Indeed, when you consider the overhead expense of Federal administration of the program, it would be a gain. In any event it would be a cheap price to pay for the blessing of local control.

I earnestly trust that this plan, which already has support from other Members who have introduced similar bills, will receive favorable consideration as a substitute for the potentially dangerous Federal-aid program presently before the Congress.

Mr. BROOKS of Louisiana. Mr. Speaker, of course, I am deeply in favor of helping our public schools. I am, at the same time, just as strongly against Federal control of our State school system. I have supported programs of limited nature for our public schools in the past. At the same time, any program which is general in scope and which threatens to become a permanent one fills me with fear of Federal and bureaucratic control.

The other day, one of my colleagues held up a thick book and shouted on this floor that "this is a volume of all of the Federal laws and regulations in aid of our public schools" and he drew the inference from this large book of laws and regulations that Federal aid is possible without Federal control. Such is, of course, the case; but as we approach nearer the program of our State-controlled public schools, we come closer to the point where State control leaves off and Federal control begins. Inversely, the more we depend upon Federal Government for help for our public schools, the greater is the threat of Federal control of them.

No one has to be persuaded of the bad effects of centralized Federal control of our public schools. Such a program will be disastrous to us and to our type of government. Dictatorships first attempt to gain control of the school systems before consolidating themselves in complete control of government. Centralized control of education means regimented control of education. It easily follows that education then becomes a mass,

uniform, orthodox type of learning, without innovations and without competition and without the yearning for change and advance which we find so evident in our State-controlled school system.

This bill presents a 4-year program of \$100 million per year. This money is to be used for the building of classrooms which may cost about \$32,000 per classroom. The need for classrooms is terrific; and it is very apparent that 4 years of this type of program will not be sufficient to meet the current needs for new buildings and new classrooms. Four years of the program will mean an expenditure of \$1.6 billion. There are 63,000 public schools in the United States; and according to the committee report, it will cost from ten to twelve billion dollars to provide adequate classrooms for children currently enrolled in public schools throughout the country.

All of this means simply that we will have a continuing program from now on out. Four years of this aid will not be sufficient. States and parishes and counties under this program will await the coming of Federal money with which to build classrooms; and this delay will hold up the entire program in some communities. It will mean the classroom shortage will not be overcome for many years, during which time we will have had a fixed program saddled to the backs of our State public schools.

Mr. Speaker, during past years I have seen many temporary programs which have become permanent. The defense impact public school program is one of them. I have supported this defense impact program because it was promised to be temporary and because it was limited in scope to a relatively few schools in defense areas throughout the country. It looks to me as though this has now become a permanent school program, and more and more our States are being encouraged to depend upon it for aid. A general program of a permanent nature may be disastrous.

I am concerned a great deal with regulations and restrictions placed in the bill. The old adage of, "He who pays the piper calls the tunes" applies today with great force. Over the years, that government which puts up the money to support a permanent school policy will exert its control over our public educations. Of course, integration in our public schools in the South is unthinkable; and with or even without the amendment, under Federal control such is possible and could be expected. With the stipulations recently placed in this bill, it will integrate our schools and this Louisiana will not tolerate.

Mr. BEAMER. Mr. Speaker, a consideration of H. R. 7535 involves more than Federal aid to school construction. Judging from the many letters that I have received in opposition to this legislation, it seems that one typical explanation is expressed in House Concurrent Resolution 2, 85th General Assembly, State of Indiana:

Indiana needs no guardian and intends to have none. We Hoosiers—like the people of our sister States—were fooled for quite a spell with the magician's trick that a dollar taxed out of our pockets and sent to Wash-

ington, will be bigger when it comes back to us. We have taken a good look at said dollar. We find that it lost weight in its journey to Washington and back. The political brokerage of the bureaucrats has been deducted. We have decided that there is no such thing as Federal aid. We know that there is no wealth to tax that is not already within the boundaries of the 48 States.

So, we propose henceforward to tax ourselves and take care of ourselves. We are fed up with subsidies, doles and paternalism. We are no one's stepchild. We have grown up. We serve notice that we will resist Washington adopting us.

Be it resolved by the House of Representatives of the State of Indiana (the Senate concurring), That we respectfully petition and urge Indiana's Congressmen and Senators to vote to fetch our county courthouse and city halls back from Pennsylvania Avenue. We want government to come back home.

Resolved further, That we call upon the legislatures of our sister States and on good citizens everywhere who believe in the basic principles of Lincoln and Jefferson to join us, and we with them to restore the American Republic and our 48 States to the foundations built by them.

Mr. ABBITT. Mr. Speaker, I am opposed to the so-called school-construction bill. This body has adopted an amendment known as the Powell amendment, the effect of which purports to prohibit those States that maintain segregation in the school system from obtaining funds for the construction of schools provided by this bill.

Candor and frankness compel me to State that the so-called Powell amendment does not add to or take from this bill. I am convinced that those having charge of this program will, regardless of whether or not the Powell amendment stays in the bill, prohibit funds from going to those States that maintain and operate segregated schools. This means to me that this entire program is intended by its sponsors and those in charge of the program as an entering wedge to federalize and take over the public-school systems of the States. They believe in a strong, centralized Government with controls in Washington. They desire this octopuslike Government of ours to reach into and direct the operations of every possible function of the various localities.

I realize that this bill merely purports to assist in the construction of school buildings. It is not that simple and harmless, however. It is a direct step toward handing over to the Federal Government the operation, running, and control of the public schools of America. It is the opening wedge of turning our school systems over to the Federal Government. The truth of the matter is that the Federal Government owes over \$275 billion. The States are far better off financially to build their own schools than is the Federal Government.

For that reason, and other reasons, I am opposed to the bill under consideration, and I hope that the Members of this House will defeat this legislation.

Mr. WHARTON. Mr. Speaker, at this late stage in the debate on pending school-aid legislation, several points are obvious to all. Primarily, not a single

Member of this body seems to be opposed to the education of the youth of the country, adequately and with increasing efficiency as to the means and methods involved.

In my own State, the trend of late has been to larger, centralized schools and, while many question the end results as compared to the individual instruction of the little red schoolhouse, obviously we cannot turn back the clock under modern conditions. Someone has very aptly said, "Now let's just not monkey with the clock."

According to my computation, in New York State proposed Federal aid under the pending legislation costing \$49 million in contributions would add up to one small classroom for each school district, and I seriously doubt that the problem of overcrowded schools or inadequate salaries would be solved thereby. We have heard repeatedly during debate, and no one questions the fact that each and every one of the 48 States is presently in better financial condition than the Federal Government and more able to carry on its traditional responsibilities of the education of our young people.

In case the old maxims are still given passing attention in our schools today, it might be well to recall that no man can serve two masters and that too many cooks spoil the broth, for that would be exactly the case were the vast arm of the Federal Government to be added to the already extensive machinery of the several States. To say that the two could possibly be in agreement would be asinine after listening to the several days of debate in which this body has indulged.

Already this bill is loaded with provisions bearing on the segregation of the races and the employment of labor at specified rates and conditions, highly controversial subjects but approved by the Supreme Court of the United States. How much further the Court will attempt to invade the prerogatives of the States gives many of us the greatest concern.

We in New York State recall that as late as March of this year there was serious talk of sufficient surplus funds in the State government to warrant a reduction in State income taxes, and those States without income taxes are obviously in a better position than New York.

Now we have aided the States at this session of Congress with highways, sewers, airports, reclamation, irrigation, wildlife, welfare, old-age benefits, and numerous other subsidies—agriculture, with the so-called basic commodities including such momentous items as peanuts and soybeans. Let us pause for breath and leave just this one controversial item out of our socialistic thinking—leave it where it belongs, at home with the State governments. In that way our educators and teachers will know exactly where to carry their problems without becoming involved in national issues.

This matter of the education of our youth is of the utmost importance and the people should be allowed to express themselves if such a radical change is

contemplated, and this by way of a constitutional amendment.

NECESSITY FOR FEDERAL GOVERNMENT ASSISTANCE TO STATES AND LOCAL COMMUNITIES IN CONSTRUCTION OF ADDITIONAL CLASSROOMS TO MEET THE PRESENT SHORTAGE

Mr. WOLVERTON. Mr. Speaker, it will be generally agreed that the bill now before the House, H. R. 7535, providing Federal assistance to States for school construction is one of great importance. Because of the fundamental character of some of the policy questions to be decided, it will probably be the most important that will come before Congress at this session.

The Nation is faced with a shortage of classrooms. The situation has grown more critical each succeeding year since World War II. During the depression years few schools were built, and during the war years even fewer schools were built, partially on account of the shortage of materials. This fact, coupled with the increasing birth rate, left a serious classroom problem in practically every community in the Nation.

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 subcommittee held extensive hearings in an effort to determine the existing need for additional classrooms.

There is no question that more classrooms are urgently needed. This need has been repeatedly demonstrated by school facilities surveys, by reports from State governors, and by testimony during extensive subcommittee hearings. It will cost from \$10 billion to \$12 billion to provide adequate classrooms for children now enrolled, and enrollment will increase markedly in the next few years. The hearings held by the subcommittee have demonstrated that the national interest requires that the Federal Government join with State and local governments in solving this pressing problem. Adequate education for our children is essential to the preservation of a free and strong Nation. Their education must not be impaired by the serious classroom shortages which exist in every State.

It is clear that Federal legislation is needed, and that this legislation must be designed to encourage State and local efforts to meet the problem. Care must be taken to avoid any possibility of Federal control over local school systems, or any tendency for Federal action to supplant State and local efforts.

President Eisenhower, on February 8, 1955, directed to the Congress a special message relating to the necessity of the Federal Government assisting the States and local communities in the construc-

tion of schools. The following are extracts from that message:

For the consideration of the Congress, I herewith propose a plan of Federal cooperation with the States, designed to give our schoolchildren as quickly as possible the classrooms they must have.

The American idea of universal public education was conceived as necessary in a society dedicated to the principles of individual freedom, equality, and self-government. A necessary corollary is that public schools must always reflect the character and aspiration of the people of the community.

Fundamentally, the remedy lies with the States and their communities. But the present shortage requires immediate and effective action that will produce more rapid results. Unless the Federal Government steps forward to join with the States and communities, this emergency situation will continue.

In the consideration of the type of help that should be given by the Federal Government, to assist the States and local school districts in meeting the need, great care has been taken by the committee to make certain that there shall be no possible interference by the Federal Government in the control of our school system. In fact, it has been the primary objective of the committee 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. Thus, great care has been used to provide legislation on the subject that would preclude any possibility of Federal control in our school system. The bill now before us makes certain of this important matter.

The financing of school construction has many differing aspects when the requirements of the Nation as a whole are considered. Therefore, the bill now before the House contains several alternate methods with the object that our States and local communities can avail themselves of the method that best suits their peculiar problems, or more easily comes within the statutory law of the particular State.

For instance, in the effort to provide such alternate methods, it is provided that aid may be extended as follows: First, payments to State educational 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 their own school construction, but cannot obtain 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.

There has been added to the bill an amendment that no moneys are to be advanced to any State that does not recognize the decisions of the United States Supreme Court. It can be readily seen that the purpose of the amendment is to sustain the recent decision of the United States Supreme Court that outlawed segregation in our public-school

system on the basis that such was opposed to the provisions of the Constitution of the United States guaranteeing equal rights. It is unfortunate that some Members of Congress from certain sections of our country are so strongly opposed to the decision of the Court as to preclude their support of this most worthwhile bill that seeks to assist our States and local communities of needed school facilities.

This measure and the amendment have my support.

Mr. WILLIAMS of New Jersey. Mr. Speaker, the fact that the public schools of our Nation are facing the greatest crisis in our history is no longer surprising news. Nor are some of these facts—that 18 percent of our schools are fire hazards, a third are health and safety hazards, and thousands of school buildings are more than 50 years old. We are no longer astonished to hear that the school enrollment figure in 1955-56 was 1,675,000 over that of the previous year, or that the Nation faces a shortage of hundreds of thousands of classrooms. All of these frightening facts have become almost old hat, incredibly enough. What is even more incredible is that all this is true at a time when our gross national product is over \$400 billion a year and is rising continuously; when our Nation has at its command resources of unparalleled magnitude; when we could solve any domestic problem confronting us by making the concerted decision to do so—and then going ahead and solving it.

The Kelley bill will not of itself solve our desperate school crisis. But it represents a step of major significance. The Kelley bill represents national recognition that the school crisis is a problem common to us all. It makes concrete the widespread sentiment of parents throughout the country that the fiscal resources not only of local communities and the States but of the Federal Government must be tapped to finance a frontal assault on a situation which is perilously close to being a national disaster. It is genuinely realistic thinking about the needs of this Nation at a time when domestic conditions and world leadership are inseparable from each other.

A vivid illustration of why this measure is so vital is found in my own State of New Jersey. New Jersey has 547 administrative school units. Of these, 395—or 72½ percent—have exhausted their statutory bonding capacity. Half of these 395 districts, in turn, have obtained the permission of the State to exceed their statutory bonding limits. In my own congressional district, Union County, 12 out of 21 school districts have reached their statutory limits; and 29 applications have been made by those 12 school districts for permission to exceed the limits. Among the communities which have made such applications are several of the highest income suburban towns in the area.

What this indicates is that school needs have pyramided so rapidly that the dependence of our schools for a major portion of their revenues on the fiscal resources of local communities has

become an anachronism. The theory that school revenues should be drawn largely from property taxes is one of the roots of our present school crisis since, as we well know, property assessments have hardly begun to keep pace with real values. Another of the roots of this crisis is that the Nation's tax structure has undergone a complete revision in the past generation. Three out of every 4 tax dollars now go to the Federal Government, rather than to State and local governments. While some people may label this an illustration of Federal aggrandizement, I think a realistic examination of our tax structure will reveal quite the reverse—namely, that States and local communities have not been adjusting progressively to the burgeoning needs of a Nation whose rising population and productivity have made it a giant of the modern world.

As has been pointed out to me by members of the New Jersey Department of Education, the Kelley bill will not only be helpful in meeting the immediate school shortages, but it also has the advantage of being, in the long run, a less costly source of revenue to the local community. While it is true that New Jersey's contribution to the Federal Treasury will be greater than the grants it will receive if the Kelley bill passes, those grants will not be saddled by the interest and financing charges which attach to local bond issues.

The Kelley bill would yield New Jersey a significant amount of help toward a solution to its school problems. A projected 5-year program for additions to existing schools and construction of new schools would cost an estimated \$478 million; applications to the State by local communities for permission to exceed their statutory bond limits amounted to \$81 million in the 1955-56 school year. While New Jersey is neither a poor nor a backward State, the impact of new population moving into our urban and suburban communities has been accelerating at such a pace that our needs are quite as pressing as those of States whose economic development is behind New Jersey's. And because school construction is a lengthy process—taking 2 to 3 years to plan and build a new school—States like New Jersey, undergoing the steady assault of population growth, must be helped as rapidly as possible.

There is one more point that I want to make about this bill. As a member of the Committee on Foreign Affairs, our world leadership position is never far from my mind. I cannot help being disturbed when I read that while the United States spends \$8 billion a year on its public schools, the Soviet Union spends 16 billion. There is no reason to doubt that with our ingenuity and inventive capacity we can continue to stay far ahead of the Soviets in technological and scientific development. I believe that in any competition with the Soviets we can win. But to win this technological, scientific, and industrial competition we must have people adequately trained for their tasks. A recent congressional study shows that we are scarcely even with the Soviet Union as regards num-

bers of engineers and have only a slight lead in numbers of scientists. In 1954 we graduated only half as many college-trained specialists in engineering and science as we did in 1950. In the same year the Soviets turned out more than twice as many as we did. Allen Dulles, Director of the Central Intelligence Agency, recently warned that in this present decade the Soviet Union will graduate 1,200,000 university students in the basic physical sciences, while we will graduate only 900,000.

If this Congress passes the Kelley bill it will mean that we recognize the imperative need to face the school crisis as a national crisis. It means a first step toward national acceptance of the fact that the Soviet lead in training specialists must be faced and dealt with as a basic phase of our national security effort. It means, too, that, although this would be the first general school bill passed by Congress, we would in reality be continuing our faithfulness to the basic principles of our Nation. Our public schools are the very pedestal of our democracy, as our Founding Fathers knew, since Federal aid to education preceded even George Washington's inauguration with the passage of the Land Grant Act of 1787. The Kelley bill would be the most recent link in a long chain of legislation to support a school system which can transmit to our children the skills, techniques, moral principles, and ideals which are the core of America.

The record is clear on the demonstrated need for this school legislation. It also seems manifest that we will not achieve this legislation during the current session of Congress if the so-called Powell amendment is attached. And here we come to the real dilemma. Many in this body are sincerely troubled over this problem, and no one could question their obvious sincerity in arguing for the Powell amendment. I share their ardent desire to see full and equal opportunity extended to all American citizens at the earliest possible time. As a matter of fact, I yield to no one in my deep-seated desire to see the end of the awful practices of segregation and discrimination. I will continue to devote my energies to advancing the cause of civil rights and welcome the opportunity which we in the House will shortly have to vote on a straight civil-rights measure.

But this question is posed: What will be gained by the passage of the Powell amendment? The clear answer is that nothing will be gained. No responsible person would suggest that this bill will become law if the Powell amendment is included. Not only would inclusion of the amendment kill the bill, it would set back the possibility of adequate aid to schools possibly for years to come, while our public school system will continue to deteriorate.

From a practical point of view, there are already signs that many who are relatively neutral on the question of civil rights but deeply concerned about the school crisis may well become hostile to civil-rights legislation if we permit this measure to die over the question of the Powell amendment. The amendment's adoption will not only defeat much-needed school legislation but will set

back the possibility of meaningful civil-rights legislation. This seems to me far too high a price to pay.

Many may argue that in a district such as mine a vote against the Powell amendment could mean political suicide. But this underestimates the intelligence of people who are interested in advancing the cause of civil rights. Our real goal is respect for individual integrity and the provision for equal opportunity in a meaningful fashion rather than making a futile gesture.

Finally, let me make this other point. The Supreme Court has spoken on this subject. Progress toward desegregation is mandatory under the law. I recognize that there is opposition to the Court's decision, and in several States no progress is being made. This is a thoroughly deplorable fact. But it does not set aside the law of the land. We must move toward compliance with the Supreme Court decision, perhaps not as rapidly as some of us would like, but we must move ahead. Given sympathetic administration of a Federal-aid-to-school-construction program, there is no doubt that progress can be made in accordance with the Court's decision. Therefore, I suggest that we who are interested both in helping our schools and moving forward in civil rights pass this measure without the Powell amendment and that we give scrupulous attention to the aid program to assure that it is not used to frustrate implementation of the Supreme Court decision. Let us not permit the people of good faith who are interested in school legislation or in civil rights legislation to become embroiled with each other in futile argument. Let us not permit the friends of sound progress to dissipate their energies by fighting each other.

CRISIS IN EDUCATION

MR. BLATNIK. Mr. Speaker, as a former schoolteacher and administrator and one who has always been interested in the education and welfare of the Nation's young people, I consider the legislation before us today of paramount importance. No single domestic problem affects the Nation's future more than does the current critical classroom shortage. The bill before us, H. R. 7535, should be enacted if we are to make any progress toward the solution of the problem.

The classroom shortage problem goes beyond and is much deeper than a mere shortage of facilities and materials. The root of the problem and the real cause for concern is that a shortage of classrooms and classroom facilities deprives the Nation's young people of adequate educational opportunities. Limited classroom space and old, dilapidated buildings are not conducive to learning. If we do nothing about the classroom shortage situation we are, in effect, depriving the Nation's schoolchildren of an adequate education.

For instance, because of the classroom shortage there are children now graduating from the eighth grade who have never attended school on a full-time basis. Because of the shortage, classes are crowded beyond efficient teaching

limits making it impossible for school-children to obtain the individual attention from teachers which is so essential to adequate education. Today 2 classrooms out of 5 have more than 30 pupils in them. Nearly 1 in 10 have more than 40.

The classroom shortage also tends to limit educational opportunities because children are forced to attend classes in surroundings not conducive to learning. Two children out of five, for instance, attend school in buildings that do not meet minimum fire safety requirements. Thousands of them attend classes in buildings 50 years old or older. It is estimated that only 2 out of every 5 pupils are in satisfactory school buildings.

Looking at the facts and figures of the classroom shortage leads to the inescapable conclusion that so long as the current shortage continues the school-children of the Nation will be deprived of adequate educational opportunities. Therein lies the danger, the very serious danger, of the classroom shortage problem. Our greatest asset, the children and youth of the Nation, are being improperly trained for the tremendous responsibilities of leadership which someday will be theirs. The effects are already being felt, Mr. Speaker. We read daily of the very critical shortage of trained personnel in the scientific and engineering fields. If this Nation is to continue as a world leader we need the trained personnel to carry on the grave responsibilities of leadership. This can be attained only through early training and development in the primary and secondary schools of the Nation where the great men and women of tomorrow are learning the fundamentals so necessary for advanced learning. Yet we place these future leaders in dilapidated and obsolete firetraps without proper facilities and in overcrowded classrooms where they lose their individuality and become mere numbers in the overworked teachers' class book.

Here we are, Mr. Speaker, the greatest, strongest, richest Nation on earth and we cannot give our young people adequate educational facilities and opportunities. Why are we in such a position?

The classroom shortage facing the Nation today results from several factors: First, the curtailment of construction during the depression and World War II; second, the normal building replacement needs due to obsolescence; and, third, the rising birthrate. Consider, for a moment, the rising birthrate and school enrollment. Reversing a long-range trend, the birthrate started rising in the mid-thirties, and it has been on the increase ever since. School enrollment which had remained relatively stable for over 20 years began to rise in 1951. Thirty-two million children enrolled in our public elementary and secondary schools in 1955-56. This was an increase of 1.5 million over the previous year. By 1959 it is estimated that the total school enrollment will be 38.8 million.

Hard on the heels of this rising birth-rate came a corresponding decrease in classroom construction. School construction dropped sharply in 1932, re-

covered between 1936 and 1939 with Federal aid, and then sagged again, not reaching predepression levels until 1949. Since that time school construction has set new all-time highs every year, but even at this current record rate construction is only keeping up with rising enrollments, but in no way reducing the total classroom deficit which is approaching the 370,000 mark.

On the basis of available facts and figures no one can deny the existence of the classroom shortage problem and that this shortage seriously curtails the effectiveness of the American educational system. We are then faced with the question of what we are going to do about it. Essentially, the problem reduces itself to a question of the proper roles and relationship between the Federal Government and the various States.

There is no denying the fact that the responsibility for the education of children rests primarily on the local and State level. This has been the traditional policy of our Government since its inception. Education is a local and State matter, and I would be the first to fight against the imposition of any Federal controls over public education. I share the fears of those who have warned against Federal control of education during this debate, but, at the same time, I recognize the crucial and essential fact that we are faced with a crisis in education due to the classroom shortage and something must be done about it.

What we must do is enact H. R. 7535 to provide assistance in the form of grants-in-aid to the States in order that they might alleviate the present classroom shortage. This approach to the problem will not upset our traditional concepts of Federal-State relationships in the field of education.

In the first place, the Kelley school-construction bill, H. R. 7535, is not, strictly speaking an aid-to-education bill. It is an aid-to-school-construction bill, pure and simple. The bill provides three approaches to help communities catch up with the classroom deficit. These approaches are:

First. Federal grants totaling \$1.6 billion over the next 4 years would be given States on a 50-50 matching basis. A State's allotment would be decided solely on its share of the Nation's school-age population between the ages of 5 and 17. Under this formula, Minnesota would receive over \$7 million a year for 4 years.

Second. The Government would be authorized to buy \$750 million in local school bonds during the 4 years if the school districts cannot sell them at reasonable interest rates in the open market.

Third. For areas which cannot borrow, the Government would help existing or new school-building authorities launch building programs by which communities could acquire schools on a lease-purchase basis. The Government would put up a maximum of \$6 billion to guarantee construction loans made by the building authorities.

It is apparent that all this bill does is authorize Federal funds to assist the

States and communities to construct needed classrooms. This has nothing whatever to do with what is being taught, or how it is being taught, or who is doing the teaching. It is merely an attempt to aid the States to do a job which has become so enormous that they cannot do it by themselves.

Let no one say, Mr. Speaker, that the States and localities have not made a valiant effort to meet their responsibilities without Federal aid. But even their maximum efforts could not keep up with the unprecedented increase in school enrollments. For instance, in 1952, the Office of Education estimated after a careful nationwide survey that the total school construction needs of the Nation were 312,000 classrooms. In the next 2 years the States and localities spent nearly \$4 billion in school construction. In spite of this huge outlay the same Office of Education now admits that the classroom shortage has risen from 312,000 to 370,000. Thus, in spite of the greatest construction activity in our history during the past few years, the situation became worse. The States cannot, by themselves, keep up with present demands, replace obsolete equipment, and catch up with the backlog of schoolroom needs. To catch up with the current backlog of classroom needs would cost \$12 billion. According to the latest reports the most the local school districts together with all available State aid could provide is \$5.9 billion, leaving a deficit of \$6.1 billion which the States and localities could not possibly meet. In other words, we have reached the point where the financing of education can no longer be taken care of entirely from local or even State and local revenues.

Another reason why the Kelley bill does not upset our traditional philosophy of public education on a local level, is because a part of that philosophy and tradition includes Federal aid and assistance for educational purposes. Mr. Speaker, I refer those who would defeat this bill on the ground that it brings the Federal Government into the educational field to our long history of Federal participation in the field of education. Throughout our history the Federal Government has encouraged and aided State educational programs through allotments of public lands and by grants of money.

As early as 1785, 2 years before the Constitution was drafted, the Continental Congress reserved lot No. 16 of every township in the Northwest Territory for the maintenance of public schools. That famous Northwest Ordinance contained the phrase we should all harken to today "the means of education shall forever be encouraged." This is exactly the purpose of the Kelley school-construction bill. To encourage the means of education by making available to the States and communities the facilities with which to provide adequate educational opportunities.

Since the enactment of the Northwest Ordinance over 50 major bills concerning education have been enacted by Congress. I will mention only a few: The Morrill Land-Grant Act which granted

to each State an amount of 30,000 acres of public land per Congressman for the support of a college; the Smith-Hughes Act which provided grants for promoting vocational training in the public schools; the National School Lunch Act; the GI bill of rights; and Public Laws 815 and 874 which provide assistance for school construction and maintenance and operation in federally affected areas. At the present time, Mr. Speaker, 56 major educational activities are now financed by the Federal Government at an annual cost of over a billion dollars.

The central theme running through the long history of Federal legislation for education is to provide educational opportunities. None of the programs now in operation entail Federal control of the programs established under the Federal legislation. The purpose of all these enactments, from the Northwest Ordinance down to the GI bill, is to provide adequate educational opportunities. The Kelley school-construction bill has, in the last analysis, the same aim and goal.

Another problem of major proportions facing American education is the shortage of teachers. Even if we had enough classroom facilities we would be in an educational dilemma because we do not have the teachers to put in them. The shortage is growing worse, year by year. Thousands of teachers are being employed who do not meet the minimum qualification standards which make matters worse. Last year we produced fewer than 1,600 high-school teachers of chemistry and physics, and most of them go into higher paying private industrial jobs. Over 1,500 high schools have dropped courses in chemistry or math because of a lack of teachers.

Each year we are accumulating a deficit of 60,000 teachers. Only 90,000 are trained annually against a need for 150,000. One of the reasons for the shortage is the low pay that teachers receive. In most States, teachers are paid less than factory workers. No wonder over 450,000 teachers, a number nearly equivalent to half the total now teaching, have left their desks in the last 10 years. Enactment of a Federal aid to school construction bill will help somewhat, in an indirect way, to increase teachers' salaries and in making the profession more attractive. Taking advantage of Federal aid for construction will enable the States to allocate more of their education budgets to increased teachers' salaries.

Mr. Speaker, every American child has the right to an adequate educational opportunity. They are being deprived of that opportunity today. The States and local communities have done their valiant best to cope with the problems, but with their limited sources of revenue have been unable to keep up with the demand for expanded classroom facilities and catch up with the backlog at the same time. Because adequate education of all American youth is essential to the preservation of the Republic the Federal Government has a definite duty and responsibility to insure that such educational opportunities are available.

The seriousness of the problem is nationwide demanding our attention on a national Federal level. Enactment of H. R. 7535, the Kelley school-construction bill, is essential if we are to live up to our responsibilities to the people of the United States, and, especially, to the youth of the Nation.

An enlightened and informed citizenry Mr. Speaker, is not only essential for the preservation and further growth of a democracy such as ours, but is the very keystone of the foundation upon which that democracy is sustained. Our forefathers discovered that in the early days when they established public education. You can postpone or delay the construction of a bridge or public works project without too serious a loss for the time being, but in education that time is lost forever. Much of a whole generation has been deprived the full benefits of an adequate education. They are not being adequately prepared to take their places as citizens in this nuclear age with its complexity of problems, domestic and international, such as the world has never seen before. There is not a more urgent strengthening of our entire democratic system as is the providing for adequate educational opportunities.

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 further 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.

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 further consideration of the bill H. R. 7535, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose 2 days ago the first title had been read and was open for amendment at any point. Are there further amendments to title I?

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have a brief statement I should like to make to the House.

For 22 years I have done my best to be sincere and frank with the membership of this House. I propose to continue that, both in attitude and in practice.

I have very definitely reached the conclusion that the American people do not want this legislation in its present form. Certain things have happened to the bill that make it very, very obnoxious and objectionable to the people I represent.

I never have claimed to be an expert when advocating something that I was sincerely and conscientiously for. I have always felt I would be a complete flop in trying to advocate something I did not believe in and did not advocate. This bill is objectionable to me. It has so many bad features and so many things have been given priority over the consideration of the objective that we set out to accomplish that I must say, in all frankness, to the House I cannot con-

tinue in the position here of directing this bill. I feel that someone who can be fairer to the bill in its present shape than I, should handle the bill. I would have to be a much better actor than I now am to proceed in the position of handling this piece of legislation which I cannot support and do not want to pass. For that reason, I want the House to understand my very definite position in the matter. So, with that, I think the House will understand my position and those in a position on the committee to handle the bill will have my cooperation to a certain extent, but no one need to expect any assistance from me or any encouragement for the bill.

Mr. McCONNELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCONNELL:
Page 4, lines 9 and 10, strike out "(consistent with the matching requirements of section 105)."

Page 6, beginning with line 16, strike out everything down to and including line 20 on page 8 and insert in lieu thereof the following:

"Reservations of funds and payments"

"SEC. 104. (a) In the case of each project for the construction of school facilities for a local educational agency with respect to which the State educational agency requests any funds under this title, the State educational agency shall include in its request—

"(1) a description of the school facilities project with respect to which the request is made;

"(2) its estimate of the cost of construction of such project and a statement of the amount of the Federal-State grant proposed to be made by the State educational agency with respect thereto under the plan;

"(3) a certification that State funds to cover the State share of such Federal-State grant will be available.

"(b) Except as provided in section 105, the Commissioner shall issue, to each State educational agency furnishing a statement in accordance with subsection (a), a commitment reserving, out of the State's allotment, for each project included in the statement, the amount requested by the State educational agency for that project. The Commissioner shall change any amount so reserved upon request of the State educational agency and receipt of an amended statement from such agency, but only to the extent the change is not inconsistent with the other provisions of this title. Upon certification by the State educational agency that the financing of the remainder of the cost of construction of the project has been arranged, the Commissioner shall pay the amount reserved to the State educational agency, through the disbursing facilities of the Department of the Treasury and in such installments as he may determine. Funds so paid shall be used exclusively to meet the cost of constructing the project for which the amount was reserved.

"(c) In lieu of certification by a State educational agency pursuant to subsection (a) (3) with respect to a project, the Commissioner may accept certification by such agency that an amount equivalent to the State share of the payment with respect to such project has been arranged through provision for State payments toward the debt service on the loan (if any) to help finance part of the construction of such project, provision for waiver of payments due the State or any agency thereof with respect to such project, or other provision which, in the judgment of the Commissioner, is (or is estimated to be) equivalent to such State share.

"(d) 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, the State to which such payments were made shall repay to the United States, for deposit in the Treasury of the United States as miscellaneous receipts, the amount of such payments or such lesser amount as may be reasonable under the circumstances (as determined by agreement of the parties or by action brought in the Federal district court for the district in which such project is located).

"Matching by States"

"SEC. 105. (a) The Commissioner may issue or modify a commitment under section 104 with respect to any project only if the amount to be reserved under the commitment, plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed the Federal share for such State of the sum of (1) the Federal-State grant toward the cost of constructing such project and (2) the total of the Federal-State grants toward the cost of constructing the projects for which such other commitments have been issued. Until actual construction costs are available, cost determinations under this section shall be made on the basis of the estimates furnished under section 104 (a) and revised estimates furnished in compliance with section 103 (a) (7).

"(b) For purposes of this title—

"(1) (A) The 'Federal share' for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that (i) in no case shall the Federal share be less than .33 $\frac{1}{3}$ or more than .66 $\frac{2}{3}$, and (ii) in the case of Alaska it shall be .50.

"(B) The Federal shares shall be promulgated by the Commissioner as soon as possible after enactment of this act and again between July 1 and September 30 of the year 1958, on the basis of the average of the income per child of school age of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the three fiscal years in the period beginning July 1, 1956, and ending June 30, 1959, and the second shall be conclusive for each of the 2 years in the period beginning July 1, 1959, and ending June 30, 1961.

"(2) The 'Federal-State grants' for any project means the total of the Federal and State funds (including the equivalent thereof as provided in section 104 (c)) paid or to be paid under the State plan toward the cost of construction of such project.

"(3) The 'State share' of a Federal-State grant with respect to any project is the difference between such grant and the amount paid to the State with respect to such project under this title.

"(c) Notwithstanding the preceding provisions of this title, the Commissioner may, during the fiscal year ending June 30, 1957, issue or modify under section 104 a commitment of funds from a State's allotment for such year if the amount to be reserved under the commitment plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed the Federal share for such State of the sum of (1) the cost of constructing such project and (2) the total cost of constructing the projects for which such other commitments have been issued, and if the State educational agency certifies that the remainder of the cost of constructing the project in ques-

tion will be paid from funds other than funds paid by the Commissioner under the act of September 23, 1950 (Public Law 815, 81st Cong.), as amended. The cost determinations under this paragraph shall be made on the same basis as is provided in subsection (a).

"(d) In the case of any project to which subsection (d) is applicable,

"(1) the amount of the Federal share and the amount of any other payments toward the cost of constructing such project shall be disregarded for purposes of determining under subsection (a) the amount of the commitment for any project which may be reserved during any fiscal year beginning after June 30, 1957;

"(2) the statement required by section 104 (a) (2) shall be a statement of the amount of the reservation of funds requested with respect to such project instead of the amount of the 'Federal-State grant';

"(3) instead of the certification required under section 104 (a) (3), the State shall certify that funds from State or local sources, or both, equal to the non-Federal share of the cost of construction will be available; and

"(4) the requirement in section 104 (b) for standards and procedures assuring highest priority to certain local educational agencies shall be deemed met if such priority is assured subject to the matching requirements of this section."

Mr. McCONNELL (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

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

Mr. McCONNELL. I yield.

Mr. MASON. Mr. Chairman, in order to facilitate action on this obnoxious bill, I simply want to state that I shall object to all extensions of time and transfers of time.

Mr. McCONNELL. Mr. Chairman, when we first considered this bill, during the amending period, I had offered one of two amendments which would reflect the administration's viewpoint regarding the allotment of funds, effort and matching by the States.

I can say this briefly, that if a person is not in accord with equalization of funds, the richer States to the poorer, and so on, then naturally they would not be favorable to the allotment amendment which I offered, or to the matching amendment which I am offering now. They are both based on the theory that the approach should be to encourage and help those States with lower incomes versus States with higher incomes. In other words, it is an effort toward equalization of educational opportunity.

The amendment I have offered would change the matching provisions of H. R. 7535. The Kelley bill provides that the Federal share in all projects on a cumulative basis may not exceed 50 percent of the total cost, and the remaining 50 percent can be borne by State or local governments or both.

My amendment would provide that the Federal share in all projects on a cumulative basis may not exceed a per-

cent ranging from 33 $\frac{1}{3}$ to 66 $\frac{2}{3}$ of that cost that the State and the Federal Government share together, not counting the cost borne by the local governments. In the first year, however, the Federal share is to be based on the total cost of the project, whether the rest is met from State or local sources or both. This exception is made in order not to retard school construction pending the convening of the State legislatures. Virtually all of them are scheduled to convene early in 1957.

The effect of my amendment would be to provide that construction funds of local educational districts should be used fully in those local districts, and that the Federal funds should be matched by State appropriations. By that type of matching more funds would be available in the States for school construction.

If State funds are not provided and local funds only are applied to match Federal funds, which is permissible under the Kelley bill, the responsibility of the State is bypassed and a direct Federal-local relationship is established. Equalization within the State should be achieved as well as equalization among the States.

Failure of a State to provide matching funds could lead to a failure to provide needed classrooms in local districts unable to raise necessary local matching funds. Thus under the Kelley bill the Federal grants would tend to go only to districts able to provide the matching requirements.

Required matching from State appropriated funds would provide added assurance and incentive for increased State and local effort.

We must never lose sight of the objective of overcoming the shortages of classrooms. Joint matching from State funds would mean more funds for school construction and thus help to a greater extent in relieving the classroom shortage.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. McCONNELL]. It marks a sensible improvement in an important bill. Its basic intent is to encourage the State as a partner in the construction of classrooms, and to avoid the bypassing which might result if we did not have such an amendment, we might even have a reduction in effort if we do not have the required State matching, such as is now being proposed.

You will note, Mr. Chairman, that there is no immediate requirement of State matching under this amendment. I think it is necessarily advisable, however, that we do get State matching as soon as possible in order to assure the careful use of the funds which the Federal Government is to put up.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield.

Mr. BROWN of Ohio. Will this amendment in any way change the formula by which the funds will be distributed to each of the States, according to the number of students?

Mr. FRELINGHUYSEN. Unfortunately, that decision has already been made. An attempt to change the for-

mula of distribution was defeated in the committee on Tuesday.

Mr. BROWN of Ohio. Then this bill leaves the formula at \$11.40 per child.

Mr. FRELINGHUYSEN. If \$300 million, rather than \$400 million, is made available, the exact amount might be somewhat less; however, the formula provides for a flat grant per school-age student.

Mr. Chairman, I think it is important that we make as intelligent a use of the Federal dollar as we can. This proposal would require the greatest utilization of the Federal dollar, and a requirement of matching by the States, a feature which is not incorporated in the bill as we now have it.

I think it is important for us to remember the basic justification for this legislation. It is that we have a program of cooperation between the States and the local governments, that we stimulate them, that we encourage and accelerate the program of school construction. This, it is hoped, will reduce within a reasonable period the national shortage of classrooms.

Under the provisions of the bill now before us we hope to build an additional 30,000 classrooms with the assistance of the Federal Government. This will be over and above the 60,000 classrooms now being built annually. The Federal grants of \$300 million annually will provide for an additional 10,000 classrooms, if we estimate costs at \$30,000 per classroom. If we get a State matching requirement such as proposed by the gentleman from Pennsylvania, we will get, of course, an additional source of funds from the States. In addition there will be continued local efforts in the States. I think it is important that we encourage these efforts. For that reason I hope that this amendment is favorably considered by the committee.

In our consideration of this bill it is important that we remember that our purpose is to provide more adequate educational facilities for our children. On our youth depends the future welfare of our country. On them depends our future progress and the security of the Nation. Their welfare should not be jeopardized by various nonessential, though admittedly controversial, questions.

Mr. METCALF. Mr. Chairman, I rise in opposition to the McConnell amendment.

Mr. Chairman, we have heard a good deal during the course of this debate about Federal control. This amendment is Federal control with a vengeance. This amendment will go down into every State and say to the State: "You change your tax system, you change your system of apportionment of funds if you want to get the matching Federal aid." The amendment offered by the gentleman from Pennsylvania provides that after the first year all the matching funds shall come from State funds, that no local funds shall be used for matching, a new future, but not for the first year, because he says: "The first year the legislatures will not have a chance to meet, but that we are going to hold this club over your head and if after your

legislature meets you do not change your State laws, your State tax laws, the laws for the distribution of your tax revenues, then you get no Federal aid."

There are 23 States in the Union that have State tax funds available for school construction. There are 25 that do not have State funds available for school construction. In every 1 of the 48 States, there is some sort of equalization program. Some States provide funds for the purchase of textbooks, the payment of teachers' salaries, the school lunch program, for vocational education and many other things that come under instruction and educational purposes. Many of the States do not use State funds for school construction, that being left to local communities. State funds are used for teaching, and educational purposes. In our State we have State appropriations for transportation, for textbooks, for teachers' salaries, and for operational and maintenance expenses. We have a constitutional prohibition against the use of State funds for school construction. We feel that the school construction itself should be done by the local agencies.

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

Mr. METCALF. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. I do not like to interrupt the gentleman for I know his time is limited, yet I think we should understand the real intent and official position of this administration. There should be an incentive for action by the States. At the present time about 18 States only, I believe, give to education some form of aid within their own States. We feel if they are going to get Federal funds the incentive should be there, and the State should provide it to get this Federal aid. That is the purpose of it.

Mr. METCALF. I may say to the gentleman that every State in the Union, according to the survey I have obtained, has some form of equalization program. Twenty-three of those States have State assistance for school construction. Twenty-five of the States would have to change their entire financing program. This is coercion, this is Federal coercion, this is forcing the States through their legislature to change their tax system and to change the distribution of their tax revenues.

Mr. McCONNELL. I may say it is an incentive rather than coercion. They do not have to do it, but the incentive is there. If they will put up the funds, the Federal Government will match them.

Mr. METCALF. But some States prefer to use their State funds for teachers' salaries, for school lunches, or for transportation. We are all talking about getting this down to the grass roots and the local schoolboards. Other States say they would prefer to have the State help in school construction and let the local agencies pay for the teachers' salaries. They put it up to the States and local agencies.

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

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

Mr. WAINWRIGHT. I would like to ask the gentleman whether he does not feel it is more important, if the issue is presented, to keep the Federal Government out of the local school districts? Local school districts under the gentleman's proposal could match the funds. Mr. McCONNELL's amendment requires the States to match the funds rather than requiring the local agencies to do it. That is the question.

Mr. METCALF. We are giving the money to the States, and they can match their funds out of the State fund if they desire. If they do not desire to use State funds for school construction but for teachers' salaries, they should be allowed to do so without Federal interference.

Mr. WAINWRIGHT. Which means the Federal Government can go right down to the local agencies. It also sets the trend, you are saying, to pay teachers' salaries.

Mr. METCALF. A requirement in the Federal legislation setting up the program to the effect that matching funds must be provided by the States alone rather than allowing State and local contributions to make them up might introduce additional problems which each of the States would have to face in order to take advantage of the Federal grants. These problems arise out of the fact that such a requirement is not in sympathy with the plans now in force in the States. At present every State has some form of State aid to local communities for educational purposes. Some do not encompass school construction. Of those which do, some do so by a flat grant, some under an equalization program, and some by means of loans; but all of them require the local communities to share in the expense. Such a requirement would at once eliminate all of these differences among the States and make the burden of financing school construction—within the States which would be willing to make the adjustment in order to obtain the Federal aid—a State concern rather than a local or a State-and-local one. In the absence of such a requirement the States would be free to continue their present financial policies, obtaining the necessary matching funds through established channels. In order to comply with such a requirement, far-reaching legislation in the field of school finance would be necessary in each of the States. In those now offering some form of State assistance, the programs would have to be altered to eliminate local contributions; in those which do not offer such assistance, the entire burden would be shifted from the local subdivisions onto the States.

Besides the legislative problems which would be raised, such a plan would also have the effect of making school construction a State concern rather than a local one. The benefits of local interest and effort would be lost, while at the same time the local communities would be deprived of a certain amount of direction and control over their school affairs.

The chart from the Office of Education shows State aid for local school systems.

TABLE 17.—School program and service factors recognized in allocating State funds for the public schools, 1953–54

STATE AID FOR LOCAL SCHOOL SYSTEMS

State	Kinder-garten	Grades 1 to 12	Grades 13 to 14	Adult or evening schools	Teacher-training	Education of exceptional children	Vocational education	Tuition payments	State	Kinder-garten	Grades 1 to 12	Grades 13 to 14	Adult or evening schools	Teacher-training	Education of exceptional children	Vocational education	Tuition payments
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Continental United States.	19	48	8	14	5	37	39	17	New Mexico		X						
Alabama		X			X		X		New York	X					X		X
Arizona		X				X	X		North Carolina	X					X	X	
Arkansas		X				X	X		North Dakota	X					X	X	
California	X	X	X	X		X			Ohio	X					X	X	X
Colorado	X	X	X	X		X	X		Oklahoma	X					X	X	
Connecticut	X	X	X	X		X	X		Oregon	X					X	X	
Delaware		X			X		X		Pennsylvania	X					X	X	
Florida	X	X	X			X	X		Rhode Island	X					X	X	
Georgia		X					X		South Carolina	X					X	X	
Idaho		X					X		South Dakota	X					X	X	
Illinois	X	X					X		Tennessee	X					X	X	
Indiana		X					X		Texas	X					X	X	
Iowa	X	X	X			X	X		Utah	X					X	X	
Kansas		X					X		Vermont	X					X	X	
Kentucky		X					X		Virginia	X					X	X	
Louisiana		X					X		Washington	X					X	X	
Maine		X					X		West Virginia	X					X	X	
Maryland		X			X	X	X		Wisconsin	X					X	X	
Massachusetts		X				X	X		Wyoming	X					X	X	
Michigan	X	X	X	X	X	X	X		Outlying parts	1	3	0	2	0	3	3	1
Minnesota	X	X	X	X	X	X	X		Alaska		X				X	X	
Mississippi		X				X	X		American Samoa								
Missouri		X				X	X		Canal Zone								
Montana		X				X	X		Guam								
Nebraska		X				X	X		Hawaii								
Nevada		X					X		Puerto Rico								
New Hampshire	X	X		X		X	X		Virgin Islands, St. Croix						X	X	
New Jersey	X	X		X		X	X										

PUBLIC SCHOOL FINANCE PROGRAMS OF THE UNITED STATES

State	Administration and supervision	School housing	Text-books	Pupil transportation	School lunches	Health services	Libraries	Emergency conditions	State	Administration and supervision	School housing	Text-books	Pupil transportation	School lunches	Health services	Libraries	Emergency conditions
1	10	11	12	13	14	15	16	17	1	10	11	12	13	14	15	16	17
Continental United States.	25	23	16	39	9	5	5	16	North Dakota	X							X
Alabama		X	X	X					Ohio	X			X				X
Arizona		X	X	X					Oklahoma		X		X				X
Arkansas	X	X	X	X					Oregon								X
California	X	X		X					Pennsylvania	X			X				X
Colorado	X								Rhode Island	X			X				X
Connecticut		X							South Carolina	X			X				X
Delaware	X	X	X	X			X		South Dakota	X			X				
Florida	X	X	X	X			X		Tennessee	X			X				
Georgia		X	X	X			X		Texas	X			X				
Idaho		X							Utah	X			X				
Illinois	X								Vermont	X			X				
Indiana		X							Virginia	X			X				X
Iowa		X							Washington	X			X				
Kansas									West Virginia	X			X				
Kentucky										X			X				
Louisiana		X	X	X	X	X	X						X				
Maine	X	X	X	X	X	X	X						X				
Maryland	X	X	X	X	X	X	X						X				
Massachusetts	X	X	X	X	X	X	X						X				
Michigan	X																
Minnesota																	
Mississippi																	
Missouri																	
Montana																	
Nebraska																	
Nevada																	
New Hampshire	X																
New Jersey	X																
New Mexico		X	X	X	X		X										
New York		X					X										
North Carolina	X	X	X	X													

Mr. WIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I raised a question Tuesday, during debate on the first amendment offered by the gentleman from Pennsylvania on equalization. My State is very much in the same position as the State of the gentleman who just preceded me, Congressman METCALF, of

Montana. I charged the other day that both the first amendment and this amendment postpones for some time in the future any school construction because, taking my State as an example, we have a constitutional provision on the use of any State funds for construction purposes in the public-school districts. That means our legislature which will

meet beginning in January 1957 and the only thing that legislature can do is to make possible enabling legislation for a referendum vote on the change in the Constitution, which would have to await until the following election for the referendum by the voters.

I read the telegram of the commissioner of education of my State Tuesday

wherein he favored the Kelley proposal over the McConnell proposal. It is on the basis that the State of Minnesota would find no possible remedy to participate under either of the amendments for at least 2 years before the State constitution could be made flexible enough to provide for the State entering into the financing of it.

Let me refer to a question that came up a minute ago about Federal control. We have a great experience in this question of control of the local districts in the operation of the Federal impacted school bill, Public Laws 815 and 874. There we deal directly with the local school districts. There we deal directly with the local school districts, in all of the 48 States and Territories, in their needs and in their eligibility for requesting financial aid as the result of the impact. Now, it is true that the State administrator in each of the States and Territories does have to O. K. these applications that are submitted from the local school district. But, we have not had any trouble under 815, and that is merely the same formula of providing this revenue that Uncle Sam owes that school district through the Department of Education. The local school district makes the application, it is approved by the State administrator, and the funds are made available according to the eligibility of that school district. Now that is the thing about the Kelley provision that simply removes the argument of any Federal control over the local school district. I do not think there is a school district in this country that has raised any issue, or a State administrator, that the Federal Government, in any way, shape, or manner dictates any Federal control in 815 and 874. After all, they are bills that make contributions from the Federal Government to the local level.

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

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

Mr. FRELINGHUYSEN. I think the gentleman's remarks are well taken, but I am not sure how relevant the discussion about Public Laws 815 and 874 is to the present problem. In no case, I think the gentleman is in agreement, would the McConnell amendment, or the present language in this bill, mean that there would be Federal control of an undesirable kind.

Mr. WIER. I raised that point on the basis of Mr. WAINWRIGHT's statement that he prefers that the Federal Government deal with the State administrator rather than the local school district.

Mr. FRELINGHUYSEN. But, with respect to the present bill, in both cases we are dealing at the State level. This amendment just proposes a different matching formula. Therefore, we are not arguing about any basic difference as, for example, whether or not we are dealing with local school districts. In effect, we are dealing with the State level in this bill, no matter which specific approach we use.

Mr. WIER. Again we come back where we left off yesterday. In our committee we spent a number of days on it. The purpose of school construction

is an immediate one. It is not a long-time study, and that is what we hear from the Department every time we bring up a school-aid bill of any kind: Let us study it; let us hold a couple of national conferences, such as were held last year. I only disagree with the ranking minority member on the basis that it does not afford any immediate action.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. I just wanted to comment on the closing remark, and say that is why the 1 year of the Kelley provisions are provided under my amendment, so there would be immediate action.

Mr. THOMPSON of New Jersey. There can be immediate action in 1 year, but the point that the gentleman from Montana [Mr. METCALF] made, which I think needs developing here, is that under this amendment the program can proceed for only 1 year without the States changing their constitutions or basic school laws. I am opposed to the amendment, and I take this time so that I may ask the gentleman from Montana some specific questions. Would the State of New Jersey have to alter its laws if this amendment were adopted in order to qualify the second year?

Mr. METCALF. The State of New Jersey has a State equalization program for kindergarten, for elementary schools, for adult and evening schools, and exceptional children's vocational education but does not have State equalization programs for schoolhouses, so there would have to be a change in the State laws of New Jersey before you received any help.

Mr. THOMPSON of New Jersey. How about the State of Michigan?

Mr. METCALF. The State of Michigan has no State program for school housing although it has a State equalization fund for pupil transportation, administration, school lunches, health services, kindergarten, vocational education, and elementary schools.

Mr. THOMPSON of New Jersey. In other words, it would have to change its laws to become eligible under the second year, is that correct?

Mr. METCALF. In other words, the people of Michigan who now say that they want to use their school funds to operate these various operational requirements, school lunches, and so forth, would have to divert them into school construction and let the local agencies take care of the other.

Mr. THOMPSON of New Jersey. North Carolina and Arizona are well known for their State equalization programs. Would they have to alter their basic laws to become eligible under this amendment?

Mr. METCALF. The State of Arizona, according to the information I have, has a State equalization educational program for 15 out of the 17 categories. But the

State of Arizona does not have a State fund for school construction.

Mr. THOMPSON of New Jersey. How about North Carolina and Texas?

Mr. METCALF. Texas also has a comprehensive program, but does not have a State program for school housing.

North Carolina has 16 of the various categories and has a program of school housing.

Mr. THOMPSON of New Jersey. Mr. Chairman, I think it is apparent that there would have to be great alteration in the laws of the several States if this amendment were adopted. That is the point that I am trying to develop.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, in view of the apparent ignorance of the gentleman from New Jersey about the situation in New Jersey, I should like to point out that the gentleman is underlining the very point of the McConnell amendment; that is, we should encourage States to make certain changes so as to qualify for these Federal funds. It seems to me highly desirable that we expedite what the States are gradually doing. In our own State we are finally getting around to considering the advisability of providing some construction money.

Mr. THOMPSON of New Jersey. Notwithstanding the fact that we are considering the advisability of providing construction money, we would still have to alter the law. I do not think, with all due respect to my colleague from New Jersey, that I am ignorant of the laws of New Jersey, having come here only 2 years ago from an experience of 5 years in the legislature, having served on the Appropriations Committee and as minority leader. I would be glad to have the gentleman tell me some things that I do not know about the State, because I am sure there are some.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. KELLEY of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the committee in H. R. 7535 has tried to make the bill as simple as possible and to get away from interference in States by the Federal Government. The amendment offered by the gentleman from Pennsylvania [Mr. McCONNELL] would bring about more interference in the affairs of the States by the Federal Government. For that reason I am opposed to the amendment.

As I stated the other day, the committee which wrote H. R. 7535 had several objectives. One of them was to make the bill as clean as possible so that the ordinary layman could understand it. A second was to have as little interference by the Federal Government as possible. It seems to me that this amendment does just the opposite, and, therefore, I am opposed to it.

I wonder whether we did not vote on something similar to this the other day, and voted it down.

Mr. McCONNELL. Mr. Chairman, would the gentleman yield?

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

Mr. McCONNELL. It was not similar to this. We voted on the allotment the other day. This is the amendment on the matching requirements.

Mr. KELLEY of Pennsylvania. But the objective is the same.

Mr. McCONNELL. This was offered in the subcommittee and was defeated in the subcommittee. We had not discussed it here until now.

Mr. KELLEY of Pennsylvania. The objective is the same as the allotment feature. The gentleman is trying to put a complicated formula into this bill.

Mr. McCONNELL. It is not an effort on my part to put a complicated formula into the bill. It is an effort to put in a principle and in describing the principle language is involved. That is a matter of draftsmanship and the use of words. The principle which we are seeking is that there should be some State matching. If the States are not in a position to do so now, we will give them 1 year in which the legislatures may change their laws so they can take advantage of the Federal funds.

Mr. KELLEY of Pennsylvania. I cannot see the necessity for that amendment as compared to the bill as it stands now.

Mr. RHODES of Arizona. Mr. Chairman, I move to strike out the requisite number of words.

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

Mr. RHODES of Arizona. I yield to the gentleman from New York.

Mr. WAINWRIGHT. The gentleman from Pennsylvania apparently did not hear the speech made by the gentleman from Texas [Mr. DIES]. The essence of the remarks made by the gentleman from Texas were that the States not only are in better fiscal condition than the Federal Government and still have failed to do the job as far as their own school districts are concerned. The amendment offered by the gentleman from Pennsylvania [Mr. McCONNELL] would say to the States just that, "Come. Do the job." That is why we support it.

Mr. KELLEY of Pennsylvania. Under the present bill you offer the opportunity to everybody to come in.

Mr. RHODES of Arizona. Mr. Chairman, I think we should go back to the general philosophy behind this bill and realize that the aim behind all of this is to try to get more schools built. How do we do it? We are not going to put out enough money under this bill to build a great number of schools. This is an incentive program. We are trying to get new money into the school construction program. The reason for the McConnell amendment is to try to get more new money in the program than the Federal Government is going to put in. Its aim is to get the States to take the initiative, which many of them have not now taken and go ahead with this program of building schools hand in hand with the Federal Government.

A lot of words have been said here on the floor concerning the propriety of the Federal Government's getting into this program at all. I do not know whether

it is appropriate. Perhaps it is not. However, if it is appropriate is it not just as appropriate for the Federal Government as a prerequisite for its getting into this program to demand that the State governments, which are much closer to the situation and much more responsible for education than we are, should also come in with us on an equal basis? That in substance is all the McConnell amendment would accomplish.

Mr. DAWSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. DAWSON of Utah. I commend the gentleman for the most persuasive arguments he is making. Is it not a fact that without the McConnell amendment we are doing just the opposite of what we intend to do, that is, we are giving money to the States without any matching on their part. As a result there would be less inducement on the part of the States to take care of their own schools, because they would figure later on, "The Federal Government is going to increase this amount, so why should we exert any effort?"

Mr. RHODES of Arizona. I think the gentleman has just stated the practical effect which the Kelley bill as it is now written would have; in other words, with the matching from the local districts, the States would not get into the picture at all, because there would be no necessity for them to get into it unless they are already in it, so that the matching provisions would come from the local districts. There would be no new money in this program except the money the Federal Government puts in, which admittedly is not enough to build the schools we need.

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

Mr. RHODES of Arizona. I yield to the gentleman from California.

Mr. GUBSER. Will the gentleman from Arizona attempt to answer this question: Under this bill it is my understanding the award is given to the States. Is it not possible that those States that have not established an equalization program for school construction might still have to change their laws in order to have the machinery to disburse the money?

Mr. RHODES of Arizona. I think it is very possible many of the States would have to change their laws in order to comply with many of the provisions of this bill. I do not know that that is true, but I certainly think it may be true.

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

Mr. RHODES of Arizona. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. In view of the discussion just had with the gentleman from New Jersey [Mr. THOMPSON], I realize he is well aware of the educational problems in New Jersey, and I am sure he is well aware of the law there. I realize his questions were rhetorical. My point was that the purpose of the McConnell amendment is to suggest that changes in the State laws might be highly beneficial insofar as additional classrooms are concerned. We should not oppose an amendment because it would require, in some cases, changes in

State laws in order to qualify for Federal funds.

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

Mr. RHODES of Arizona. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. Is it not true that under the Kelley matching provisions the States would just continue on their present program and no additional money would have to be put up in the schedule for next year, we will say, by the local districts and the States?

Mr. RHODES of Arizona. That is my interpretation of it.

Mr. McCONNELL. Under my amendment they have to pay something to get additional money, and we want them to have additional money, if they are willing to match it on a State basis.

Mr. RHODES of Arizona. We then have 48 State governments as partners in the business of building schools.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I address my remarks to the gentleman from Arizona who just spoke. Is it not true in relation to the question which was asked by my colleague from California that it would be necessary in the State of California, where we do not have an equalization program except that we do have one in relation to impacted areas within the State, that we would have to change our constitution in order to accomplish and become eligible for Federal funds under the McConnell amendment. Under our State laws that would require more than 1 year in order to enable us, therefore, to become eligible under this program. We would first have to pass legislation through the legislature and then submit it to the voters, and that would take us at least over a 2-year period. Is not that the kind of delay which would in essence defeat the very purpose of the bill itself?

Mr. RHODES of Arizona. Of course, the gentleman made some statements about the California law which I can neither corroborate nor contradict. If that would be the situation so far as California is concerned, then certainly it might be that for a period of time you might find the State of California could not come in under the program. However, there are more ways to skin a legal cat than one, and I would doubt that with so much money at stake the State of California would not be able to find some way to get out of its dilemma. Frankly, they are a very resourceful group of people you have out there. I have seen your attorneys pull many legal rabbits out of the hat in water matters. A small problem like this should not tax their ingenuity.

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

Mr. ROOSEVELT. I yield.

Mr. FORRESTER. Addressing myself to the gentleman from Arizona [Mr. Rhodes], I understand the gentleman's contention is that under this McConnell amendment, you want to make some of the States who have not measured up to their responsibilities do on a State level exactly as other States have already done?

Mr. RHODES of Arizona. That is correct.

Mr. FORRESTER. In addition, I would like to ask the gentleman, and I would like to suggest to the gentleman from California, that, so far as changing their constitution is concerned, he might give a little thought to providing a little escrow provision here, as was done in the Powell amendment, which he supported, and say that when they change their constitution and when they measure up by the States doing their best on the State level, then they might get their money.

Mr. ROOSEVELT. Mr. Chairman, may I say we are not discussing the Powell amendment at the present time, but I would not oppose his idea. I would like to point out that under our present system we are rated, and I think the gentleman would agree with me, from the charts shown, at the very top of all the States, for making a State effort for school construction. Therefore, it seems to me that in essence what this amendment is going to do is to penalize us at this time for the very things that we have done which have put us at the top of the State effort for school construction. Therefore, I would find it necessary to vote against this amendment because it seems to me it does exactly what we have been opposed to. It says to the States that you must follow the formula set out by the Federal Government. It takes away from the individual county or individual local district the power to set up and do the job as they have been doing it, and simply lays down a formula of Federal interference.

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

Mr. ROOSEVELT. I yield.

Mr. RHODES of Arizona. I would have to take issue with the gentleman on his last remarks. Certainly this amendment would not take anything away from the local school districts. The only thing this amendment provides is that the State and the Federal Government must share equally in the cost of construction of any school which is not allocated to the local school district, and the share which is allocated to the local school districts may vary as the State educational agency might see fit.

Mr. ROOSEVELT. But is it not true that the same thing could be accomplished with the present Kelley bill, and doing it directly between the Federal Government and the local school districts?

Mr. RHODES of Arizona. The only difference, of course, is that in most of the States—and I am not saying that the State of California is one of them—you do not have any State money allocated to the building of schools. All the Kelley bill does is to take local money which is now available and add Federal money to it. You do not build as many total schools under that program as you would under the McConnell program, under which the State government must also participate.

Mr. ROOSEVELT. Will the gentleman explain one thing to me? What difference would it make whether the matching fund, as they are all match-

ing, comes from the local school district or the State itself, so long as it actually comes out of the existing State. It seems to me we come out exactly on the same plane, except that this way we are saying you must do it according to the way that we, the Federal Government, set it up.

Mr. RHODES of Arizona. If the State is in the program financially, then you have the State government being responsible for the way in which this total fund is spent. Second, you have more new money in the program if you have the States in the program. Third, as far as local school districts are concerned, there is a greater total relief to the school district of the school construction costs than under the Kelley bill. What we want to do is to build schools and relieve the local school districts as far as we possibly can.

Mr. ROOSEVELT. First, you stop us from building schools; and, secondly, it does not add new money because there is nothing that would prevent the States from passing a law which would relieve the local district from having to do it.

The CHAIRMAN. The time of the gentleman from California [Mr. ROOSEVELT] has expired.

Mr. CURTIS of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time primarily to ask some questions, but also to say that in my opinion the present McConnell amendment, with the previous one, goes to the essence of this bill. If this particular amendment is defeated, I think we no longer have the administration's proposal.

I was reluctantly going to vote for this school construction bill with proper amendments because I felt it was a real emergency, but I think the essence of the entire matter is fiscal. It is the question of getting funds into the school construction program, and our difficulty has been created to a large extent because of inflation and the deleterious effects that inflation has had upon the ability of the State and local governments to raise taxes. Here is the reason: The local governments use the property tax as their basic method of raising revenue. Inflation increases all other costs, but it does not increase property values on the appraisal books. It is a very difficult thing for a local government to re-appraise all of the assessed property. That is why this McConnell amendment is a tax and fiscal matter. It seems to me it is the very essence of the bill, as far as I am concerned. It is attempting to say that the States must come in to try to help to meet this fiscal problem. I think in time the local governments will be able to adjust to inflation, and the difficulties they have been confronted with in these taxing matters.

I would like to ask the gentleman from Pennsylvania [Mr. McCONNELL], the author of this amendment, if I am not correct in saying that the sole question is fiscal, and does not enter into any of the substantive aspects of education? It is purely a fiscal problem, is it not?

Mr. McCONNELL. I would say it is mainly a fiscal problem. It also has a psychological aspect to it—the incentive factor that we are trying to stir up.

Mr. CURTIS of Missouri. But it is an incentive factor to raise money, so that is in the fiscal area.

Mr. McCONNELL. If you mean that we want more money for schools, that is correct.

Mr. CURTIS of Missouri. Not saying how schools shall be built, but solely a question of raising funds. It is a ways and means question. It seems to me that unless we do adopt this amendment we are really defeating the very object of this entire bill.

Mr. McCONNELL. Will the gentleman yield further?

Mr. CURTIS of Missouri. I yield.

Mr. McCONNELL. There is nothing in the Kelley bill which says local districts shall develop a program that would be sufficient to get Federal funds. We would like to have local funds used in those districts, and then have State funds brought in in addition with matching Federal funds, thereby bringing in more funds for school construction purposes. That is the entire intent of this amendment.

Mr. CURTIS of Missouri. Under privilege to extend my remarks, I wish to make the additional observations.

I was intrigued by the manner in which the action the House took on the Powell amendment was reported in the press the next day. I believe the United Press account by William M. Bates, appearing in the July 4, 1956, Washington Post, is quite illustrative. This report starts:

The House all but scuttled hopes for Federal school aid when it voted tentatively to deny help to Southern States which refused to abolish racial segregation in their public schools.

* * * * *

The bill faces its biggest hurdle in the Senate. Southern Senators, already angered by the High Court's decision, would be in a strong position to try to kill it off during the last-minute drive for adjournment.

Now it must be recognized that this reporting represents a definite point of view expressed on the floor during debate by a certain bloc of Congressmen who claimed—with considerable justification, based upon their past voting records—that they were interested in the issues of civil rights, but that they felt in order to obtain any bill for Federal aid to school construction the issue of civil rights had to be abandoned.

But this was a point of view to which specific exception was taken by another bloc of Congressmen. I asked one question of the group who advanced this point of view in the Republican caucus held to discuss the bill: "What makes you think that, regardless of the Powell amendment, the southerners either in the House or the Senate are going to allow this bill to go through, in view of the Supreme Court decisions? If the Powell amendment is unnecessary, then the southerners are going to oppose the bill anyway. If the Powell amendment is necessary, then you are abandoning an important civil-rights issue, because you believe Federal aid to school construction is more important than the issue of civil rights."

I think it behooves the press to report the issues as debated, including the results, impartially, without concluding as

a matter of course that any particular position taken was the fact.

The Powell amendment did not scuttle the school-construction bill. If the bill is scuttled, it is because of the underlying opposition to it by the southern Congressmen and Senators.

In one sense, I find this present debate grimly humorous. There has been a certain school of political thought, perhaps best expressed by the Americans for Democratic Action, which seeks to move the Federal Government further and further into all areas of our governmental and social endeavors. It seeks to break down the existing balance between the powers of the Federal Government and those of the States and local governments at the expense of the State and local governments. It seeks to break down the existing balance between the powers of the Government and those of private enterprise at the expense of private enterprise.

It has not seemed to have made much difference to this group just in what area the powers of the Federal Government could be enlarged. The attack has been on all and every front, including, of course, the field of education. The group has been quite successful in using the resources of the Federal taxing powers to obtain support for its various movements. Federal money has been an important incentive to gain the support of the reluctant, or perhaps apathetic, peoples of the country and their representatives in the Congress.

But the issue of civil rights has been used as another incentive; to gain the votes of the large minority groups of this country to further these schemes of enlargement of the Federal Government.

Now, for the first time the two incentives run counter instead of concurrent. I have always wondered when the chips were down just which issue would appear to be most important in the eyes of the ADA—the further movement toward socialism or further movement toward civil rights. I have always felt that civil rights to most of its members was essentially a vote-getting matter and that the matter which was based upon bedrock principles was the socialization of our society.

I think the Powell amendment has smoked some of them out. If the issue of civil rights stands in the way of further movement toward getting more power in the hands of the Federal Government, then civil rights will be abandoned.

Now, this is not to say that there are not many Congressmen not associated with the ADA or the bloc that adheres to them who for other reasons have adopted the theory that our educational problems should take precedent over civil-rights issues. I think there are many in this area. The ADA group, however, would take the position they do whether the issue was education, housing, public power, or what, if my speculation is accurate.

The ADA quite early took the offensive in this present matter, on the theory, I believe, that the best defense is an offense. Persons like myself, who early took a position in favor of the Powell amendment, were accused of being just

out to scuttle the school-construction bill, the same theme used by Mr. Bates in his reporting the action taken on the bill. I replied in these early days, and I am talking about 2 or 3 months ago, that to me the issue of civil rights was 1 of the 2 pillars upon which I based my entire political thinking, and that I could never compromise on that subject.

Now the ADA, who started this campaign against the motives of those who would not budge on the issue of civil rights, will probably rise up to cry "foul" because I suggest that the basic principle which it will not compromise, in spite of its Fabian philosophy, is socialism. I use the word in its dictionary sense and not as an epithet. I am quite aware of the defense mechanism resorted to by the ADA in pretending that a clearly defined dictionary term like "socialism" is merely an epithet.

Incidentally I will vote for the school construction bill with either of the two administration amendments proposed by the gentleman from Pennsylvania [Mr. McCONNELL], and I would have whether the Powell amendment were in it or not, because I, too, believe that it is surplusage inasmuch as the Supreme Court decision will be enforced regardless of what Congress says. But I have no objection to restating my affirmation of the Supreme Court decision, which my ADA friends refuse to do, in the slight hope they seem to have that by laying low the Federal Government might be immediately moved into the school-construction field.

I reluctantly do vote to move the Federal Government into the school-construction field, but I am convinced that we truly have an emergency in education due to lack of routine and orderly construction in World War II, the great increase in birth rates beginning in 1940, and the increased standards of living which are putting a larger percentage of this enlarged group of young people in a position to avail themselves of greater educational opportunity and the deleterious effects of the tax of inflation used to finance World War II on the taxing abilities of the State and local governments. However, I would say to the ADA and their followers that I do not regard this as the nose of the camel under the tent. I recognize the danger that it could be and their plans that it will be. However, I am satisfied that their power has waned and that the time has come for them to regroup and plan to fight in another decade.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. CURTIS] has expired.

Mr. KELLEY of Pennsylvania. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. CORBETT. Mr. Chairman, I object.

Mr. KELLEY of Pennsylvania. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from West Virginia [Mr. STAGGERS] is recognized.

Mr. STAGGERS. Mr. Chairman, I am opposed to the amendment for this reason, that I believe either intentionally or unintentionally there has developed in this House an intention to sabotage this bill and kill it entirely. I do not impugn the motives of any man or woman here because I believe that 99 percent, or 99.44 percent of all the Members are sincere in their motives and in their actions entirely.

I would be opposed to the bill if it interfered in any way with States rights, and I do believe that this amendment will do just that. I have advocated that if we are going to help the States we should grant the money and let the States spend it as they now spend it on the basis of matching funds.

We talk about studies, we have had studies for years, and years, and years; we talk about time righting this problem, but time is passing and other countries are getting ahead of us while we are talking in the Congress and doing nothing. I believe the time is now, the present, that action be taken; and for that reason I believe we should simplify the bill as much as possible, vote on it, and get it out of the road, either up or down. Also, I think that an atmosphere has developed, a political atmosphere, if you please, that if this bill fails to point the finger at one group or another and say they are guilty for it not passing. I do not believe this to be the true intent of the Congress.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CORBETT] is recognized.

Mr. CORBETT. Mr. Chairman, as a former schoolteacher and as one who has studied this question of Federal aid for a long time, I hope that I can contribute something to the thinking on this subject. I do not believe that anyone can safely assert that as the bill stands or as it will be amended that it will not fail to increase inequality of educational opportunity. Obviously where you have a situation where matching funds are involved, those with the most funds to match are the ones who will get the most Federal aid. However, I believe that the amendment proposed by my colleague from Pennsylvania will produce the least amount of inequality of any proposal that has yet been made, because it will ask the States that have an equalizing program for 14 or 16 other items to include 1 more, a basically important one, involving school construction.

With reference to the argument here that the States will have to adjust their laws and regulations to meet this proposition, goodness, yes, they will have to do that. This is a new program being instituted, Federal aid to education. I say, certainly there will have to be adjustments in theory and law if the States are going to properly use the money and see to it that there are no improper controls at any level, either State or Federal. So the argument that because the States are going to have to adjust their laws a little bit if they want to participate carries no weight or vigor. It is not a matter of requiring them to give up any right; it is simply telling them that if they want this money all they have to do is to make themselves eligible

for it by tailoring their situation to fit the Federal program.

Mr. Chairman, the pending amendment should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, the amendment proposed by the gentleman from Pennsylvania [Mr. McCONNELL] would do grave violence to the laws of my State. California has done a remarkably thorough job in providing for its educational needs to the fullest of its ability. But I am confident that adoption of the McConnell amendment would require at least two constitutional amendments and a great variety of changes in the educational code and in the laws of the local school districts, the county and city governments as well.

I served for 4 years as a member of the California Assembly's committee handling appropriations for education in my State and as a member of the committee on education. I served during a time when we were meeting an impact of growth that is without precedent in any other part of this Nation. I am not unfamiliar with the laws of California—I know this amendment would be very bad.

I told my people I would vote for a bill to give Federal aid to education provided it had a minimum of control imposed by the Federal Government.

When you impose the sort of control which requires an extensive redrafting of the laws, a modification of the constitution, of my State, then you have imposed a most serious and a most onerous type of Federal control in aiding this educational program. If the pending amendment is adopted, I must then oppose the legislation.

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

Mr. MOSS. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Does not the State of California now build schools at State level?

Mr. MOSS. From bond issue funds only, bonds voted to undertake aid on an emergency basis to distressed school districts, a most liberal program and one accounting for almost one billion dollars in additional State aid.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, the gentleman from Pennsylvania [Mr. CORBETT] has made the main points that I had in mind much better than I could have presented them.

It has been said repeatedly that we must keep the bill simple. Well, are we chiefly interested in having things simple, or in getting schools built where they are needed most? Suppose there are some needy people on your street. You do not go down the street passing out \$10 bills promiscuously. It would be very simple to pass them out to everybody who was there. Everybody would welcome the aid and be benefited thereby. But that would not solve the problem, because it would not meet the needs of those who need the help most.

If, on the other hand, you were to say to a needy man that in order to get your \$10 bill, he would have to work a little harder than he has been working, that is quite another thing. I do not think that is an interference with anyone's freedom or intervention in his affairs. He does not have to take it if he does not want to. He merely has to do his utmost to help himself if he wants to share in your grants.

It has been said it is improper or unfair to ask the States to change their laws. But if we are changing our Federal laws and our whole historical pattern because of the urgent need for classrooms, I do not see anything particularly wrong about asking the States to make such adjustments in their laws as are necessary to enable them to participate more fully in this program so that they will get more schools for themselves.

The McConnell amendment will not take anything away from the States; it will give more to those which make the greatest effort, considering their resources. The school districts can get more under the McConnell amendment, because they will then have 3 sources of income rather than 2. They will have their own, they will receive help from the Federal Government, and in addition the States will have greater incentive to make larger contributions. The more effort they make, the more assistance they receive, and that is the way to get the most schools built.

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

Mr. JUDD. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the distinguished gentleman if he asked those questions of participation by individuals who are benefiting when it was decided to build a national university and 14 technical schools in Ethiopia.

Mr. JUDD. I do not know what relation that has to this amendment. That was done on the basis of a totally different situation. Actually there are incentives in that aid program, too. I do not think they have always been carried out as effectively as they should have, but they are there.

Mr. BAILEY. It is all right to do that, but you will not want to take care of the boys and girls here.

Mr. JUDD. I resent the implication that because I want to defend my country's security abroad, I therefore do not want to take care of the children of the United States here at home. It is because I do want to take care, better care of them, that I favor this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. McCONNELL].

Mr. McCONNELL. Mr. Chairman, I am glad of this opportunity to read a part of this amendment, which I think would cover some of the California problems. I know it covers Pennsylvania and Georgia and those States using school financing agencies:

Sec. 104. (c) In lieu of certification by a State educational agency pursuant to subsection (a) (3) with respect to a project, the Commissioner may accept certification by such agency that an amount equivalent to the State share of the payment with re-

spect to such project has been arranged through provision for State payments toward the debt service on the loan (if any) to help finance part of the construction of such project, provision for waiver of payments due the State or any agency thereof with respect to such project, or other provision which, in the judgment of the Commissioner, is (or is estimated to be) equivalent to such State share.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McCONNELL].

The question was taken; and on a division (demanded by Mr. McCONNELL) there were—ayes 66, noes 126.

So the amendment was rejected.

Mr. ZELENKO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZELENKO: Page 8, beginning with line 21, strike out everything down through line 10, page 9, and insert the following:

"Judicial review"

"SEC. 106. Any State or subdivision thereof, or any party aggrieved by final action of the Commissioner under section 103 may obtain a review of such final action by the court of appeals of the United States for the judicial circuit in which is situated the State with respect to which such action was taken or in the United States Court of Appeals for the District of Columbia by filing a petition to review such final action in the court within 60 days after the Commissioner has made the finding referred to in section 103 (c). A copy of such petition shall forthwith be served upon the Commissioner, and thereupon the Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action. Upon the filing of such petition, transcript, and record, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28 of the United States Code."

Mr. ZELENKO. Mr. Chairman, it was the intention of the committee to provide as much latitude as possible to the various States in the submission of their State plans and in the approval or disapproval of their State plans. In the bill itself there is contained provision in section 103 that when it looks as if a State plan will be disapproved the Commissioner shall give that State a hearing, and if thereupon the Commissioner again disapproves, the State will have access to the court.

In my opinion, section 106, which deals with the judicial review of the Commissioner's disapproval as it is now written is vague, it is confusing, and I think it is somewhat unlawyerlike, and may, if adopted, possibly destroy some of the benefits of the act.

First of all, it provides for getting into court with something called a summons and notice of appeal. That expression is not known in the Federal courts, if any such procedure exists.

Secondly, it does not state that this summons and notice of appeal shall be filed anywhere, and before an action of any kind can be instituted in any United States district or circuit court there must be a filing.

Thirdly, it does not state upon whom it shall be served.

Fourth, it provides for service anywhere in the United States.

Fifth, it does not specify any time in which a party may come into court to object to the hearing.

My amendment does not deal with the substance of the act as such. It is a proposal which is clear and concise, and provides an easily accessible and quick method of getting a legal determination on the Commissioner's ruling.

Administrative findings are subject to review more logically in an appellate court, and that is why in my amendment I urge the United States Circuit Court of the particular area as the proper tribunal. Secondly, I have specified a particular time in which such an action may be brought so that no delay will result. I have specified the type of action as a petition.

Under my amendment, the procedure is simple, it is direct, it is quick, and I think will serve the purpose for which it is brought.

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

Mr. Chairman, this amendment does one thing that is going to be detrimental to everyone who seeks judicial review, that is, it moves the judicial review from the district court as provided in the bill to the circuit court of appeals. He says that is the proper way to handle this appellate review.

Historically this review from administrative decisions has been in the United States district court. An example of course is the Interstate Commerce Act, which provides that review from the decision of the Interstate Commerce Commission shall be in the local district court affected.

Of late years under the Federal Communications Commission Act and some of the others that review has been put into the appellate court. In the gentleman's own State going into the circuit court of appeals is not much of a job, but out in the ninth circuit where I live going to the circuit court of appeals means traveling about 1,400 miles to San Francisco.

In most of these cases, in 9 out of 10 of the cases, review in the local district court in the capital of the State affected, a local review will settle it. There will not have to be any further appellate decision. So no matter what State you live in, for convenience of review and settling this matter, the first hearing, the first determination in the local district court should be in the capital of the State affected, where the attorney general has his office and where the United States district attorney has his office. The matter can be settled quickly and properly and with the least inconvenience to all concerned.

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

Mr. METCALF. I yield.

Mr. RHODES of Arizona. Is it not true that in the committee we considered this section rather fully and actually took a great deal of time in writing it? Rather than having it be an unlawyer-like document, as our friend from New

York has stated, some fairly good lawyers, I think, worked on it. I feel, and I am sure the gentleman does, too, that it will be a workable plan.

Mr. METCALF. I thank the gentleman from Arizona, who is a lawyer. Not only he but the committee and the committee staff worked on this.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. METCALF. I yield.

Mr. BROOKS of Louisiana. Would it not be better to have the appeal to the State court rather than to the Federal court? I say that advisedly because we are having tidelands trouble in Louisiana. When they want to bring up something on the tidelands question they haul the State of Louisiana into the Federal courts, and they bring us up into remote points. Would it not be far better to have it in the State court, where you have State judges and where you will get fair decisions, which will work to the interest of retaining State control of our educational system?

Mr. METCALF. I doubt if the State courts would have jurisdiction in this case.

Mr. BROOKS of Louisiana. We could place jurisdiction in the State courts if we wished to.

Mr. METCALF. The gentleman's argument certainly points to another reason why the first, the initial appeal should be to the local district court, where the judge is familiar with the local customs.

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

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

Mr. ZELENKO. Will the gentleman explain to me whether there is any such expression or process known in any Federal court as summons and notice of appeal?

Mr. METCALF. The notice of appeal is the notice of appeal from the administrative agency, in this case, the Commissioner of Education. The summons, of course, would be the service of the notice, which follows the notice of appeal in the Administrative Procedures Act. The summons would be served on the Commissioner of Education.

Mr. ZELENKO. Would the gentleman accept my opinion that there is no such process in the Federal courts known as that? Secondly, will the gentleman tell me in what time somebody can bring an action under this section? The time is not limited.

Mr. METCALF. I would say the time would be provided under the provisions of the Administrative Procedures Act. I have not read the act for a long time, but time is provided. We have discussed the matter in committee, and the gentleman knows that we felt the provisions of the Administrative Procedures Act would apply to this.

Mr. ZELENKO. Will the gentleman tell me on whom this process is to be served under the section as written now?

Mr. METCALF. It would be served on the Commissioner of Education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ZELENKO].

The amendment was rejected.

Mr. ZELENKO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZELENKO:

Strike out lines 22 through 25, page 8, and lines 1 through 4, page 9, and substitute the following:

"Sec. 106. (a) The Commissioner shall file a certified copy of his final decision, report or action, under section 103 with the chief educational officer of the State within 30 days after the said decision or report has been completed or final action taken. The decision shall be available for public inspection.

"(b) Any State or subdivision thereof, or any party aggrieved by the Commissioner's decision may petition in writing praying for review of the entire decision or any portion thereof in the following manner:

"(1) The petition shall be filed in the United States district court for the district in which the capital of the State is located. The petition shall be filed within 60 days from the date of the filing of the Commissioner's decision with the local State agency.

"(2) A copy of the petition shall be served upon the Commissioner and the United States attorney for the district in which the said petition is to be filed prior to said filing. Service may be made in person or by registered mail.

"(3) The petition shall be in any form acceptable to the court.

"(4) Within 10 days after filing of said petition the Commissioner shall certify and file with the court a transcript of the proceedings and the record upon which he based his decision.

"(5) The court may then conduct the proceeding in a manner not inconsistent with the rules and laws governing civil actions in the United States district courts."

On line 5, page 9, strike out "(b)" and substitute "(c)."

On line 5, page 9, after the word "affirm" add the words "or modify."

Mr. ZELENKO. Mr. Chairman, I had anticipated that there might be some opposition to my amendment bringing judicial review into the circuit court on the ground that this should be a local and district court matter. So, I have proposed this second amendment which brings the judicial review of the commissioner's decision into the local district court. I believe it rectifies all of these errors and omissions which I pointed out exist in the section, as it is written now. First of all, under my amendment, in order to make it simple and expeditious for any citizen or any State or school board to find out what the decision is.

It is required that the decision be filed at the State capital within a certain specified time. Then, it provides that a petition of a party aggrieved be filed in the local district court within a specified time. It provides the time for an answer by the commissioner. It provides that the papers so filed shall be in any form acceptable to the courts so that there shall be no technicalities involved. It provides the rules by which the court may decide the dispute.

I believe this rectifies the complaints I had against the section as written. I believe it meets the contention of the gentleman from Montana and those who argue that this should be a district court matter. My purpose in offering this amendment is to provide a simple, direct, and concise method by which the courts may decide the dispute.

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

Mr. ZELENKO. I yield.

Mr. WAINWRIGHT. Was this second amendment brought up or discussed in committee?

Mr. ZELENKO. No.

Mr. WAINWRIGHT. Have we heard of this before?

Mr. ZELENKO. No, sir.

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

Mr. ZELENKO. I yield.

Mr. METCALF. The exact amendment was not discussed in committee, but the substance of the amendment was brought up and was discussed in committee and debated in committee and was voted down.

Mr. ZELENKO. May I say that that is not so. What is so sacrosanct about discussing something in committee? I feel the House should know this. I feel that this is an unlawyerlike piece of legislation which we have in the bill now, and it will create confusion in the courts. My amendment does nothing more than specify exactly how someone can get into court.

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

Mr. ZELENKO. I yield.

Mr. WAINWRIGHT. The gentleman's amendment is very important. But, I think there is something wrong with trying to put in judicial procedure for a Federal aid to education program in 5 minutes on the floor of the House of Representatives.

Mr. ZELENKO. I attempted to take it up in the committee and it was suggested I save it for the floor, which I did.

Mr. METCALF. Mr. Chairman, I rise in opposition to this amendment. It is largely a technical amendment. All the questions the gentleman has asked are answered by the Administrative Procedures Act, which is incorporated as a part of this law.

Mr. ZELENKO. What are the provisions of the Administrative Procedures Act? The gentleman said he did not know.

Mr. METCALF. I have not read it since the Taft-Hartley law was being discussed last year. This matter was discussed in committee, and it is a very technical amendment, and I urge that the gentleman's amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ZELENKO].

The question was taken; and on a division (demanded by Mr. ZELENKO) there were ayes 12, noes 59.

So the amendment was rejected.

Mr. GWINN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GWINN: Beginning on page 3, line 1, strike out everything through line 6 on page 10 and insert in lieu thereof the following:

"Authorization of appropriations"

"Sec. 101. There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1956, and for each of the three succeeding fiscal years, an amount equal to 1 percent of the total of all income taxes collected on individual and corporate incomes,

under the Internal Revenue Code of 1954 from all the States and Territories during the previous calendar year, which shall be paid by the Secretary of the Treasury on December 31, during each such fiscal year, to the respective States and Territories, in amounts equal to 1 percent of the amount of such revenue collected in each such State or Territory, to be used for public schoolroom construction as prescribed by the law of each State or Territory."

Mr. KELLEY of Pennsylvania. Mr. Chairman, I make the point of order that the amendment is not germane; that it involves a taxation problem, and is not germane to this legislation.

The CHAIRMAN. Does the gentleman desire to be heard further?

Mr. KELLEY of Pennsylvania. No, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. GWINN. No, Mr. Chairman.

The CHAIRMAN (Mr. COOPER). The gentleman from New York [Mr. GWINN] has offered an amendment which has been reported. The gentleman from Pennsylvania [Mr. KELLEY] has made a point of order against the amendment on the ground that it is not germane.

The Chair has examined the amendment with some degree of care. It provides another formula for apportionment of funds for school purposes, and is similar to a question raised previously on the Sadlak amendment.

Therefore, the Chair overrules the point of order.

Mr. GWINN. Mr. Chairman, I think most of you heard my efforts very briefly to explain this amendment. In substance, it gives a real stimulant to the States. There is no stimulant like being able to keep our own money and manage it ourselves, instead of having the Government take it away from us and bring only part of it back to manage itself.

I have very little time, therefore, I am going to presume that you know enough about this proposal to ask any questions that may be bothering you. If so, I would like to answer instead of making a speech.

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

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

Mr. KEARNEY. I wish the gentleman would explain just what effect the Kelley bill would have upon the populous States like the State of New York.

Mr. GWINN. The Kelley bill will take from the State of New York. I will read you exactly from figures furnished by the United States Office of Education. It will take \$74-million-plus and give back \$32 million; that is, it will take \$2 from New York for each one returned.

Mr. KEARNEY. With references to titles II and III what will be the effect?

Mr. GWINN. Titles II and III is where the real tough take with little or no return at all takes place; especially in the case of New York. She is not likely to get back a dime out of the \$750 million or out of the \$6 billion. New York will not be found needy enough by the Commissioner of Education. It has built its schools out of its own funds. She is now to be forced to go across the river after paying the taxes on its own schools and

help build schools in other wealthy States, possibly where they have been waiting for this bill.

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

Mr. GWINN. I yield.

Mr. MASON. In my opinion, and I have given this careful study for a good many years, the gentleman's proposal is the most simple, the most effective, and the least objectionable if we are going to have Federal aid for the construction of public schools, because it simply says to every State: You get 1 percent of the tax money collected in your State by the Federal Government; you use that 1 percent for the construction of public schools. That is all it says.

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

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

Mr. SIEMINSKI. Would the gentleman be willing to admit that the other 47 States are contributing to the kitty of New York through the tolls exacted by the New York Port Authority? It is a bit unfair to ask Middle Western and other States to have the same proportionate kitty. You should be willing to give just a little more to the aid of education generally than you would by your amendment.

Mr. GWINN. You will do much better if you take 1 percent of your own money, much better than if you wait on New York under this laborious process.

Mr. SIEMINSKI. But do you not wait on the automobiles and trucks of the rest of the Nation to get a good part of your income?

Mr. GWINN. The gentleman's State would be doing much better under my amendment than under the bill as it now stands. I do not yield further to the gentleman.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. GWINN. I yield to the gentleman from Wyoming.

Mr. THOMSON of Wyoming. In view of the fact that there is no requirement that Federal income-tax returns be filed in the jurisdiction where the money is earned would not this create an inequity? I know of many companies which earn their money in my district but file their income-tax returns in another State. As an example, I know of one company that earned all its money in my State but filed its income-tax return in the State of Texas. The same applies to individual income taxes. A man earning all his income in one State may choose to establish a legal residence in another State with favorable inheritance tax laws or to obtain a divorce. As evidence of his change of legal residence, he files his income-tax return in the State in which he wishes to establish a residence rather than in the State in which he earns and has his business assets. How would that work out as far as equity under this amendment?

Mr. GWINN. I do not know; I am not acquainted with the complications the gentleman mentions, but I cannot imagine its being very effective, because we do not let people go from one State to another to pay taxes. They pay where they earn their income.

Mr. THOMSON of Wyoming. No, not escape.

Mr. GWINN. Or avoid taxes.

Mr. THOMSON of Wyoming. I have in mind, for example, one company that operates in Wyoming and makes a substantial part of its money there. It is an oil company. But it makes its income-tax return in the State of New York.

Mr. GWINN. Even so, it must pay taxes on a proportionate basis.

Mr. THOMSON of Wyoming. But that money would be going to New York rather than to Wyoming.

I believe that we can accomplish the purpose of the gentleman if we reduce our Federal taxes and return the tax base and tax resources to the local communities so they can support their own schools, but as far as this amendment with its obvious inequities and failures, I believe it should be defeated and I think it is better to leave the bill as it is.

Mr. GWINN. Leave bad enough alone. Is that the gentleman's idea?

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

Mr. GWINN. I yield.

Mr. JUDD. We have heard a great deal made of the point that under the Kelley bill 12 States will pay more in taxes than they get back in aid for school construction, and 36 will get back more than they pay in. There is another way of looking at it.

Mr. GWINN. But the order is more nearly corrected by reversing it. About 36 get less after expenses of government management and 12 get more than they pay out in taxes.

Mr. JUDD. If you analyze it on the basis of the number of congressional districts represented, in those 12 States are 215, almost exactly half of the 435 districts in the Nation. So what happens under the Kelley bill is that half of the congressional districts pay in more and get less back and the other half get more and pay less. It is not 12 States helping the other 36; but 215 districts helping the other 220.

Mr. RHODES of Arizona. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. GWINN].

Mr. Chairman, this is not a new proposition. In fact the same matter was brought up on the floor of the other body on May 4, 1949, and I would like to read an excerpt from the CONGRESSIONAL RECORD of that day which included a speech by the late Senator Robert Taft, of Ohio. Referring to an amendment which was very similar to the one now before the House, Senator Taft said:

His amendment certainly violates every principle of Federal finance. It is based on the supposition that in some way a State has some property right to the taxes collected from sources within its boundaries. If, for one moment, we admit such a principle, the entire Federal financial system will crash, because a State has no such interest. The place where tax moneys are collected has no relationship even to whether people living in that State pay the taxes.

Then Senator Taft went on to make the point which the gentleman from Wyoming [Mr. THOMSON] just made, that corporations and individuals actu-

ally pay taxes from States in which they do not earn the money. For instance, many corporations are incorporated in Delaware, New Jersey, and in other States and actually do their business elsewhere; but the Federal income-tax return is quite often filed in the State in which the corporation is incorporated.

So I think this would create a very great amount of injustice. It is dangerous as far as the Federal financial system is concerned. If we want to get into the situation of yielding back areas of taxation to the States so that the States may go ahead and build schools, then I would say, "Fine, let us do it, but do it on a scientific basis of actually cutting out certain fields of taxation insofar as the Federal Government is concerned and leaving those fields to the States."

This type of approach is not very scientific and, as the late Senator Taft said, it is a very definite danger to the Federal financial system.

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

Mr. RHODES of Arizona. I yield to the gentleman from Connecticut.

Mr. MORANO. Was this amendment considered in committee, and, if so, what was its fate?

Mr. RHODES of Arizona. The amendment was not considered or referred in committee.

Mr. MORANO. I want to congratulate the gentleman for the wonderful ability he has displayed in explaining these various amendments that have heretofore been offered. His explanations have been forceful, intelligent, and adequate. The membership of the House has been immeasurably aided by his knowledge of the subject of this bill.

Mr. RHODES of Arizona. I thank the gentleman.

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

Mr. RHODES of Arizona. I yield to the gentleman from New York.

Mr. WAINWRIGHT. Does not the gentleman feel that the reason the gentleman from New York has offered this amendment is primarily as a protest on the part of those States that have done a good job toward their schools, while other States have not?

Mr. RHODES of Arizona. I would not presume to read the mind of the gentleman from New York. I know he is a very able and sincere Member of the House, and would never offer an amendment facetiously.

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

Mr. Chairman, I have been listening to this debate, I have been reading a lot about this matter. I have heard many Members say, "I want something that is simple." Others say, "I want something in which there is absolutely no Federal control of State school boards, or the putting of Uncle Sam on the local board of education." Others say, "I want a program where there are not any of the elements of sharing the wealth and all of that sort of thing."

Mr. Chairman, the proposed amendment will do that. It is simple, it is

direct, and it may not be scientific but it is certainly fair and just.

Let us indulge in a supposition for a minute. You have your family, you have had a series of setbacks, you are trying to take care of them, you are paying their hospital bills, exerting effort, exhausting your resources. Someone comes along and says, "Your neighbor down the street is having difficulty. He has children in the hospital, he has to have some help to pay his bills. Even though you are hard pressed, you must take from what you are earning to help pay his."

That just does not make sense, especially when you are doing everything you can, exhausting your resources to fulfill your obligations. Many of the communities are exhausting every possible resource they have to build schools, doing the best job possible, yet their citizens are being called upon to take from their diminishing resources and pay to fulfill the other communities' obligations.

The States have the responsibility for providing education and facilities. This proposal will make them better able to do so.

The communities in this Nation are doing all they can. They are doing a good job, and they would do more were it not for the fact that Uncle Sam's tax collector reaches down into every possible and conceivable line of taxation and makes it impossible for most of the communities now to raise more money to build the schools so badly needed in our country today. This amendment does not provide any "share the wealth" aspects where the so-called rich States taking care of the poor States, because the rich States have the same school-building shortage and problems that the other States have. They are exhausting all other efforts. This is merely a rebate of 1 percent of the taxation providing a State self-help program making it possible for every one of the States to have more funds than they now have with which to build schools. It is a sane, sound, simple, sensible program. It is not a new innovation. When Congress organized Guam, you said that Guam could retain all of the income taxes earned while American mainland citizens were there, to be used for the support of the government of Guam. Now, if you can turn back to the little island of Guam 100 percent of the income taxes earned there, certainly it is not straining when you turn back to each of the States 1 percent of the taxes which their citizens have earned, a rebate of 1 percent.

The gentleman from New Jersey [Mr. SIEMINSKIL] raised the question about the port of New York. The taxes he is talking about are excise and import taxes, not income taxes, so they have nothing whatsoever to do with this bill. I first proposed substantially this approach back as far as 1949. My resolution and bill was referred to the Committee on Ways and Means because it was held that it related to taxation. No member of the Committee on Education and Labor can say that this substance of this amendment has never been called to their attention, because I have sent to every Member of the House a full and complete explanation of the whole pro-

posal, not only once but twice, and if Members did not read their mail, that is not my fault. I have also explained it on the floor, the most recent occasion being on page 11295 of the Record for June 28, 1956. I thought the program I proposed, which is substantially as the Gwinn amendment, was sound and simple, and it will do all these things the people say they want to do. Federal aid is a myth. The money comes from taxes levied upon the citizens of the various States. The proposal provides absolutely no Federal control; it does not share the wealth, and it makes available to many of the States much more than they now have. If you examine the figures the gentleman from New York [Mr. GWINN] prepared, you will see that many of these States are paying in \$2 to \$4 for every one they would get back under the Kelley formula. Some States would just about trade dollars. But, you and I know that if some simple solution like this is not found, that where your Uncle Sam's tax dollars go your Federal controls are going to follow in this program just as has happened in the vocational training program.

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

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

Mr. JOHANSEN. Will the gentleman comment on the statement made that income taxes are often paid in States other than in which earned?

Mr. SCRIVNER. That is true. There is no State in the whole 48 that could not provide the same sort of corporate tax that Delaware has. They have not done it, but they could.

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

Mr. SCRIVNER. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Actually your amendment is based on Federal income tax.

Mr. SCRIVNER. That is exactly what I suggested; individual and corporate income taxes.

Mr. RHODES of Arizona. So, there is no way I know of that any State could require a corporation to file its return in the State where the income was earned.

Mr. SCRIVNER. I did not say "require." I said they could have the same type of corporation laws that the State of Delaware has, as to which some question was raised a while ago.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Ohio.

Mr. OLIVER P. BOLTON. Is it not also a fact that people living in one State may have been educated in another State?

Mr. SCRIVNER. That is right. It will wash out all across the board.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Wyoming.

Mr. THOMSON of Wyoming. I would just like to point out that the Delaware corporation laws have nothing to do with this, because a corporation organized in Delaware may make its money in one

State, and still report its income taxes in a third State.

Mr. SCRIVNER. That is possible. There are any number of other tax situations possible. It may be that my State may be getting the benefit. I do not know.

Mr. Chairman, I trust this amendment will pass, so we may have a simple, direct school-building program devoid of Federal bureaucratic control.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York which contains the language of the Scrivner bill. There has been some question here about a departure from regular procedure in the use of funds. I will say to the gentlemen who have raised the question in title 16, section 500, which is the National Forest Act, 25 percent of the amount received from your national forests is returned to counties and States for school purposes. That is out in the West where these questions have been raised. Title 30 of section 191 of the Mineral Lands and Mining Act provides that 37½ percent of all the moneys received from sales, bonuses, royalties, and rentals of public lands are paid back to the States where they are located, for roads and schools.

So under those two acts we do have cases where a percentage of the amount received by the Federal Government is paid back to the States and in some cases to counties for school purposes. So we have a precedent.

The gentleman from Kansas [Mr. SCRIVNER] has referred to the Organic Act of Guam. In that particular act there is provision that all of the income tax and all other taxes are turned back to Guam for their own use.

This is a case where we are trying to provide for the States, and we can by the deduction of this 1 percent of the income of those States take care of the local responsibility without any Federal intervention, without the possibility of those things happening that so many people are concerned about, of the Federal Government beginning to interfere with the operation of the schools of the country.

There are those who believe that if we have this type of aid, the Federal Government will begin to control the schools in our local districts and that our children will be indoctrinated rather than educated. I share that view.

However, I believe in this particular case that the States should have the right to have this 1 percent to build the classrooms that may be necessary.

You hear people say in this debate, to which I have listened for the last several days, how much the Federal Government will give to the States. The Federal Government gives nothing to the States. The States give to the Federal Government. We could not keep this Federal Government in operation if the States did not contribute to us. So let us not stand on this floor and say that we give to the States. Let us say now by adopting this amendment that we will permit the States to keep 1 percent that we have been taking from them.

The only reason we have this shortage of classrooms, the only reason we are in trouble today is that the Federal Government has been taking and taking and taking from the States and from the local communities, so they cannot build their own classrooms.

Here is the opportunity to do a job by permitting this 1 percent to stay in the States to take care of the situation.

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

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

Mr. COLE. Another illustration of the rebating of the Federal tax to a locality I think may be cited; that is, 100 percent of the excise taxes on rum manufactured in Puerto Rico is rebated to the Puerto Rican Treasury.

Mr. BOW. That is correct. It goes back to Puerto Rico with the other taxes they have there.

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

Mr. BOW. I yield to the gentleman.

Mr. RHODES of Arizona. Is it not true in the illustration the gentleman gave that those earnings came from resources of the particular States involved where as here we have a different situation. We have an income tax, which is an indirect tax.

Mr. BOW. I cannot yield further, Mr. Chairman. I understand the point the gentleman has in mind, and I bleed for him. He wants to take \$27 million from my State of Ohio and return \$20 million. If the gentleman will go down the list he will find that he is taking a lot of money from various States and they are not getting back nearly that much.

Here we are providing for the money to go back, so the gentleman should not complain about that.

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

Mr. BOW. I yield.

Mr. JOHANSEN. Does the gentleman discern any great enthusiasm for this proposal on the part of the bureaucrats of the Office of Education?

Mr. BOW. No; of course, we would not have to build up the Federal payroll. We would not have to set up a bureau here to administer and to check on applications and requests. It would simply give back to the States this money with which they can do their own job.

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

Mr. BOW. I yield to the gentleman from Florida.

Mr. HALEY. I want to compliment the gentleman for supporting the amendment and compliment the gentleman who offered the amendment. I think it is the best amendment that has been offered to a bad bill.

Mr. BOW. The amendment was offered by the gentleman from New York [Mr. GWINN]. It incorporates the Scrivner amendment.

Mr. ELLIOTT. Mr. Chairman, the Gwinn amendment should be defeated. It provides the least scientific manner of Federal aid for school construction of any of the proposals now before the House. I think the best method of apportionment of funds for aid is the need

formula, commonly referred to as the Hill, or the Hill-Burton, formula. I like this formula best because it puts the most of the money where it is needed most. I offered this formula in the Committee on Education and Labor when the bill for Federal aid for school construction was before the committee. It failed there. I understand that it will be offered again today, possibly in a motion to recommit this bill and report the same back to the House forthwith with the needs formula in it. If it is so offered it will be my intention to vote for it.

The next best formula for apportioning money for school construction is that provided by the Kelley bill. That is the committee bill. That is the formula

contained in the bill now before us when it first came to the House. It provides for a flat-grant or flat-matching formula, whereby the money that goes to any State must be matched, dollar for dollar, by that State. This formula is much to be preferred to the Gwinn formula.

On yesterday, I put into the CONGRESSIONAL RECORD the apportionment to the States that would take place under the needs formula, or the McConnell approach. It can be found on page 11755 of the RECORD.

Now, I desire to read into the record a table prepared by the gentleman from New York [Mr. GWINN] which purports to show, on the basis of a \$400 million

appropriation each year, what each State would pay toward the cost of this program of school construction. The table also shows what each State would get under the Kelley bill, and what each State would get under the Scrivner plan as embodied in the Gwinn amendment. It is easy to see that the Gwinn proposal is the least desirable of the three plans before us. For instance, under the McConnell proposal, under a \$300 million appropriation per year, Alabama would get \$10,282,000; under the Kelley bill, with an appropriation of \$400 million per year, Alabama would get \$8,968,658; under the Gwinn or Scrivner plan, Alabama would get \$3,559,040. The table follows:

Federal aid to classroom construction

[A memorandum for the Members, dealing with the Kelley bill and the proposed amendment based upon the Scrivner plan of Federal aid; prepared by RALPH GWINN, dated July 2, 1956]

States	Kelley bill, States will pay in—	Kelley bill, States will get back—	Income-tax collections, fiscal 1954	Scrivner plan, 1 percent of tax returned	States	Kelley bill, States will pay in—	Kelley bill, States will get back—	Income-tax collections, fiscal 1954	Scrivner plan, 1 percent of tax returned
Alabama	\$2,172,000	\$8,968,658	\$355,904,000	\$3,559,040	New Mexico	\$608,000	\$2,320,790	\$99,351,000	\$99,351,000
Arizona	928,000	2,537,656	153,119,000	1,531,190	New York	74,996,000	32,794,708	11,626,091,000	116,260,910
Arkansas	904,000	5,313,957	148,110,000	1,451,100	North Carolina	8,824,000	12,178,549	673,436,000	6,734,350
California	30,480,000	27,545,819	4,671,633,000	46,716,330	North Dakota	364,000	1,724,325	60,929,000	609,290
Colorado	3,558,000	3,611,322	553,265,000	5,532,650	Ohio	26,936,000	20,236,416	4,147,301,000	41,473,010
Connecticut	7,364,000	4,782,562	1,168,589,000	11,685,890	Oklahoma	3,576,000	5,715,215	504,416,000	5,044,160
Delaware	5,152,003	835,050	869,525,000	8,695,250	Oregon	2,444,000	3,893,287	403,821,000	4,038,210
Florida	3,568,000	7,632,902	509,990,000	5,099,900	Pennsylvania	30,448,000	25,105,737	4,531,795,000	45,317,950
Georgia	4,008,000	10,237,501	581,573,000	5,815,730	Rhode Island	1,696,000	1,778,549	271,663,000	2,716,630
Idaho	612,000	1,691,790	100,902,000	1,009,020	South Carolina	1,444,000	7,005,748	239,806,000	2,389,000
Illinois	32,912,000	20,247,262	4,926,633,000	49,265,330	South Dakota	403,000	1,724,325	67,056,000	670,560
Indiana	9,145,000	10,226,657	1,205,079,000	12,050,790	Tennessee	2,916,000	9,174,710	463,836,000	4,638,560
Iowa	3,020,000	6,420,128	494,575,000	4,945,750	Texas	12,450,000	21,982,431	1,969,318,000	19,693,180
Kansas	2,876,000	4,750,027	437,870,000	4,378,700	Utah	1,696,000	2,108,962	135,924,000	1,359,240
Kentucky	7,600,000	8,317,970	441,333,000	4,413,330	Vermont	432,000	965,188	70,790,000	70,790,000
Louisiana	3,096,000	8,090,229	459,357,000	4,593,570	Virginia	6,156,000	9,207,244	641,430,000	6,414,300
Maine	976,000	2,244,876	159,030,000	1,590,300	Washington	4,736,000	6,355,059	711,456,000	7,114,560
Maryland	10,904,000	16,202,148	851,777,000	8,517,770	West Virginia	1,676,000	5,747,750	270,198,000	2,701,980
Massachusetts	10,876,000	10,573,691	1,708,854,000	17,088,849	Wisconsin	7,428,000	8,740,918	1,121,973,000	11,219,730
Michigan	34,844,000	17,058,887	4,857,146,000	48,571,460	Wyoming	324,000	750,826	51,764,000	517,640
Minnesota	6,094,000	7,699,816	917,256,000	9,172,560	Hawaii	776,000	1,409,825	126,170,000	1,261,700
Mississippi	800,000	6,505,886	129,336,000	1,293,360	Possessions		422,000		
Missouri	10,128,000	9,174,710	1,472,722,000	14,727,220	Alaska			45,843,000	458,430
Montana	663,000	1,504,187	109,285,000	1,092,850	District of Columbia			707,455,000	7,074,550
Nebraska	2,310,000	3,220,909	320,620,000	3,206,200	Puerto Rico			(9,571,000)	(95,710)
Nevada	454,000	466,327	70,308,000	703,030	Total	398,664,000	400,000,000	58,578,533,000	555,785,330
New Hampshire	712,000	1,279,688	118,150,000	1,181,500					
New Jersey	11,776,000	11,343,672	1,745,232,000	17,452,320					

Note.—Income tax includes collections for old age insurance. Actual benefits would be somewhat less than shown in Scrivner plan after adjustment for that factor—an average of 7.2 percent.

Mr. Chairman, the Powell amendment, in whatsoever form it may finally face us, should be defeated. If it is not defeated, it will kill this bill, and millions of boys and girls all over America will suffer. I appeal to all the friends of education in this House to kill the Powell amendment. If you adopt it, I predict that this bill will not pass, and if it does pass the House of Representatives, I predict that it will never become law. Ironically, in the long run, the colored boys and girls of the South will suffer most if the Powell amendment is adopted.

The membership of this House knows the attitude of the South toward the mixing and mingling of the races. It knows that the South is in no mood to tolerate attempts to force it to tear down its social and educational system, based on the theory of "separate but equal" facilities, which system, up to two years ago had the sanction of law for the past 75 years. The Powell amendment goes far beyond any Supreme Court decision. It would give the Commissioner of Education powers which no Commissioner ought to have. It would pour salt in the wounds of the South. It ought not to pass. Its passage will do

infinitely more harm than good. I hope the House will vote it down.

Mr. Chairman, the question before the House is whether we are going to recognize the great need for additional school rooms, and answer that need in a forthright manner, doing it in a way that it will do the most good, rejecting extraneous matters like the Powell amendment, and adopting formulas that will get the most school rooms built in the shortest time. The condition facing us is one of emergency. To substantiate my statement, I desire at this point to read into the RECORD, the needs of Alabama for additional classrooms, and the needs of each of the counties. The total for Alabama amounts to \$344,787,000, as of the school year 1959-60.

These figures were compiled under the provision of title I of Public Law 815, 81st Congress, approved September 23, 1950, in a joint Federal-State survey of building needs. These figures are now about 3 years old. They were gotten together at the end of the 1952-53 school year.

Autauga \$2,137,500
Baldwin 4,989,000
Barbour 3,645,000
Bibb 3,622,500
Blount 2,352,500

Bullock	\$3,025,000
Butler	3,082,500
Calhoun	5,672,000
Chambers	5,912,500
Cherokee	1,222,500
Chilton	3,172,500
Choctaw	3,247,500
Clarke	3,445,000
Clay	1,747,500
Cleburne	1,060,000
Coffee	3,707,000
Colbert	4,442,500
Conecuh	2,471,000
Coosa	1,695,000
Covington	5,527,500
Crenshaw	1,367,500
Cullman	4,010,000
Dale	2,345,000
Dallas	6,157,000
De Kalb	4,192,500
Elmore	4,496,500
Escambia	4,725,000
Etowah	12,113,000
Fayette	1,440,000
Franklin	1,620,000
Geneva	1,729,500
Greene	2,072,500
Hale	2,940,000
Henry	2,425,000
Houston	4,470,000
Jackson	5,017,500
Jefferson	58,493,500
Lamar	1,332,500
Lauderdale	5,052,500
Lawrence	3,592,500

Lee -----	\$5,15,000
Limestone-----	5,835,000
Lowndes-----	3,052,500
Macon-----	3,940,000
Madison-----	6,120,000
Marengo-----	5,747,500
Marion-----	1,685,000
Marshall-----	4,662,500
Mobile-----	24,617,500
Monroe-----	3,892,500
Montgomery-----	15,270,000
Morgan-----	6,292,500
Perry-----	3,791,500
Pickens-----	2,856,000
Pike-----	4,985,000
Randolph-----	1,942,500
Russell-----	4,962,500
St. Clair-----	3,586,000
Shelby-----	2,485,000
Sumter-----	4,067,500
Talladega-----	5,260,000
Tallapoosa-----	3,245,000
Tuscaloosa-----	12,217,500
Walker-----	5,447,500
Washington-----	1,997,500
Wilcox-----	3,375,000
Winston-----	2,670,000
Total-----	344,787,000

Of this total of \$344,787,000 Alabama had the ability in mid-1953 to finance approximately \$16 million worth of this cost under the constitutional limitations in effect at that time.

Mrs. GREEN of Oregon. Mr. Chairman, the so-called Scrivner amendment, introduced by the gentleman from New York, proposes to return to each of the States 1 percent of the Federal taxes collected there, for aid to school construction.

This amendment violates every principle of Federal finance. It is based on the supposition that in some way a State has some property right to the taxes collected from sources within its boundaries. If for one moment we admitted such a principle, the entire Federal financial system will crash, because a State has no such interest.

The place where tax monies are collected has no relationship even to whether people living in that State pay the tax. For instance, hundreds or thousands of people live in Connecticut and pay income tax to the collector of taxes in Connecticut, but earn all their income in the State of New York. None of that money comes from Connecticut. There is no reason why Connecticut should be credited for that particular tax money for it is not earned in Connecticut. The internal revenue taxes collected by the United States are collected not from the citizens of the State; they are collected from the citizens of the United States. Where they earn the money, or whether the taxes are collected within the State makes not the slightest difference.

Mr. Chairman, those words are not mine. They are the words of a respected conservative, Senator Robert Taft, in opposition to an amendment exactly like this one. The occasion was a debate on the Taft-Thomas school-aid bill (which incidentally proposed Federal aid on a broader basis than the present bill) on May 4, 1949. But these words, from this source, should help to bring us back to a realization of how thoroughly radical, unsound and irresponsible a proposal this is.

Yet the gentleman from New York advances this doctrine, so contrary to everything in our national tradition, as though it were entitled to respectful consideration. I am surprised that he did not seek Biblical sanction for his amend-

ment. Let me offer him a text from the Gospel according to St. Matthew, chapter 25: 29:

For unto everyone that hath shall be given, and he shall have abundance: but from him that hath not shall be taken away even that which he hath.

The gentleman from New York could equally well cite the old proverb: "The rich get richer and the poor get poorer." In fact, he seems more than resigned to such a state of affairs; he apparently wants to give it the force of law.

It is true that, by this formula, wealthy States would be wealthier. New York would receive \$32 million under the Kelley bill, \$116 million under the Scrivner plan. Connecticut would gain \$7 million from the Scrivner plan. Even my own State of Oregon would get slightly more money. But these figures do not recommend the scheme. For the States that most need help would benefit least. Mississippi, which would receive \$6.5 million under the Kelley bill would get only \$1.3 million according to the Scrivner formula. Georgia would get almost twice as much under the Kelley bill as from the Scrivner plan.

Compare even the effects of this meaningless formula on two well-to-do States, Indiana and Illinois. Illinois gets about twice as much as Indiana under the bill as originally written. If we accept this amendment, Illinois will receive four times as much help as Indiana. The difference has nothing to do with need or with number of schoolchildren. To accept the Scrivner amendment is to distribute school funds between Illinois and Indiana according to the accident of the number of corporations which file tax returns through their Chicago offices.

Mr. Chairman, this amendment is an irresponsible, blind, and wasteful approach to the problem. It abdicates a national responsibility to an ideological fetish. It is, in fact, a thoroughly radical scheme, subversive of all proven and time-tested methods of dealing with such problems. It may satisfy opponents of school aid but it will botch the job of educating our children. What we need today is sober, responsible handling of this issue, not gratification of prejudice. Our children and their education are not walled off by State lines. Oregon and its people do care about the children of the rest of the Nation. I am sure that the people of every State feel a responsibility to all American children, regardless of the accidents of their geographical location.

Let us behave, then, like Americans meeting an American problem for the sake of American children. Let us recognize this scheme for what it is—a radical and unsound proposal, a form of logrolling in reverse. Let us vote it down and, instead, do justice to our children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. KELLEY of Pennsylvania) there were—ayes 72, noes 74.

Mr. GWINN and Mr. BOW demanded tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GWINN and Mr. KELLEY of Pennsylvania.

The Committee again divided; and the tellers reported that there were—ayes 122, noes 120.

So the amendment was agreed to.

The Clerk read as follows:

TITLE II—PURCHASE OF OBLIGATIONS OF SCHOOL DISTRICTS

Authority to purchase; revolving fund

SEC. 201. (a) During the fiscal year beginning July 1, 1956, and each of the 3 succeeding fiscal years, the Commissioner may purchase obligations of local educational agencies, as provided in this title, to assist such agencies in financing the construction of school facilities, where such agencies are unable to obtain such financing on reasonable terms from other sources.

(b) There is hereby created a School Bond Purchase Fund, which shall be used by the Commissioner as a revolving fund to purchase obligations under this title. Any funds received by the Commissioner on or before June 30, 1960, in payment of principal or interest on any obligations so purchased, or in connection with the sale of any such obligations by him, shall be deposited in the fund and be available for purchasing additional obligations under this title. Any funds so received after June 30, 1960, and any balance remaining in the fund at the close of June 30, 1960 (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated to the fund the sum of \$300 million, to provide initial capital, and such additional sums as may be necessary thereafter.

Limitations

Sec. 202. The aggregate principal amount of obligations purchased under this title shall not exceed \$750 million. The aggregate principal amount of obligations of local educational agencies in any one State purchased under this title in any fiscal year shall not exceed 15 percent of the aggregate principal amount of all obligations purchased under this title during that fiscal year.

Terms of obligations

Sec. 203. (a) Obligations purchased under this title may be either general or special obligations, shall be purchased at par or face value, shall include such provisions as may be agreed upon by the State educational agency and the Commissioner, shall be repaid within a period of 30 years or less, and shall bear interest at a rate equal to the quarterly rate which the Secretary of the Treasury shall specify as applicable to the calendar quarter during which obligations are purchased by the Commissioner, plus three-eighths of 1 percent.

(b) 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 by adjusting such estimated average yield to the nearest one-eighth of 1 percent.

Conditions to purchase of obligations

Sec. 204. Obligations may be purchased under this title only upon application by the State educational agency to the Commissioner certifying that—

(1) the local educational agency issuing such obligations is, as evidenced by a public offering of such obligations, unable to obtain the funds necessary to finance the cost of construction of the school facilities involved

from other sources upon reasonable terms and at the interest rate applicable to obligations purchased under this title;

(2) there is an opinion by a qualified attorney that such obligations have been legally issued and are binding on the local educational agency issuing them;

(3) the school facilities to be constructed with the proceeds from the sale of the obligations are needed for current or reasonably anticipated enrollments, are consistent with any applicable State redistricting plans or policies, and will be undertaken in compliance with applicable State construction laws and standards;

and including such additional information as may be necessary to make a reasonable showing that the local educational agency issuing the obligations is financially able to pay them as they become due.

Administrative provisions

SEC. 205. (a) The Commissioner, notwithstanding the provisions of any other law, may—

(1) sell or exchange at public or private sale, upon such terms and at such prices as he may fix, any obligations purchased by him under this title; and

(2) subject to the specific limitations in this title and where necessary to protect the financial interest of the United States, consent to the modification of any term of any obligation purchased by him, or any agreement entered into by him, under this title.

(b) The Commissioner shall, with respect to the financial operations arising by reason of this title—

(1) prepare annually and submit a business-type budget as provided for wholly owned Government corporations by the Government Corporation Control Act;

(2) maintain an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act; and

(3) determine the character and necessity of expenditures under this title and the manner in which such expenditures are incurred, allowed, and paid, subject to the provisions of law specifically applicable to wholly owned Government corporations.

TITLE III—FEDERAL CREDIT ASSISTANCE TO STATE SCHOOL-FINANCING AGENCIES

Purpose

SEC. 301. For the purpose of assisting States desiring to finance the construction of school facilities without capital outlay by local educational agencies, the Commissioner is authorized, as provided in this title, to enter into agreements, on behalf of the United States, with State school-financing agencies for making advances to reserve funds established by such agencies to help assure payment of obligations issued by them to finance the construction of school facilities for use and ultimate ownership by local educational agencies.

Agreements with State school-financing agencies

SEC. 302. The Commissioner shall enter into an agreement with the State school-financing agency of any State only if—

(a) such agency is empowered to enter into an agreement with the Commissioner under this title and otherwise comply with the provisions of this title;

(b) the State law empowering such agency to take the action referred to in clause (a) authorizes payment by the State, subject to and within the limits of appropriations made available for the purpose, of advances for deposit in the State account of the basic reserve fund (or funds) of such agency equal to the amount withdrawn pursuant to the agreement from such account in any year (other than the year in which occurs the latest maturity date of the obligations); and

(c) in States where the State school-financing agency is not the State educational agency, the governor certifies that methods for securing effective coordination between the two agencies have been provided.

Establishment of reserve funds

SEC. 303. (a) An agreement pursuant to this title shall provide that the State school-financing agency shall establish and thereafter maintain a basic reserve fund and a supplemental reserve fund with respect to each issue of obligations, which funds, so long as any such obligations remain outstanding, shall be held in trust for and irrevocably pledged to the payment and retirement of such obligations and for payments as provided in section 308.

(b) Where so provided in the agreement at the request of the State school-financing agency, such basic reserve fund, or such fund and such supplemental reserve fund, may be established with respect to two or more issues of obligations; and in such case such issues shall, to the extent provided in the agreement, be regarded as a single issue of obligations.

State advances to basic reserve fund

SEC. 304. Such agreement shall provide for establishment of the basic reserve fund with respect to an issue of obligations on or before the date of delivery of any such obligations to the purchasers thereof, and for deposit by the State therein, upon establishment of such fund, of an amount equal to one-half of the maximum annual debt service on such obligations. The amounts so advanced, plus any amounts subsequently advanced by the State thereto, together with any interest or other increments from the investment of such advances, shall be known as the State account.

Federal advances to basic reserve fund

SEC. 305. (a) In the case of any State school-financing agency which has entered into an agreement as provided in this title with respect to an issue of obligations, the Commissioner shall advance to such State school-financing agency for deposit in the basic reserve fund for such issue an amount equal to one-half of the maximum annual debt service of such obligations. Such advance shall be made on or before the date of delivery of any such obligations to the purchasers thereof. The advance so made, plus subsequent advances by the Commissioner, together with any interest or other increments from the investment of such advances, shall be known as the Federal account.

(b) If any funds are withdrawn in any year (other than the year in which occurs the latest maturity date of the obligations) from the Federal account in a basic reserve fund pursuant to an agreement under this title, the Commissioner shall make an additional advance to such account in an amount equal to that withdrawn.

(c) The faith of the United States is solemnly pledged to the payment of all advances contracted to be made to the Federal account in a basic reserve fund pursuant to this title.

(d) Advances by the Commissioner to the Federal account in a basic reserve fund, together with any other sums in such account, shall be invested, as provided in the agreement—

(1) in interest-bearing securities of the United States or securities guaranteed as to both principal and interest by the United States; or

(2) in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States.

Payment to supplemental reserve fund

SEC. 306. An agreement pursuant to this title shall provide for payment into the supplemental reserve fund established with respect to an issue of obligations of all sums

collected for such purpose pursuant to section 309 (d) (2).

Use of supplemental and basic reserve funds

SEC. 307. The agreement pursuant to this title shall provide that if, after payment of the other expenses specified in section 309 (d), the funds available are insufficient to meet the annual debt service for any year on any issue of obligations—

(a) the State school-financing agency shall use the sums, if any, in the supplemental reserve fund established for such issue for meeting such debt service;

(b) if such sums are insufficient for this purpose, such agency shall use the sums available in the basic reserve fund established for such issue;

(c) withdrawals from the basic reserve fund for this purpose shall be equally divided between the State account and the Federal account in the fund, to the extent the balance in the State account is adequate for this purpose; and

(d) if such balance is not adequate, the amount of any remaining deficiency shall be withdrawn from the Federal account to the extent of any balance therein, except that the total of the withdrawals from such account with respect to such debt service may not exceed one-half of such debt service.

Repayments of advances

SEC. 308. (a) An agreement under this title with respect to any issue of obligations shall provide that if the aggregate of the sums in the basic and supplemental reserve funds, including interest or other increments from the investment thereof, at the end of any year exceeds two times the maximum annual debt service on such issue for any of the ensuing years the State school-financing agency shall pay to the Commissioner, first (and until all advances made by the Commissioner, subsequent to the original advance made by him, together with interest or other increment received from the investment of such advances, have been repaid), an amount which bears the same ratio to the amount of such excess as the sum of such subsequent advances bears to the sum of such advances plus the sum of any payments made by the State to the State account in the basic reserve fund in addition to the original amount of such State account; and second (and until all advances made by the Commissioner, together with interest or other increment received from the investment of such advances have been repaid), an amount which bears the same ratio to the amount of such excess as the sum of all advances made by the Commissioner bears to such sum plus the sum of all payments made to the State account.

(b) Whenever any portion of an excess is repaid to the Commissioner under subsection (a), the remainder, if any, of such excess shall be paid to the State or left in the basic or supplemental reserve, or shall be disposed of in such other manner as may be provided, at the request of the State school-financing agency, by or pursuant to the agreement.

(c) Amounts paid to the Commissioner under subsection (a) shall be used to redeem any outstanding obligations of the Commissioner issued pursuant to section 312 and any excess shall be deposited in the Treasury of the United States as miscellaneous receipts.

Additional conditions of agreement

SEC. 309. In addition to the foregoing provisions and such other provisions as may be necessary to protect the financial interest of the United States, each agreement entered into by the Commissioner with respect to any issue of obligations of a State school-financing agency shall provide—

(a) that (1) all such obligations shall mature in not more than 32 years from the earliest date of any of such obligations and the first payment of principal shall become due

not later than the end of the third year following such earliest date, and (2) the proceeds of the sale of such obligations shall be used to finance the cost (including interest prior to, during, and for such period not exceeding 1 year after completion of construction as may be provided in the agreement, and other necessary carrying charges) of construction of school facilities, by the State school-financing agency, the local educational agencies, or otherwise, for use by local educational agencies requesting such facilities;

(b) that such school facilities shall be limited to those certified by the State educational agency to be needed for current or reasonably anticipated enrollments and to be consistent with any applicable State redistricting plans or policies, and that construction thereof will be in accord with applicable State construction laws and standards;

(c) that such school facilities, upon completion of construction, shall (1) be made available for the use of the local educational agency for the school district in which the school facilities are located, (2) if the State so desires, be conveyed to such local educational agency upon the making of adequate provision for repayment of advances made by the Commissioner with respect to the issue of obligations and for retirement of such issue or an agreed upon portion thereof, as provided in the agreement; and

(d) that the payments for the use of such facilities shall be fixed, charged, and collected in amounts which will in the aggregate, together with other sums available for the purpose, provide sufficient funds to pay, to the extent payment is not otherwise provided for, (1) the annual debt service on the issue of obligations, and (2) an amount equal to one-fourth of 1 percent of the original principal amount of such issue of obligations, for deposit in the supplemental reserve fund, in each year until the latest maturity date of such issue of obligations, and (3) the cost of the maintenance, repair, replacement, and insurance of such facilities, and (4) administrative and other expenses of the State school-financing agency in connection with such facilities or the financing thereof.

Authorization of appropriations

Sec. 310. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1956, and the next 3 fiscal years, such sums as may be necessary to provide the initial Federal advances authorized by this title to be made to basic reserve funds.

Limit on amount of obligations

Sec. 311. Federal advances may be made pursuant to this title only with respect to obligations issued in the period beginning July 1, 1956, and ending June 30, 1960, in an aggregate principal amount not to exceed \$6 billion.

Obligations issued by Commissioner

Sec. 312. (a) To obtain funds for additional advances under section 305 (b), the Commissioner shall issue notes, debentures, or other obligations for purchase by the Secretary of the Treasury. The total amount of such obligations issued in any year may not exceed the aggregate amount needed for such additional advances for such year.

(b) Obligations issued by the Commissioner under this section shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Commissioner, with the approval of the Secretary of the Treasury. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such obligations. The Secretary of the Treasury is authorized and directed to purchase any

obligations of the Commissioner issued under this section and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any purchases of the Commissioner's obligations hereunder. There are hereby authorized to be appropriated such sums as may be necessary, together with repayments made by State school-financing agencies hereunder, for payments on obligations issued by the Commissioner under this section.

Administrative provisions

Sec. 313. (a) 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; except that nothing in this subsection shall be construed to affect the power of the Attorney General in the conduct of litigation arising under this act.

(b) 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.

Suits against the United States

Sec. 314. Any State school-financing agency with which the Commissioner has made an agreement under this title, or any holder of obligations with respect to which a reserve fund has been established under this title, may bring suit against the United States to enforce any duty of the Commissioner under this title or any undertaking of the Commissioner under an agreement under this title. In any action arising under this title to which the United States is a party, the district courts of the United States shall have jurisdiction, without regard to the amounts involved. Such action shall be brought in the district court of the United States for the judicial district in which the plaintiff, or any of the plaintiffs if there are more than one, resides, or has his principal place of business or, if he does not have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

Underwriting of obligations by banks

Sec. 315. The last sentence of paragraph 7 of section 5136 of the Revised Statutes, as amended (12 U. S. C. 24), is amended by inserting "or a State school-financing agency (but only in the case of obligations, of such an agency, with respect to which advances have been made pursuant to title III of the School Construction Assistance Act of 1955)" after "International Bank for Reconstruction and Development" and by striking out (in the proviso) "either of said banks" and inserting in lieu thereof "any of said banks or State school-financing agencies."

Tax-exempt status of obligations

Sec. 316. Obligations of any State school-financing agency, including interest thereon, with respect to which advances are made pursuant to this title, and income of such agency in connection with the school facilities financed by such obligations, shall be exempt from all taxes (other than estate, inheritance, and gift taxes) now or hereafter imposed by the United States.

Mr. KELLEY of Pennsylvania (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of title II and title III be dispensed with, that the said titles be considered as read and printed in the RECORD and be open for amendments.

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

There was no objection.

Mr. BAILEY. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BAILEY: On page 14, line 6, strike out the semicolon and "and" and insert a period; strike out lines 7 through 11.

Mr. BAILEY. Mr. Chairman, when this legislation was before the Rules Committee seeking a rule, certain questions were raised about language that was objectionable, particularly by the chairman of the Rules Committee, and I reported the situation that developed in the Rules Committee to the Committee on Education and Labor.

On page 14, line 7, it was decided that that language, all of subsection 3, beginning on line 7, page 14, should be deleted. That would necessitate striking out the semicolon and striking out the word "and" in line 6, and then striking out all of lines 7 through 11.

The purpose of this amendment, if you will notice, is to strike out this language in the bill "determine the character and necessity of expenditures under this title and the manner in which such expenditures are incurred, allowed, and paid, subject to the provisions of law specifically applicable to wholly owned Government corporations."

The situation is this: There is only one present Government facility operating independent of the Comptroller General's Office that is a wholly owned Government corporation, and that is the Housing Authority. The Rules Committee suggested that there should be nothing in this legislation to interfere with the right of the Comptroller General's Office to control this legislation. The committee agreed that the point raised by the Rules Committee was proper, and approved striking out this section, and instructed me to offer the amendment.

I urge that the Committee go along with the Committee on Education and Labor in their request to have this struck from the legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. BAILEY].

The amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: On page 10, line 11, strike out "three" and insert "four."

Page 10, line 21, strike out "1960" and insert "1961."

Page 10, line 25, strike out "1960" and insert "1961."

Page 11, line 1, strike out "1960" and insert "1961."

Mr. FRELINGHUYSEN. Mr. Chairman, the purpose of this amendment is very simple. I hope it can be accepted without very much discussion.

Last Tuesday we took action to establish a 5-year program. My amendment would make the necessary changes in title II so that the purchase of obligations section of the bill would also be

for a 5-year period, instead of a 4-year period, as it came from the committee.

I do not believe there is any difference of opinion as to the advisability of making the various sections of the bill conform.

Mr. BAILEY. There is no objection on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The amendment was agreed to.

Mr. UDALL. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Page 26, line 13, insert:

"TITLE IV—SCHOOL CONSTRUCTION IN AREAS WHERE RACIAL INTEGRATION OF PUPILS AND SCHOOL SYSTEMS IS BEING CARRIED OUT

"Declaration of policy"

"SEC. 401. In recognition of the impact which a program of racial integration of pupils and school systems undertaken in compliance with the decisions and opinions of the Supreme Court of the United States in the case of *Brown et al. v. Board of Education of Topeka et al.*, delivered on May 17, 1954, and May 31, 1955, will have on the need for additional school facilities in areas where such integration is being carried out, the Congress hereby declares it to be the policy of the United States to bear the cost of constructing school facilities in such areas in the manner and to the extent provided in this title.

"Payments to local educational agencies"

"Sec. 402. (a) A local educational agency shall be eligible under this title for the payment provided for herein if the Commissioner of Education finds—

"(1) that the local educational agency is carrying out, or is prepared to carry out, a program of racial integration of pupils; and

"(2) that the construction of additional school facilities is needed in order to carry out such program of racial integration and maintain an average of not more than 25 pupils per classroom in the schools of such agency.

"(b) Each eligible local educational agency shall be entitled to receive an amount not to exceed (1) the number of children enrolled in its schools at the close of the regular school year 1953-54 in excess of that number of children enrolled which is equal to an average of 25 pupils per classroom multiplied by (2) the average per-pupil cost (determined in accordance with section 210 (7) of Public Law 815, 81st Cong.) of constructing complete school facilities in the State in which the school district of such agency is located.

"Applications"

"Sec. 403. (a) No local educational agency shall receive payment of any part of the amount to which such agency is entitled as established in section 402, except upon application therefor submitted through the appropriate State educational agency and filed with the Commissioner in accordance with regulations prescribed by him. Each such application shall set forth a project for the construction of school facilities for such agency in accordance with applicable provisions of section 205 (b) (1) of Public Law 815, 81st Congress.

"(b) The Commissioner shall approve any such application if he finds (1) that the applicable requirements of section 205 (b) (1) have been met; (2) that the educational agency has certified that no person shall be denied admission to any facility constructed under this title solely on the ground of race; (3) that the cost of the project does not exceed so much of the maximum amount

which such agency is entitled to receive under section 402 as has not been expended or obligated for payment of the cost of projects of such agency heretofore approved; (4) after consultation with the local and State educational agencies, that the project with respect to which such application is made is not inconsistent with overall State plans for the construction of school facilities; and (5) that there are sufficient Federal funds available to pay the cost of such project and of all other projects for which Federal funds have not already been obligated and which, under section 406, have a higher priority.

"(c) No application under this title shall be disapproved in whole or in part until the Commissioner has afforded the local educational agency reasonable notice and opportunity for hearing.

"Certification and payment"

"SEC. 404. (a) Upon approving the application of any local educational agency under section 403 (b), the Commissioner shall certify to the Secretary of the Treasury for payment to such agency an amount equal to 10 percent of the cost of the project with respect to which such application was made. After final drawings and specifications have been approved by the Commissioner and the construction contract has been entered into, the Commissioner shall certify to the Secretary of the Treasury for payment to such agency, in accordance with regulations prescribed by him and at such time and in such installments as may be reasonable, the remainder of the cost of the project.

"(b) The Secretary of the Treasury shall make payments to each local educational agency in accordance with the certification of the Commissioner. Any funds paid to a local educational agency and not expended for the purposes for which paid shall be repaid into the Treasury of the United States.

"Withholding of payments"

"SEC. 405. Whenever the Commissioner, after reasonable notice and opportunity for hearing to a local educational agency, finds (1) that there is a substantial failure to comply with the drawings and specifications for the project, (2) that any funds paid to a local educational agency under this title have been diverted from the purposes for which paid, or (3) that any assurance given in an application is not being or cannot be carried out, the Commissioner shall forthwith notify such agency that no further payment will be made under this title with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"Establishment of priorities"

"SEC. 406. The Commissioner shall from time to time set dates, the last of which shall be not later than July 1, 1961, by which applications for payments under this title with respect to construction projects must be filed. If the funds appropriated under this title and remaining available on any such date for payment to local educational agencies are less than the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this title have not already been obligated), the Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, for approval of such applications. Only applications meeting the conditions for approval under this title shall be considered applications for purposes of the preceding sentence.

"Authorization"

"SEC. 407. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each of the four succeeding fiscal years, such amounts, not to

exceed \$20 million in any fiscal year, as may be necessary for carrying out the purposes of this title."

The CHAIRMAN. We have not reached title IV as yet.

Mr. UDALL. This amendment follows title III as a new title IV.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona that the further reading of the amendment be dispensed with?

Mr. COLMER. Mr. Chairman, I think the House should know what is in the amendment; I would like to know myself; therefore, I object.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk completed reading the amendment.

Mr. COLMER. Mr. Chairman, I reserve a point of order against the amendment. I do not know yet what it does.

Mr. UDALL. Mr. Chairman, I was one of those who took the well of the House on Tuesday last and who thought it was the better part of wisdom not to adopt the amendment proposed by the gentleman from New York.

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

Mr. UDALL. I yield to the gentleman from Connecticut.

Mr. MORANO. I just would like to ask the gentleman if some member of the committee will say whether or not the action the House has just taken has not stricken the Powell amendments from the bill?

Mr. UDALL. I do not know, but that matter can be taken up later. I have a great deal of explaining to do.

Since it is now the will of the House that we attempt to do something to implement the Supreme Court school integration decision, I feel I can consistently propose this program which has been before the Congress for over a year. Subcommittee hearings have been held on the legislation and it has been favorably reported by a subcommittee.

This amendment simply applies to the school-integration decision of the United States Supreme Court the Federal impact principle we are all familiar with. I dare say there is no Member of Congress here who has not had some school board in his congressional district receive funds under Public Law 815. We apply the Federal impact principle, which is that where the Federal Government has come into a community and built an airbase, or established a defense plant and an excessive burden is placed on those communities, there is a Federal responsibility, and the Federal Government must build the school facilities outright, and pay 100 percent of the funds required.

What has happened in the Southern and Border States? After 57 years of the so-called separate but equal doctrine, they were told that they must change their policies, that the legal was illegal, that the constitutional was now unconstitutional, that they must reorganize and revamp their entire school systems. It has thrown a tremendous financial burden on many of these school districts, aside from the problems of human rela-

tions. In many communities it has resulted in a great need for additional school facilities.

I should like to read to you a statement. The State superintendent of schools of the State of Kentucky wrote to me last month as follows:

One of the greatest difficulties we have had with our program of integration is due to lack of facilities.

And, therefore, for that extra burden that we have imposed upon these States I say there is a Federal responsibility, just as there is under Public Law 815, the Federal impact program. We should be consistent and do precisely what we are doing at the present time under this program.

Now, what we did, in effect, on Tuesday was to say that it was the sense of the Congress, and we so directed, that in the States and areas that are not in compliance, funds should be withheld. This amendment today, to my way of thinking, is a much more clear vote on integration, and I think the Members who voted for the amendment on Tuesday will be tested again today. This amendment asks you this question: Shall we give extra aid—shall we shoulder our Federal responsibility—toward the school districts in Tennessee, Oklahoma, Kentucky, Delaware, and Texas, that are now carrying out integration programs? Are we going to leave this problem, created by one of the arms of the Federal Government, up to them, or are we going to discharge our Federal responsibility just as we are doing under Public Law 815, the Federal impact program. So, if we are going to legislate in this field, let us not only have the Powell amendment which we have adopted, but let us complement that with a constructive program that will give direct aid to those school districts that are already going ahead and tackling this tremendous problem. I think the issue is very simple and very clear, and I hope that the Members in considering this legislation and in voting upon it will take due regard for the principles involved. I happen to believe, as the author of this bill, that whether we adopt it now or in 2 or 4 or 6 years, perhaps, Congress will pass it because it is right and just. I think we are going to pass legislation of this type because there is a clear Federal responsibility involved and it is unfair to expect the people of these States to discharge these responsibilities alone.

Mr. ROOSEVELT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROOSEVELT. In order that we may understand what has already transpired, am I correct in assuming that the adoption of the amendment offered by the gentleman from New York has stricken all previous amendments, including the Powell amendment, adopted by the committee?

The CHAIRMAN. The amendment offered by the gentleman from New York takes the place of the language that is contained in title I of the bill. It sub-

stitutes for it the language of the amendment that he offered.

Mr. ROOSEVELT. That includes any language in title I, including the labor provisions and all amendments adopted by the committee to it?

The CHAIRMAN. That is correct.

Mr. MORANO. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORANO. Does that mean then that when we go back into the House there will be no opportunity to vote for or against the Powell amendment on a rollcall?

The CHAIRMAN. Well, under the present circumstances, that is correct.

Does the gentleman from Mississippi [Mr. COLMER] withdraw his reservation of a point of order?

Mr. COLMER. Mr. Chairman, on investigation I withdraw.

The CHAIRMAN. The point of order is withdrawn.

Mr. MORANO. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORANO. If, when we go back into the House, there is a rollcall vote on the Gwinn amendment and that amendment on a rollcall vote is defeated, will we then have an opportunity to vote on the Powell amendment?

The CHAIRMAN. No. The Powell amendment, under the present circumstances, cannot be reported to the House.

Mr. MORANO. Assuming that the Gwinn amendment is defeated on a rollcall vote in the House, will we then have an opportunity to vote on the Powell amendment?

The CHAIRMAN. If the Gwinn amendment is defeated on a rollcall in the House, then there will be nothing before the House except title I as originally reported.

Mr. MORANO. And amended?

The CHAIRMAN. Without amendment; as it is contained in the bill.

Mr. WAINWRIGHT. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAINWRIGHT. Is the bill considered open and subject to amendment, such as a future Powell amendment, at this time?

The CHAIRMAN. Only titles II and III are open to amendment. The request did not include title IV.

Mr. BAILEY. Mr. Chairman, I rise merely to make this comment. I think the Members should know a little bit of the background concerning the amendment offered by the gentleman from Arizona [Mr. UDALL]. That amendment was offered in the committee and was turned down with instructions that the gentleman should offer his amendment on the floor of the House. The committee has no comment to make one way or the other and prefers to permit the Committee of the Whole to work its will on the proposal of the gentleman from Arizona [Mr. UDALL].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The question was taken; and on a division (demanded by Mr. UDALL) there were ayes 45, noes 120.

So the amendment was rejected.

Mr. BAILEY. Mr. Chairman, I offer an amendment to title III.

The Clerk read as follows:

Committee amendment offered by Mr. BAILEY: On page 24, strike out "(a)" in line 13, and strike out lines 21 through 25.

Mr. BAILEY. Mr. Chairman, the amendment proposed here involves the same question that was involved in the amendment I offered to title II on page 14. The Committee on Rules objected strenuously, in granting a rule on this bill to the inclusion of the language in lines 21 through 25 which reads as follows:

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.

This would simply take away from the Comptroller General, the General Accounting Office, the right to regulate and audit these expenditures. The gentleman from Virginia, the chairman of the Committee on Rules [Mr. SMITH], and the gentleman from Mississippi [Mr. COLMER], a member of the Committee on Rules, raised the question and I called the committee's attention to it. The committee authorized this section to be stricken.

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

Mr. BAILEY. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. I can understand what the gentleman is trying to do here. It has been discussed before. There is one problem that worries me a great deal in connection with title III. The Commissioner enters into an agreement with the school-financing agencies to put up half the basic reserve fund in conjunction with the State's putting up the other half. On the basis of the agreement of the Commissioner, people purchase the bonds of the school-financing agencies. When a purchaser buys the bond he would like to be sure, in order that his money is protected and safe, that the agreement of the Commissioner will be lived up to.

I am wondering if we ought not to leave this provision in here with the following added, and I should like the gentleman's judgment because I think it does exactly what I think he is trying to do:

Agreements to make advances entered into by the Commissioner in conformance with the provisions of this title shall be valid and binding upon the United States, and all financial transactions of the Commissioner in conformity with the provisions of such agreements shall be final and conclusive; except—

And here comes the new part—that all such financial transactions of the Commissioner and vouchers approved in connection therewith shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller of the United States may by regulation prescribe.

Mr. BAILEY. May I say to the gentleman from Pennsylvania that I offered a modified section in lieu of striking lines 21 to 25, which was the request filed by the Department of Health, Education, and Welfare, and the rules committee was adamant in saying that they wanted the section eliminated without any qualifying language. So that is what I reported to the committee, and I was instructed to offer the amendment to strike lines 21 through 25.

Mr. McCONNELL. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCONNELL as a substitute for the amendment offered by Mr. BAILEY: In lieu of the striking section 313 (b), substitute for section 313 (b), page 24, lines 21 to 25, inclusive, the following:

"Agreements to make advances entered into by the Commissioner in conformance with the provisions of this title shall be valid and binding upon the United States and all financial transactions of the Commissioner in conformity with the provisions of such agreements shall be final and conclusive; except that all such financial transactions of the Commissioner and vouchers approved in connection therewith shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe."

Mr. McCONNELL. Mr. Chairman, I have already spoken on this particular amendment. I cannot emphasize strongly enough that when banking institutions enter into agreements on voting bonds they have to know that the agreements made are binding on someone. While I understand the purpose of the gentleman from West Virginia, which is that the Commissioner cannot make changes in the various provisions without some accounting under the direction of the Comptroller General, I think in the amendment I have offered I not only observe the responsibility of the Commissioner toward the agreements made with purchasers of obligations of school-financing agencies, but I have also preserved the interest of the United States in that we do not leave the Comptroller General or the General Accounting Office out of consideration. He would have a right and the General Accounting Office would have the right at all times in such manner as the Comptroller General would wish to audit the agreements and the transactions of the Commissioner in connection with these bond obligation agreements.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, regardless of what I may think of the proposal offered by the gentleman from Pennsylvania, I still have a commitment not only to the members of the Committee on Rules, which granted the rule, but I have a commitment to my own Committee on Education and Labor who instructed me to offer the amendment as I did offer it to strike out the lines on page 24. I have no way of conceding what the gentleman wants to do. Personally, I committed myself to the Committee on Rules and I committed myself to my own committee to offer the amendment.

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

Mr. BAILEY. I yield.

Mr. WAINWRIGHT. I think it might be pointed out that it was not a unanimous decision of the committee to eliminate this language altogether. I think we can agree with the gentleman from Pennsylvania that there is merit to his substitute amendment.

Mr. BAILEY. It still does not change my position of having committed myself to offer the amendment.

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

Mr. BAILEY. I yield.

Mr. McCONNELL. I understand your position. I hope you understand mine. What I am trying to do is exactly what the committee wished. But, at the same time, I want to insure protection for the purchasers of the obligations of these school financing agencies. I want to be sure that both are protected. I think my amendment does just that.

Mr. BAILEY. I might say, Mr. Chairman, that had the reading clerk read the amendment which was at the Clerk's desk with reference to page 23, it might have prevented this situation so that it would not have been necessary to have the proposed substitute amendment. However, we might just as well proceed as we are.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Pennsylvania.

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia as amended by the substitute amendment.

The amendment, as amended, was agreed to.

Mr. BOSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOSCH: On page 25, strike out all after line 18 through line 4 on page 26 and on page 26, line 6, change section 316 to 315.

Mr. BOSCH. Mr. Chairman, this is a very simple amendment which has as its purpose the striking out of section 315 of this bill beginning on line 19, page 25, through line 4, page 26.

Briefly, section 315 would permit commercial banks to underwrite and deal in certain revenue bonds of State school financing agencies. It is a known fact that revenue bonds are considered more speculative than are general obligation municipal bonds. This section would create a dual interest since national banks, generally speaking, finance the investment dealers who for many years have been underwriting revenue bonds and thus they can control the bidding on such bonds.

Mr. Chairman, this provision is completely separate from and is in no way essential to the financing or other provisions of this bill, but it does present very important questions of public policy with regard to banking and finance. I am informed that there is now pending before the House Banking and Currency Committee bills which have specific reference to the subject matter covered by section 315 of this bill. In accordance

with legislative procedure, the House Banking and Currency Committee should have sole jurisdiction of legislation dealing with any amendment or changes in the banking law. It is not within the prerogative of our Committee on Education and Labor to legislate on banking and finance. Since the enactment of the Glass-Stegall Banking Act of 1933, commercial banks have been forbidden to underwrite or deal in securities of any type with certain exceptions. These exceptions are specifically set forth in paragraph 7 of section 5136 of the Revised Statutes—title 12, United States Code, section 24—and section 21 of the Banking Act of 1933—title 12, United States Code, section 378. These exceptions would be amended if section 315 of H. R. 7535 were not deleted.

It has been stated that section 315 would stimulate the sale of the revenue bonds of proposed local school financing agencies, but past experience has clearly shown that security dealers have ample underwriting capital and distribution strength to handle these bonds soundly and competitively without calling upon banks to engage in this business. It should also be noted, Mr. Chairman, that no testimony as to this provision or its implications was had either before the subcommittee or the full committee.

I respectfully urge the adoption of this amendment.

Mr. KELLEY of Pennsylvania. Mr. Chairman, that amendment was agreed to in the full committee. The committee agrees to accept the amendment.

Mr. McCONNELL. It is quite agreeable to our side, as far as I know.

Mr. BOSCH. I thank the gentleman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOSCH].

The amendment was agreed to.

Mr. BARDEEN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BARDEEN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. BARDEEN. Mr. Chairman, I offer this motion to strike the enacting clause because I think it proper and in the interest of good legislation. I think it is something the majority of the Members of this House want to do, for I think the bill is now in such shape that it will in the final analysis be defeated. So, without consuming 5 minutes, I say to the House that I hope you will adopt this motion and save a lot of time.

Mr. BAILEY. Mr. Chairman, I rise in opposition to the preferential motion.

It is evident that this is a move to kill this legislation. In view of the nationwide demand that something be done about this serious emergency, I do not believe that this is any way for the Congress to dodge its responsibility under the circumstances. A vote for this preferential motion—and it will not be withdrawn—it is intended to be voted upon—will kill this legislation. I sincerely hope you will not be misled, those of you who are sincerely in favor of trying to do something for the boys and

girls of this Nation, into voting for this motion.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from North Carolina, Mr. BARDEN.

Mr. DIES. Mr. Chairman, I demand tellers on this vote.

Tellers were ordered, and the Chairman appointed as tellers Mr. BARDEN and Mr. McCONNELL.

The Committee divided; and the tellers reported that there were—ayes 130, noes 149.

So the motion was rejected.

Mr. HALLECK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on the motion just offered, as you may have observed, I voted "no." I do not think that at this time consideration of the pending bill should be terminated. A few more things should be said before we finally finish consideration of the bill and come to the point where the final vote will be had. We shall still have an opportunity to put the recommendation and proposal of the President in this bill and greatly enhance prospect for passage.

I have understood the administration's position on this bill from the beginning. It has been argued by many responsible people in the country that a critical shortage of classrooms exists in our school system, that the situation is so critical and the necessity is so great that the Federal Government should lend a helping hand in a rather moderate and restricted way to try to help alleviate the difficulty. So the proposal that came from the President and the administration enunciated two propositions covered in title I, which has to do with the financial help to the States. Many consider title I to be the real backbone of the proposal. The administration said specifically two things: First, obviously not all areas across this broad land of ours are faced with the same critical conditions; some communities and some States need help to a far greater degree than do others. Therefore, the administration has insisted from the beginning that the allocations to the various States should take into consideration the needs of the States and the communities in those States.

As I said on Tuesday last, speaking in reference to the first McConnell amendment, the administration wanted to move in the direction of some equalization of educational opportunities across the land.

The first McConnell amendment sought to carry out administration policy in that regard. The amendment was decisively defeated by Democrats who voted against the President.

Second, the administration has insisted that if we are moving in the direction of this legislation to meet a critical situation—what is said to be needed are more classrooms—then the program to be instituted should absolutely guarantee that the classrooms to be built under this program are in addition to or supplemental to those that would be built at State or local levels. Otherwise the program does not accomplish what it seeks to accomplish and what the President thought it should accomplish.

In addition, it was deemed highly desirable by the administration that as many incentives as possible be built into this legislation to be effective upon the States, recognizing that the States and the local communities have the fundamental responsibility for education. That is something I believe in. It is something the President believes in. So today the second McConnell amendment was offered to again try to bring this legislation into line with the administration's views, the President's views, the Department's views. Again that amendment was decisively defeated by Democrat votes.

Mr. Chairman, may I say to you that the Kelley bill never was the administration program; it is not the administration program now. As far as the Gwinn amendment, which was adopted, is concerned, in my humble judgment it does greater violence to the principle of allocation on the basis of need than the formula in the Kelley bill, because I think it should be clear to all of us that corporate and personal income taxes are concentrated in many areas where probably the need for the help that this program would provide is less than in any other place in the country.

I make this statement only that it may be understood that this bill as it presently shapes up is not the administration proposal as far as title I is concerned. It does not incorporate the administration's principle as I have enumerated them. What ultimately will come of it I do not know. That remains to be seen. However, I want it understood, before we come to a vote, just what the situation is.

I hope a motion to recommit is offered, with instructions to incorporate the McConnell amendments, thereby incorporating the President's recommendations. I further hope this motion prevails because I believe adoption of the administration's proposals are necessary to final approval of this legislation here in the House of Representatives.

Mr. BAILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAILEY:

Page 23, line 1, strike out "three" and insert "four."

Page 23, line 1, after "sums", insert "aggregating not more than \$150,000,000."

Page 23, beginning in line 7, strike out "1960" and insert "1961," and strike "in an aggregate principal amount not to exceed \$6,000,000,000."

Mr. BAILEY. Mr. Chairman, this amendment became necessary due to objections raised by the Committee on Rules. They thought, by the language at the bottom of page 22 and the top of page 23, that we were attempting to obligate the Federal Government for a total of \$6 billion. After discussing this matter with the Committee on Rules, I called attention at the next session of our Committee on Education and Labor to the objections offered by the Committee on Rules to this legislation, and it was decided that we would write into the legislation the exact amount of Government obligations. In view of the fact that we amended the bill to make it a 5-year program instead of a 4-year program, the first thing would be to substitute "four"

for the word "three" on line 1, page 23, and after the word "sums" in line 1 inserting "aggregating not more than \$150,000,000." The Committee on Rules thought we should state the exact Government obligations. Now, why is that \$150 million? On page 14 of the bill the Government agrees to assume one-half of the carrying charges on the interest and retirement of these bonds during the construction period from 1956 to 1960. One-half of that carrying charge would be at the present rate which the Government can borrow with interest at 2.5 percent, which would be 2.5 percent of \$6 billion or \$150 million. I have heard it said repeatedly that it was not \$150 million but that it was an \$8 billion program. So, the amendment I am offering puts in the exact Government obligation of \$150 million. Then, in section 311 we change the date of 1960 to 1961 to correspond with our 5-year program, and then striking the remaining part of that to show that the Government is not being obligated for \$6 billion.

Mr. Chairman, I move the adoption of the amendment.

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

Mr. BAILEY. I am glad to yield to the gentleman.

Mr. McCONNELL. Mr. Chairman, I should like to say at this time that this is an effort to assure the Members of Congress and all the people reading the bill that no such sum as \$6 billion is contemplated. If every school financing agency took advantage of the opportunity, they could finance up to the principal amount of \$6 billion and the Government would agree to put up one-half of the basic reserve fund. The amount for that would be \$150 million as the gentleman has said. So I am quite in accord with naming the exact figure rather than using the misleading language that is in the bill.

Mr. Chairman, I therefore support the amendment.

Mr. BAILEY. I thank the gentleman.

Mr. HOFFMAN of Michigan. Mr. Chairman, I rise in opposition to the amendment.

FEDERAL AID TO EDUCATION IN IMPACTED AREAS

Mr. Chairman, it is my understanding that title I and all the amendments to title I were stricken by the Gwinn amendment. Subsequently we were told by the administration spokesman, the gentleman from Indiana [Mr. HALLECK] that the bill as now written was not the administration bill, was not acceptable to the administration. That is wonderful news, because it frees all of us over here who are supposed to be riding on somebody's coattails to do as we like—each can vote as he wishes. I always have.

It was somewhat intriguing to me to learn from the press either yesterday or this morning, that we are all becoming flabby because we are riding around so much in automobiles, not getting enough exercise. It is apparent from that story, if true, that shortly we will not be able to walk. Statistics bear out that contention, so that while you may smile, or even laugh about it, just think it over and read the article by the professor.

Some of our higher educators are telling us that future generations will not be able to walk. Future Members will need a little cart to bring them to the House floor.

I can understand, it is not difficult to understand why, when the Federal Government moves into a community and brings in a large group of workers and their families—I can understand why the Federal Government should provide aid in building facilities for schooling. I can go along with that easily enough. But when in a normal situation we go back to the proposition that we cannot build our own schoolhouses, it makes me wonder if that article in the paper was not correct.

Do you know what our forefathers did when they needed a schoolhouse? They took an axe and a maul and a wedge, and if they had it—and they were lucky if they did—a crosscut or bucksaw and went out into the woods and cut the timber and built the schoolhouse. We do not have the timber? Right. But we have many a substitute and we have the money to pay for the schoolhouse and the teacher if we have the will. I read somewhere that Lincoln did not have any Federal aid to assist him in getting an education. There have been quite a few people who have come along in this country, good citizens, men and women who have accomplished something—without Federal or any other kind of aid. Only yesterday I heard the gentleman from Illinois [Mr. DAWSON] tell how he obtained an education—and on his own. Are our children, our grandchildren less able?—of less courage?

Mr. BAILEY. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. HOFFMAN of Michigan. Yes, I am. I want to show you how the amendment and the bill with the amendment in it, if it were put in, would not be any good.

The CHAIRMAN. The gentleman will proceed.

Mr. HOFFMAN of Michigan. Have we become so weak and so dependent upon the Federal Government—which does not have a dime until we supply it—that we cannot build our own schoolhouses or hire our own teachers? I do not know what the folks in Michigan will think if we put through a bill here which gives them back \$17 million less than they are paying in. Above all it does seem to me that we ought to be a little careful about taking from our people that constitutional right to transact their own business, and putting the teaching of our children in the hands of the Federal Government. Is there any assurance that the Federal Government is all wise, that it will do everything right?

Just a few days ago—and I shall put this in the Record a little later today—David Lawrence, who is a pretty good observer and an accurate reporter, carried in his article the statement that the Federal Government had spent—and it is not contradicted—\$3 million educating veterans in schools owned wholly or principally by the Communists. All of these billions for national defense. All of these billions for foreign aid, to say nothing

about the lives that have been lost over there to fight communism, and yet we learn that we have imposed a burden of \$3 million on our taxpayers to enable a Federal agency to help schools that teach communism. How much more do you want of it?

Hardly a day passes but that a congressional committee comes up with a scathing report of either the wasting or the embezzlement of Federal tax dollars by someone in a Federal agency.

In practically every field of activity, we find the hand of the Federal Government either directing or pushing us around. The Federal Government has the average taxpayer working a third of his time, or 4 months out of the year, to supply it with funds so that it may operate.

It gets its foot in the door and, the first thing we know, it is sitting with its feet under the dining-room table, turning the electric current on and off, and soon, if we are not careful, will be crawling into bed with us. Waking or sleeping it is with us.

In fact, during the past few years, many a Communist, a Red, a Pink, has been sleeping in the Federal bed, and quite comfortably, too.

Now, the Federal Government proposes to take our children, put them in the schoolhouses which it will build or supervise, and shortly some of its experts on higher education, gullible as usual, will be sitting side by side with Communists or leftwingers or one worlders, teaching our boys and girls that the Constitution is outmoded; that work, thrift, and sacrifice all belong to the Dark Ages.

In my judgment, no quicker way to destroy the American way of living, American institutions, could be adopted than to accept this bill and the procedure which would inevitably follow.

If the past and its lessons mean anything to us, let us defeat this bill on final passage.

Mr. STAGGERS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have been discussing the Federal aid to education bill, a subject that has been discussed for a long time. Men in this country, when public education first started, fought public schools. We did not have public schools throughout the United States until 1839 as a complete system of education.

The gentlemen who preceded me mentioned his State of Michigan and said that in 1874 the Supreme Court of Michigan held that local districts wishing to extend their schools beyond the elementary grades might do so. Today it is the custom throughout the United States that we provide public education through the high school days.

Five important words in the Declaration of Independence are, "all men are created equal." We lead peoples of the world to believe that every man in America and every woman has an equal opportunity, and that means in every field. Certainly this should be so in the basic field of education.

Recently a man in the city of Washington worth, I presume, at least \$2 million, was discussing with me this fact of Fed-

eral aid to education, and I brought up the subject that in some of the States they just could not afford to give their children the kind of education they do in the richer States. He made the statement to me, "If those children can't get it, let them leave that State and go to some State where they can get it." I told him I thought that was the most absurd statement that a man I thought had good sense could make, because those children did not have the ability nor the opportunity to pick up and go to some other State to get their education. Perhaps their fathers and mothers should have, but why should we blame and penalize our children for the fact that they cannot get an education because of lack of teachers and facilities?

They say, "Where will the Federal Government come in?" As I understand the President's recommendation, and as I understood the gentleman from Indiana [Mr. HALLECK], they too, advocated that we equalize educational opportunities somewhat throughout the United States. I believe the Kelley bill does that. I hope that when we go back into the House the Gwinn amendment will be voted down, and that the Kelley bill will be voted up. We then will have made some start in this Federal aid to education which will equalize the opportunity of every man's child to get an education equal with yours and mine. I hope that my children will be educated in West Virginia. We feel that we have good schools. I want them to have a good education. But I would want the right for every other American child in this land, to have an equal opportunity for a good education. I believe every good citizen wants that, because the strength of America is in the whole and not in the part. There are a lot of men who would have their children go to a good school but would deny that right to some poorer child.

Mr. GAVIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened with a great deal of interest to the debate for the past several days. I am quite concerned about these various Federal aid programs. For the past 20 years we have been concocting all sorts of ideas for Federal aid programs of some nature or other. Federal aid—Federal aid—that is all we hear. Nobody seems to pay any attention to the fact that we have to pay for all Federal aid which is granted. In my opinion it would be more practical and better if we paid taxes in our municipalities or in our counties or our States to build our school system rather than tax the people in our States, bring the money to Washington to have formulas concocted for regulating and directing the spending of money through Washington supervision. I think all of these programs ought to be left in the hands of the people of the communities and their respective States. In my own district, they are consolidating the school districts and they are floating bond issues to pay for school construction programs. They are building their own schools under their own supervision. They are assuming, and have been for many years, the responsibility of the education of our youth.

Everybody today is for Federal aid for everything, you will not receive the Federal aid unless you conform to certain formulas developed by the Federal Government and that is where the differences arise.

Why not leave school-construction programs to the States and municipalities?

Let me remind you also of the national debt. Nobody thinks about the national debt of \$276 billion. Nobody even thinks about the debt any more. If Bob Rich, my good and able friend and former Representative from Pennsylvania, were with us today he would say, "Where are you going to get the money?" It is a fallacy to think when you talk about that Federal aid you are getting something for nothing. Let me remind you any Federal aid your receive is paid for by taxes. You are not getting anything from the Federal Government that does not have to be paid for. Everyone thinks Uncle Sam, as I have said before, is a rich uncle, that his pockets are inexhaustible, and that all you have to do is to spend and spend; that Federal aid is a magic word, and you pick the money out of the air. I wonder how many votes there would be in the House for Federal aid for school construction if a companion bill were brought in to tax the people to raise the money to pay for this \$400 million? You would think twice before you would vote any tax increase. I feel certain of that. As I have said before, we owe \$276 thousand million. The interest on the debt is \$7 billion a year. Even if we paid the debt on the basis of \$3 billion a year, it would take 75 or 100 years to pay the debt. But still, week after week and month after month somebody concocts ideas and legislative proposals for Federal aid programs. Federal aid has to be paid for. Put a bill before the House for increased taxes and see how much interest would be aroused. So, I think this legislation should be defeated. Let us leave the responsibility for school-construction programs with the respective communities throughout the Nation who are and have been developing these programs for school construction for the education of the youth of America. They have been doing a great job. They are doing a great job in my State. Once the Federal Government gets its foot in the door with Federal-aid programs for school construction, next year you will be here for \$800 million or a billion dollars to enlarge the program, and if continued for several years it will be expected to have the Federal Government take over all school construction. The next step after school construction would be Federal aid to education, with an opener of \$500 million or up. Federal aid for school construction would be well underway, and then you would necessarily have to have Federal aid for education, with the Federal Government supervising, regulating, and directing, and telling you what to do and when to do it, and how to do it. As for me, I do not want the Federal Government in our education system. We are doing a good job, and have been for years. We have built a great nation through our system

of freedom to operate without governmental intervention.

We have made the greatest progress of any nation in the world. We have the greatest prosperity that any nation has ever enjoyed. We are making great progress in our educational program, maybe not as well as we would like, but we are turning in a very satisfactory performance throughout all the States. So, let us be realistic. Let us be practical. Let us use a little reasoning on the matter. Let us go back to the American way that has built without question the greatest nation the world has ever known. The communities throughout the Nation have been assuming their responsibilities and no doubt will continue to do so. This fallacy that you are getting something for nothing from the Federal Government when you secure Federal aid should be deflated. Nobody gets anything for nothing; we all pay the bill.

Let me say to my colleagues this country of ours was set up as one in which the people would be masters of government, not the government masters of the people. And I hope it will continue to be a Government that believes that the right to assume self-responsibility will always be more precious than life itself.

It was founded and developed by people who sacrificed comfort and security in order to secure and ever preserve liberty and freedom of operation in this Nation.

Governmental control over the fundamental rights of the citizens in recent years is not only alarming, but if it continues, can lead only to some form of regimentation. In fact, bureaucracy has grown so in the past 20 years that it really constitutes a fourth branch of our Government. Bureaucracy has grown to the point where it will, if continued, become the master of the citizen and the citizen will become the servant rather than the master of Government.

The degree to which people of all classes have been brought into dependency upon the whim or bounty of Government is not only alarming but it is dangerous to the very concept of the sovereignty of the individual and self-government of the people.

In my opinion this Federal aid to school construction is just another program that would project the Government into our educational system.

Four hundred million dollars is being requested to initiate this program, but once the foot is in the door this program will be expanded and expanded with more taxes and more taxes which have now become a burden on the backs of every American taxpayer. High taxes are a millstone around the necks of all our citizens. They stifle initiative. They are a drag upon production and are a major factor in the cost of living because they enter into the cost of everything.

Instead of reducing taxes, we are concocting more ideas to increase taxes. Under the circumstances, if taxes were reduced the Federal Government would function more efficiently by eliminating waste and extravagance. Rather than create new formulas for spending, let us return these responsibilities to the States where they rightfully belong.

This legislation should be defeated.

Mr. HAND. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

THE CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE POWELL AMENDMENT AND CIVIL RIGHTS

Mr. HAND. Mr. Chairman, I hope that the House will affirm in some proper form the decision we adopted in Committee on Tuesday to adopt the Powell amendment.

For several months I have given a good deal of prayerful consideration to the proposal of the gentleman from New York. I am conscious of the argument that if the House adopts the Powell amendment the result might be to delay by filibuster in the other body the consideration of the bill for Federal aid to schools. This may or may not be true, but the fundamental fact remains that that is not the responsibility of this House, and certainly not my responsibility. We must call them as we see them here, whatever may happen somewhere else.

I have listened to and examined with great care all of the arguments in this debate, including the calm, well-reasoned, and logical statement made by Congressman POWELL on June 29—CONGRESSIONAL RECORD, page 11472.

MR. POWELL SAYS:

Now certain things are self-evident; you cannot teach respect for law and order in schools built in defiance of law and order.

I agree.

The Supreme Court of the United States, in a memorable and incidentally a unanimous opinion, has said that under our Federal Constitution segregation in our public schools is unlawful. In that same opinion the Court, recognizing the magnitude of the problem in the South, and recognizing the fact that the "separate but equal facilities" doctrine has prevailed for half a century, knew that some time would be required to implement this decision, and said so. However, necessity for some delay does not recognize the right to open defiance.

DEFIANCE OF LAW

Everybody who reads knows that a number of our States have very forcibly expressed such open defiance, describing the decision of the Court as tyranny which must be resisted with every resource; stating that the decision will be a nullity; passing legislative enactments denouncing it and going so far as to take steps to abolish the public-school system for the purpose of evading the ultimate effect of the Court's decree.

Mr. Chairman, the Supreme Court is without any real power short of military compulsion, which is completely unthinkable, to enforce its decree, but at the very least the Congress need not seek to assist those States which defy the law of the land, and indeed is legally and morally obliged not to do so.

Referring back for a moment to the longstanding so-called equal but separate facilities, with but a few striking exceptions the facilities for colored children and white children have never been

equal, and the expenditures both for construction of schools and the maintenance and operation of schools have been substantially greater for white children than for colored.

Moreover, recognizing that time and a considerable amount of it is necessary for a solution of this great social problem, another Powell amendment would hold in escrow the funds allocated to school districts that have not integrated until the last year of the pending bill, which is 4 years from now. If, after that length of time, the schools have decided to integrate, they will receive all the accumulated funds. At the end of this bill, 4 years from now, 7 years will have passed since the Supreme Court's decision. That does not seem to be proceeding with unreasonable speed.

There is an international problem involved in this question and that is that the United States is the leading exponent of democracy, freedom and equality throughout all the world. How can we support that position of leadership when the Congress itself appropriates money for an unconstitutional defiance of the democratic process.

CITIZENS OR NOT?

Mr. Chairman, either our 14 million American Negroes are citizens of this country or they are not. There is no constitutional warrant for classes of citizenship. Since they have been citizens for nearly a century, they are entitled to the rights and privileges of citizens, and one of those fundamental rights is freedom fully to participate in our public educational system.

The money which we propose to spend on aid for schools is collected from all American taxpayers, including Negro taxpayers. How can we justify using taxes collected from Negroes to assist segregation practices against their children.

What becomes of the pledge that all of us so frequently make at public meetings, where we pledge allegiance to the flag, and to "one Nation indivisible, with liberty and justice for all." Let us try calmly and in a friendly fashion to really make this Nation indivisible, and to really establish liberty and justice for all.

I urge further support of the Powell amendment.

CIVIL RIGHTS

Mr. Chairman, a somewhat similar problem to that which I have just discussed will be before us. I hope, within a very few days, and that is the administration's bill to implement civil rights.

Here again, as in the school problem, the Constitution is not self-implementing. I presume there is no one who would argue that the Constitution does not guarantee all Americans of any color, the right to vote. The fact is, however, that the right to vote has been successfully denied to millions of our people for a great many years and nothing very effective has been done about it.

Therefore, there will shortly be presented to this House after too much delay, caused by persons who are opposed to civil rights, a bill which will try to do something about it. The bill creates a permanent bipartisan Commission on Civil Rights, whose continuing duties will

be to investigate allegations that certain citizens of the United States are being deprived of their right to vote, or are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin, and to study and collect all information on this problem.

More importantly, however, the bill will provide for the appointment on a permanent basis of an additional Attorney General of the United States whose sole duties will be to enforce civil rights. Under the bill the Attorney General may institute for the United States or in the name of the United States, but for the benefit of the real party in interest, a civil action or other proper proceedings for redress or preventive relief, including injunction. The bill will provide that—

No person, whether acting under cover of law or otherwise shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote as he may choose, for any candidate for President, Senator, Member of the House of Representatives, at any general, special, or primary election.

And again the Attorney General is authorized fully to proceed to enforce these rights.

Mr. Chairman, it seems to me that this is a minimum of what we should do, and should do now. When you face the facts, it is really unthinkable that the world leader of democracy, liberty, and freedom permits any citizen of the United States, no matter how humble, to be deprived of his fundamental right to vote, or for that matter any other fundamental right guaranteed by the Constitution.

EQUALITY UNDER LAW

Almost peculiar to the United States of America is the ideal of equality under law, and privilege based on birth or race or religion or economic condition has always been alien to the American ideal. As the Committee on the Judiciary says in favorably reporting this legislation:

The purpose of this legislation is clear. It is to make more certain that rights guaranteed by the Constitution and laws of the United States will be enjoyed by all, regardless of race, creed, color, or national origin. It is directed at no particular section of America. Certainly, no area of the country can claim achievement of full equality under law. The Committee on the Judiciary of the House of Representatives recognizes its distinct duty to enact wise legislation which will guarantee that the words of promise spoken by the Constitution will be fulfilled in every corner of the Nation. It is also realized that American leadership of the free world is aided greatly by practical demonstrations of our historic commitment to the ideal of equality under law. To shirk this high responsibility and leave the production of Federal rights to State or local governments would represent, at best, an unjust imposition of Federal duties on these overworked State and local law-enforcement officials and, at worst, dereliction of sworn duty to uphold and defend the Constitution of the United States.

Finally, to fail to take appropriate action to provide adequate tools for the protection of rights and privileges guaranteed by the Constitution and laws of the United States would amount to gross faithlessness to the great American ideal of equality under law.

OPINION OF MY PEOPLE

Mr. Chairman, some time during this past winter a delegation of 20 or more citizens of my congressional district came down to Washington and conferred with me on what was called the civil rights worksheet for 1956. This program contained eight points and they are as follows:

First. Set up an effective Federal FEPC to prevent discrimination in employment.

Second. Make Federal funds for education, housing, and welfare available only to those programs and projects that comply with constitutional bars against segregation and other forms of discrimination.

Third. Make lynching and other assaults by public officials or private citizens, acting either in concert or individually, on persons or property because of race, color, religion, or national origin, a Federal crime.

Fourth. Wipe out interference with the right to register or vote in primary or general Federal elections, and abolish the poll tax.

Fifth. Create a Civil Rights Division within the Department of Justice, headed by an Assistant Attorney General, with authority to protect civil rights in all sections of the country.

Sixth. Establish a permanent Federal Commission on Civil Rights to make continuous appraisals and to recommend actions with respect to civil-rights problems.

Seventh. Eliminate remaining segregation and other forms of discrimination in interstate travel.

Eighth. Establish majority rule in the Senate and House of Representatives.

I told them then, and repeat now, that I am for this program. The pending civil-rights bill will certainly go a long way to taking care of points 4, 5, and 6. The other points are equally important.

I am proud of the progress which the Eisenhower administration has made in this connection and of the general Republican record for civil rights. I hope it will continue and that we will obtain a favorable vote in the House of Representatives.

By reason of the long delay which has been occasioned by enemies to the program, it is fairly evident that this program, or perhaps not even a substantial part of it, can be enacted in the closing days of this session of Congress; but there again, as I said in the discussion of the Powell amendment, responsibility for delay or frustration in some other body is not our responsibility in this House of Representatives. Here we should pass the program, and if action on it is not completed in this year, we should renew our efforts at the very beginning of the next session.

I suggest that we all stand up and be counted so that our Negro citizens, as well as our other minority groups, can determine from the record once and for all who are their friends and who are against them.

Mrs. BLITCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and Representatives of the United States of America—I say that

with great feeling, because that is exactly what each person in this room is.

We do not all think alike here today. That is what makes America great. The reason we do not think alike is because we are a combination of States, living under traditions left by those who went before us. We all state with pride that this has come to be the greatest country in the world. I think if you could say one single thing is responsible for the greatness of America, it is the fact that we have not been forced to conform to a set mold, but because we are a group of States, we develop our individual traits and the best of them go into making a great Nation. Perhaps this present bill will not take us too far overboard at this particular time, but let me say, that if this bill is passed, we have opened the door to the complete disruption of all the rights that we have to be different from one another. I do not say that it is a compelling thing that all of us should be unalike, but God help us from all over being exactly alike. May we always preserve our right to be different.

A few years ago it was my privilege to sit in a great hotel in Philadelphia with some Democratic leaders. One of the subjects that came up for discussion was this very same subject—Federal aid to education. I positively gasped. I said "Not Pennsylvania?" Here you are sitting on top of more money than there is in any comparable space in the world, and Pennsylvania is going to ask for Federal aid for education." I said, "Don't you have any backbone in your State? Don't you have the backbone to stand up and fight for your own children, and your own State, and the opportunity to educate them? Don't you care for your own children enough to do the best you can for them, or do you want to pour more money into the Federal Treasury and then siphon off a little to Georgia and some of the other Southern States just to get a little school money for yourselves?"

The answer was this: "We have a Republican governor, and you cannot get him to do a thing toward raising taxes to give us some money; to give us enough money to educate our children."

Since that time they have changed governors in Pennsylvania. They now have a Democratic governor there. Evidently tax procedures and the will to call upon the people at the State level to finance their children's education is still nonexistent for we have the distinguished gentleman from Pennsylvania, whom I revere very much, coming here and fighting with all his might for Federal aid to education.

Let me tell you something, my friends. I do not want any Federal aid for education. The people in my State want none of the largess from New York, Ohio, or any of the other States that are considered so rich. Let me tell you that following the War Between the States, we were left with no schools for the white, no schools for the colored, and no votes for the white.

I have read in the CONGRESSIONAL RECORD speeches very carefully prepared advocating strict adherence to the 13th, 14th, and 15th amendments, but I have heard no mention made of the 9th and

10th amendments that were adopted in good faith by the States. Knowledge that they were going to be adopted was the only reason that the Constitution itself was adopted. But those three amendments that have been mentioned here on this floor today were adopted when so many of the States had as their legislators a few scalawags, a few carpetbaggers, and poor ignorant and uninformed Negroes. Certainly, there is a grave cloud of doubt as to the legality of those particular amendments.

But there is no shadow of a doubt that the Constitution gives only the Congress power to legislate and that it reserves to the States or the people all rights not reserved to the Federal Government.

The word "education" is mentioned at no single place within the Federal Constitution. Therefore, none but the most willfully blind can say that education is a prerogative of the Federal Government.

Our brilliant and courageous forefathers who wrote or ratified the Constitution were jealous of the right to educate their own children.

Tell me not, my fellow colleagues, that our forefathers were ignorant and stupid and were not up-to-date on this great fundamental principle of our Government. The tremendous success of this Government bares eloquent testimony to their discernment.

That any Member of this body would have the temerity to destroy this heritage would be unbelievable were I not here to witness it.

The world is more complex today than ever. Our only chance of survival is to hold close, hold close and very dearly to the principles that in spite of human weaknesses have preserved this democracy in a Republic—the greatest form of government ever before achieved by man.

Mr. Chairman, I urge, I implore my colleagues to defeat the bill before us.

Mr. JACKSON. Mr. Chairman, I move to strike out the last word.

Mr. KNOX. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. KNOX. Mr. Chairman, I feel I am compelled to support the Kelley school-construction bill so that every child, regardless of where he or she may live, will have an equal opportunity to receive an education. Because of the large holdings of State and Federal lands in the State of Michigan, and the fact that Michigan itself has been negligent in assisting the poorer school districts of the State in acquiring the facilities for the education of the youth are principal reasons for my supporting the bill.

I am cognizant that many school districts in the 11th Congressional District of Michigan have bonded themselves and in turn increased the mileage to retire the bond issue so they may meet the requirements of educational facilities. However, we have many school districts that are completely surrounded by Federal and State lands which have

deleted great portions of the tax base that the school districts may use for the spreading of taxes for the construction of schools, and the amount of money forthcoming from the holdings of Federal lands is a mere pittance of the need of financial aid for school construction.

Until this past session of the Michigan Legislature the State of Michigan paid 10 cents an acre to schools and townships for lands held by the conservation department for State purposes. I must give credit to the last session of the Michigan Legislature for making an increase from 10 cents to 15 cents an acre on said lands.

The youth of our Nation is with us because we want them. Our responsibility is to see that the children have an opportunity to receive an education so that they may meet the competition in seeking the position of making their goal in life.

For these reasons I will vote for the passage of the school-construction bill.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. KELLEY of Pennsylvania. Mr. Chairman, I ask unanimous consent that all debate on the bill, H. R. 7535, and all amendments thereto, close at 3:15.

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

There was no objection.

Mr. POWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POWELL: On page 26, after line 12, insert a new title IV: "That there shall be no Federal funds allotted or transferred to any State which fails to comply with the provisions of the Supreme Court."

Mr. WILLIAMS of Mississippi. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the time of debate on the entire bill has been limited, as I understand it. Is that time to be divided equally among those who were standing at the time?

The CHAIRMAN. That is within the discretion of the Chair. No one was standing when time was fixed, so the Chair assumes there will be ample time for everybody.

Mr. POWELL. Mr. Chairman, I rise to give the Members of this House an opportunity to reaffirm their action of 2 days ago. With adoption of the Gwinn amendment all of title I as amended, including the so-called Powell amendments, was stricken out.

I would like to say also that the gentleman from New York [Mr. GWINN] in offering his amendment did not do so to strike out the Powell amendment, because both he and the gentleman from Kansas [Mr. SCRIVNER] as long ago as February 27 of 1955, were proposing this approach to Federal aid to education. So the fact that the Powell amendment was lost due to the adoption of the Gwinn amendment was not due to any conscious act on his part aimed at the Powell amendment.

The Gwinn amendment, for the benefit of those who do not know what it is, says:

There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1956, and for each of the 3 succeeding fiscal years, an amount equal to 1 percent of the total of all income taxes collected on individual and corporate incomes, under the Internal Revenue Code of 1954 from all the States and Territories during the previous calendar year, which shall be paid by the Secretary of the Treasury on December 31, during each such fiscal year, to the respective States and Territories, in amounts equal to 1 percent of the amount of such revenue collected in each such State or Territory, to be used for public schoolroom construction as prescribed by the law of each State or Territory.

That figures out, according to the table I have here, about \$585 million a year based on income-tax collections in 1954. My amendment now is in the shape of a new title, and that title is that there shall be no Federal funds allotted or transferred to any State which fails to comply with the provisions of the Supreme Court.

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

Mr. POWELL. I yield to the gentleman from New Mexico.

Mr. FERNANDEZ. Well, the gentleman's amendment at the present time is much broader than the one adopted the other day.

Mr. POWELL. Yes; it is, because under our parliamentary procedure I could not draw up an amendment as liberal as this one the other day. I would like to direct attention to this part of the amendment "which fails to comply with the provisions of the Supreme Court." Now, the provisions of the Supreme Court are provisions that are lenient; they are provisions which state "move with all deliberate speed." So, therefore, the fact the amendment contains "provisions of the Supreme Court" does make it liberal.

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

Mr. POWELL. I yield to the gentleman from Montana.

Mr. METCALF. I want to ask the gentleman to explain a little further about what the provisions in his amendment mean, because decisions of the Supreme Court are many. "Provisions of the Supreme Court" does not mean only one decision; it means all the decisions. It is rather an ambiguous and vague amendment.

Mr. POWELL. I am sure the gentleman from Montana does not object to States abiding by whatever decisions the Supreme Court may render; does he?

Mr. METCALF. No; I do not. I am for it. But I do not think his amendment does what he wants it to do.

Mr. POWELL. I think it does. It abides by the decisions of the Supreme Court.

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

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

Mr. HALLECK. For the purpose of clarification, I looked at the language contained in the gentleman's amendment. Now, as the Powell amendment

has been under consideration in the press and around the country in recent months, the criticism has been directed at it because it took no recognition—that is, the gentleman's amendment as it has been talked about was alleged to take no recognition—or the matter of timing that was a part of the Supreme Court's decision. Now, as I read the gentleman's amendment, it would seem very clear to me that the amendment that is presently pending does take account of that part of the Supreme Court decision that has to do with the matter of timing.

Mr. POWELL. You are exactly right, sir. This amendment is just in support of the Supreme Court and makes sure that no Federal funds shall be given to any State which is violating the provisions of the Supreme Court, and that is all.

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do this for the purpose of directing an inquiry to the gentleman from New York [Mr. POWELL]. Does the term "provisions of the Supreme Court" have any legal or any other meaning whatsoever?

Mr. POWELL. To me, yes, sir.

Mr. ALBERT. Well, "provisions of the Supreme Court" could mean the equal but separate doctrine provision.

Mr. POWELL. No. That is gone; Plessy versus Ferguson has been ruled out by that.

Mr. ALBERT. Does the term "provisions of the Supreme Court" relate to law or what?

Mr. POWELL. It relates to the Supreme Court provisions affecting this bill that is before us, which is the school construction bill.

Mr. ALBERT. I would direct the point to the gentleman that the term "provisions of the Supreme Court" has no meaning with reference to any decision or body of laws upon which the Supreme Court of the United States has acted.

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

Mr. ALBERT. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Then the word "provisions" could mean provisions already in effect or to be in effect hereafter.

Mr. POWELL. Provisions in effect now. This is a school construction bill. Anything in this bill must relate to education. Therefore, when I say "provisions of the Supreme Court," I am applying the Supreme Court decisions as they affect education.

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

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

Mr. COOLEY. Is it not a fact that the Supreme Court does not make provisions?

Mr. ALBERT. That is exactly the point of my inquiry. The gentleman is correct, that there is no legal significance to the term "provisions of the Supreme Court."

Mr. COOLEY. The Supreme Court only renders decisions and does not make provisions.

Mr. ALBERT. Exactly. The gentleman is correct.

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

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

Mr. POWELL. If it was changed to "decisions," then would you be satisfied?

Mr. ALBERT. No. I am directing my inquiry in the interest of legislative accuracy, and I deem this would not be accurate either.

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

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

Mr. HALLECK. Mr. Chairman, with respect to what the gentleman from Oklahoma [Mr. ALBERT] has suggested, of course, if the gentleman from New York [Mr. POWELL] were to ask unanimous consent to amend his amendment by changing the word "provisions" to "decisions and orders" it would seem to me the amendment would more properly fulfill the purpose.

Mr. ALBERT. I would say to the gentleman from Indiana that that is no part of the amendment that is pending before the Committee of the Whole at this time.

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

Mr. ALBERT. I yield.

Mr. POWELL. I want to thank the gentleman for bringing this to my attention. I am sure that I could get unanimous consent to amend the amendment, or one of my colleagues will offer an amendment to the amendment.

Mr. Chairman, I ask unanimous consent that my amendment be changed to read "the decisions of the Supreme Court."

Mr. ALBERT. Mr. Chairman, I object to that.

Mr. POWELL. I want to thank the gentleman for straightening me out, even though he did not go all the way.

Mr. KEARNS. Mr. Chairman, I move to strike out the last word.

I do not think there is any Member of the House who has been more interested in school construction than I. I rise at this time to speak on this very important legislation.

I like the gentleman from New York [Mr. POWELL]. I like every member of our committee. I think we have tried to do a conscientious job. Many Members who have spoken on the floor either for or against school construction have come to members of our committee time and again and have said, "When are we going to have a bill reported out for school construction?"

The challenge I want to offer to the gentleman from New York [Mr. POWELL], is this—and I do not disagree entirely with him in his philosophy. But is he willing to take the responsibility of sabotaging school construction for every boy and girl in America because of his own conception of this legislation as stated in his amendment?

I think Members of Congress have the right to stand up and say that they believe in the Powell concept or they disagree with it. But every boy and girl in America knows what he wants, and that is a schoolhouse.

It is wrong to have this whole bill sabotaged on this issue.

Mr. ROOSEVELT. Mr. Chairman, I offer an amendment to the amendment of the gentleman from New York [Mr. POWELL].

Mr. BASS of Tennessee. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BASS of Tennessee. If an amendment is to be offered to the amendment proposed, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. That point of order comes entirely too late.

Mr. BASS of Tennessee. If an amendment is proposed to the amendment, would not a point of order then lie?

The CHAIRMAN. The Chair cannot anticipate what the situation will be. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROOSEVELT to the Powell amendment: Strike the word "provisions" and insert the word "decisions."

Mr. BASS of Tennessee. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BASS of Tennessee. I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. It is certainly germane to the amendment offered by the gentleman from New York to substitute the word "decisions" for the word "provisions." The Chair so rules.

Mr. BASS of Tennessee. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BASS of Tennessee. I make the point of order that the word "provisions" is ambiguous and has no meaning whatever and would make the amendment not germane.

The CHAIRMAN. The Chair does not rule on the question of ambiguity. It is a question of germaneness solely, and the Chair has ruled that the amendment is germane.

The gentleman from California is recognized for 5 minutes.

Mr. ROOSEVELT. Mr. Chairman, I do not think it is necessary to elaborate any further on the argument. I yield back the balance of my time.

Mr. VELDE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to H. R. 7535, the bill for Federal aid to school construction unless the Gwinn amendment is passed on a rollcall vote. At the outset, let me say that I voted to report this bill out of committee, and am happy that I did so. I feel that a bill of this importance should be given consideration by the full membership of the House of Representatives.

During the general debate and debate on the various amendments which have been offered, I have learned a lot that I didn't know before, and it is upon these grounds that I have now decided to oppose this bill.

For the past 8 years I have been privileged to represent a congressional district which I suppose could be called a silk stocking district as far as education is concerned. Our schools are good. We have very fine teachers and

I feel in most instances that they are adequately paid. Under H. R. 7535 I doubt very much whether any schools in the 18th Congressional District would receive one red penny in aid, except for the regular per capita amount under title I. As far as that is concerned, I doubt very much if many schools in the whole State of Illinois would receive any Federal funds which are authorized by any other provisions of the bill.

I feel it my duty as a true Representative of my people to consider the welfare of the taxpayers in my district first, because it is through their ingenuity and enterprise that they have been able to establish an educational system which is adequate and in keeping with our tradition of free and locally controlled educational facilities. Two of our outstanding citizens from the 18th Congressional District, O. D. Maddox, and L. J. Fletcher, acted as delegates to the White House Conference on Education last November. Both expressed their deep opposition to any form of Federal aid to our school systems. In addition to that, our great Governor, the Honorable William G. Stratton, who has also served two terms in this House, and our fine superintendent of public instruction, the Honorable Vernon L. Nickell, have done likewise.

I just this morning received a letter from Mr. Nickell expressing his opposition to this bill, and I would like to quote in part from his letter:

The attorney general of Illinois has informed us that if the bill as written is enacted, or is enacted in any similar form, Illinois—if it desires to participate—could take no legal action until after the State legislature passed enabling acts in the next general assembly which will meet next January. So in any event, Illinois could not participate before receiving the approval of the State legislature. If I understand it correctly, the bill provides that Illinois would pay into the fund a sum of thirty to thirty-two million dollars and have returned only \$20,000, while on the other hand, the State of Mississippi would pay not more than around \$2 million and get back \$6 million.

Now, knowing Mr. Nickell as I do, I am sure that he is not penurious and has just as high regard for the welfare of the youth of this country as I do, but it is difficult, and understandably so, for us to understand why the State of Illinois—which has gained a reputation for meeting its obligation to educate its youth—should be forced to pay for the education of the youth of so-called backward States, whose State legislatures have not had the courage to raise their tax limits and thus meet their needs for education.

I have heard my distinguished chairman telling of his extreme devotion to the cause of education. Other members of our Education and Labor Committee have likewise expressed their feelings that the education of our American children is the greatest weapon we have against tyranny and suppression of speech and thought. I want to say now that I firmly believe the future of America lies to a great extent in the education of its younger generation. I have been fortunate myself in having been a school teacher for 4 years. During that period in my life I learned that our educational policies and principles can best

be handled by our local administrators. In fact, the local and State administration of our school system, in my opinion, is largely responsible for our Nation gaining its present stature.

But to be more specific in my reasons for opposing this bill, let me say that as a practicality the real need of school districts in this country would not be helped one iota; the fact is that those schools in the South, which according to all statistics are the most needy, will not receive aid from this bill.

Another fact is that this bill will merely provide for taking money out of one pocket and putting it in another, with of course a deduction by the Federal Government for the cost of handling. This to me is not progress.

Like practically everyone in this great body, I believe too that the Federal Government should have no part in the control of our educational policies. I would be less than sincere if I stated that I could see no Federal control of education in this bill. We have gone far enough as it is in the concentration of power in our Federal Government. It is high time we begin to think about the division of powers between the Federal Government and the governments of our various States, as set forth so clearly and wisely in the 10th amendment to our Constitution. In all the nations of the world, where tyranny and dictatorship have prevailed, the educational system has been used as a prime tool to make such tyranny and dictatorship their source of power and authority. I feel we cannot be too cautious in seeing that this does not happen in our great Nation.

I therefore firmly believe that a decisive defeat of this bill would not be a step backward in the education of our youth in America. I feel, rather, that it would be a step forward because once the voting taxpayers realize the Federal Government will not lend its financial support or control to the construction of school facilities, they will then buckle down, get busy and assume their responsibility in raising the necessary funds in their local areas, just as my great State of Illinois has done so successfully in the past.

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

Mr. VELDE. I yield to the gentleman from West Virginia.

Mr. BAILEY. Would the gentleman want to put a dollar sign on a matter as serious as this?

Mr. VELDE. I certainly feel that the gentleman from West Virginia has done the same thing many times before. The matter of finance is a very integral part of this bill and I certainly feel constrained to take the matter of dollars into consideration.

Mr. BAILEY. I think the gentleman will acknowledge that I have done a great deal to bring about the passage of much of the school legislation that is on the books.

Mr. VELDE. Does not the gentleman from West Virginia realize that his State will benefit by this bill?

Mr. BAILEY. I am not so sure of that.

Mr. VELDE. Especially under title I as it was first written. Under the present

bill, if the Gwinn amendment succeeds, of course he will not.

Mr. DOLLINGER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. DOLLINGER. Mr. Chairman, I rise for the express purpose of emphasizing my position on the issue before us, the Powell amendment to the bill to authorize Federal assistance to the States and local communities financing an expanded program of school construction.

I voted for the Powell amendment when it originally came before us on July 3. I shall vote for the Powell amendment presently before us.

During the debate on June 29, my distinguished colleague from New York [Mr. POWELL] pointed out that on January 18, 1949, and in each Congress thereafter, I introduced a bill to withhold Federal aid from schools which discriminate between students by reason of their race, color, religion, ancestry, or national origin. Beyond a polite acknowledgment from the chairman of the committee in reply to my requests that action be taken on my bill, nothing was done. Now, at last, the issue is before us. I am pleased to have the opportunity to cast my vote in favor of legislation which will further the cause of integration in our schools and will end some of the evils of discrimination suffered by so many of the children and young people of our Nation, as well as their parents.

It is of utmost importance that the provisions of the Powell amendment be included in the school construction bill before us. Without such provisions the integration decision of the Supreme Court would be futile; we would provide the Soviet Union with another weapon against us; those nations which we hope to keep on our side in the cause of democracy would look upon us with derision and contempt on the ground that there is no true democracy in our own country; another blow would be dealt the Negro people here who have been prevented from enjoying that true freedom and equality provided under our Constitution.

Mr. KEATING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in connection with this amendment, I think unquestionably the intent of the House would be clear under the wording as originally offered by the gentleman from New York when he used the expression, "the provisions of the Supreme Court," although I believe the correct term to use would be "decisions and orders of the Supreme Court." I have an amendment at the desk to the amendment of the gentleman from New York to so provide. It would read:

The decisions and orders of the Supreme Court.

I wonder if the gentleman from California would like to withdraw his amendment so that my amendment may be reported?

Mr. ROOSEVELT. Because I believe the gentleman from New York who is

now speaking is one of the greatest authorities on this matter, I ask unanimous consent to withdraw my amendment and support his.

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

Mr. BASS of Tennessee. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. KEATING. In the light of the objection and I anticipated we might have an objection at this point, I think it is perfectly clear what the meaning is. This matter can be resolved in conference so as to include the correct words, which I think should be here. In other words, the words "decisions and orders" can be supplied by the conferees. This amendment should not be defeated simply because it lacks artistry. The meaning is perfectly clear.

Mr. Chairman, this amendment, as it is now phrased, ought not to be objectionable to anyone. It simply states what should be the law in any event. It therefore can do no possible harm. It is moderate and restrained in its phraseology. It must be borne in mind that the Supreme Court in writing these decisions said that they would be put into effect through implementing decisions of the Federal district judges.

Mr. Chairman, we know that the question of segregation in many communities is giving rise to grave problems. They cannot be disposed of overnight. They must not be ignored or subjected to resolution by force. The principle of integration must be upheld under our Constitution. At the same time, we must, in wisdom and fairness, avoid extremist tendencies. That is just exactly what the Supreme Court recognized in its decision when it said that the various States should proceed with all deliberate speed, but that it was left to the Federal judges in the various areas to implement the decision of the Supreme Court by a subsequent decision.

The present amendment of the gentleman from New York is, if anything, even more moderate in its recognition of that fact than the one which was stricken out through the parliamentary tangle we got into a few minutes ago. I will concede when I first considered this amendment, I was somewhat disturbed by the impression that it might be an extremist tactic. I feared that bringing the integration question into our deliberations on school construction might detract from the consideration of the main issue on its merits.

But I have revised that opinion. In its present form, this amendment is moderate and proper. Furthermore, I recognize that it involves a question of principle upon which there should be no compromise by those of us who happen to believe the way I do.

This amendment will have no undesirable effects, so far as the administration of this school construction bill is concerned, since Federal funds would not reach those areas which have regrettably chosen to scuttle their public education systems anyway. And its omission might raise confusion as to the intent of Congress and the attitude of the Fed-

eral Government with respect to the Supreme Court's mandate. The amendment adds nothing to what the nine members of the High Court have already said. It only assures that this piece of legislation cannot be construed as weakening the mandate of the Court. That would be, in my judgment, indefensible. For these reasons I support the amendment of the gentleman from New York.

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

Mr. KEATING. I yield.

Mr. SCOTT. Mr. Chairman, yesterday I was surprised to hear the distinguished gentleman from Illinois, the vice chairman of the Democratic National Committee, argue against the Powell amendment. The opposition to the Powell amendment of ex-President Truman as revealed by his letter read on the floor of this House, and of the Democratic National Committee exhibits continuing determination to kill civil rights measures. This is not the first time Harry Truman has tried to pull the rug out from under civil rights legislation. His purpose is clear: to prevent a record vote where the Democrat Members must stand up and be counted. I do not believe Members on my side of the aisle are timid about recording their views so that he who runs may read. I support the Powell amendment.

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

Mr. KEATING. I yield.

Mr. HALLECK. I have asked the gentleman to yield not to speak on the particular matter that is pending, but to make this statement for the understanding of the Members. An amendment was adopted in the Committee of the Whole—the Gwinn amendment—which changed all of title I of the bill. The gentleman from Pennsylvania [Mr. McCONNELL] proposes to offer a motion to recommit which would put into the bill the two amendments that he had offered while the Committee was sitting. If the Gwinn amendment is not voted down, his motion to recommit would not be in order. I want it further understood that if we are to get to the point where Mr. McCONNELL's motion to recommit can be offered, and I hope it will be offered and that it prevails, we must first vote down the Gwinn amendment. His motion to recommit will give effect to and implement the President's recommendations and views as to the vital and important parts of the bill. If his motion is voted down, the President's proposals are ignored, and, in my opinion, passage of the bill will be seriously jeopardized.

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

Mr. KEATING. I yield.

Mr. MORANO. Is it not true that this amendment does not stop the flow of funds to a State by reason of a date limitation, and therefore it is more liberal?

Mr. KEATING. That is my understanding.

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

Mr. WINSTEAD. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Chair wishes to announce that an amendment to an amendment is not permissible. There

has been an amendment offered by the gentleman from California.

Mr. WINSTEAD. Mr. Chairman, I rise then in opposition to the Powell amendment.

Of course, I am opposed to the Powell amendment, and the bill, but I do not have time to discuss that. I will discuss what this proposed amendment to the amendment would deal with. You who support the Powell amendment insist you want to do something for the Negro race. If you do, why do you not go far enough to amend his amendment to the extent that no State in this Union can participate in these funds unless they hire a percentage of the Negro race to teach the children in those States, in keeping with the population of that race to the rest of the people? I doubt if there would be a State in the Union above the Mason-Dixon Line who could participate. The Southern States which do not practice integration employed 113,000 Negro teachers, according to recent statistics, as against 10,480 in the so-called integrated States. South Carolina alone employed more than 2,000 Negro teachers, more than the New England States combined. If you want to make a political football out of this thing, why not go all the way. If you are sincere in wanting to see that they have equal opportunities, then give the same proportion of Negro teachers in proportion to the Negro population before you come in here for a provision that would deny the Southern States participation in this bill because they maintain separate facilities. You can laugh this thing off if you want to, but if you are sincere, stand up and be counted. Why don't you good people from New York do something about the Puerto Rican proposition? That is one of the worst racial problems in the United States.

May I say again, if you are going for the Powell amendment, go all the way. Show your courage. You can talk about your courage. Some of you condemn the South so freely. I would like to see Chicago, Ill.; Detroit, Mich.; and New York City, and Ohio, and some of these States where we hear so much from you and your Representatives about the racial problem, set an example at home, or take a position in this Congress that is consistent with what you practice. Then you might find some of us a little more willing to go along with your provisions.

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

Mr. WINSTEAD. I yield.

Mr. CHUDOFF. I believe the gentleman said the State of South Carolina had a great number of Negro teachers. I should like to know from the gentleman if he knows whether the State of South Carolina pays those teachers the same wages as white teachers.

Mr. WINSTEAD. I cannot say about South Carolina, but Mississippi has the same standards of pay for the Negro teachers as the whites. I wish some of you would get better informed before you come in here and talk so much on this type of thing. It is my understanding that South Carolina, North Carolina, Georgia, and the other Southern States

pay teachers according to their qualifications regardless of race. A Negro teacher with qualifications equal to that of a white teacher, receives the same pay.

We in the South at least believe in giving the Negro race leaders and teachers of their own people. Some of you in the Northern States who so actively support the Powell amendment, undoubtedly do not practice this same principle in employing your teachers.

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

Mr. SIEMINSKI. Mr. Chairman, today was a most challenging day for me as a legislator. The school-construction bill is a legislative must on our list of accomplishments for our people.

Interwoven with the success of this program is a great social question that has recently been decided by the highest Court in the land, our Supreme Court.

The association of all races and creeds is the story of development in Hudson County, N. J. We learned to live and to worship and to work together many, many years ago.

Our school system, I believe, is second to none in this great land.

Perhaps our singular success has been the realization of our public officials, clergy, and educators that equal opportunities must exist for all in our public-school system. Integration is not a new world in our school system. It has been the byword for many years.

I pray that God in His great wisdom will guide and strengthen us in our efforts to provide equal opportunities for all our citizens, regardless of race or creed.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. ROOSEVELT] to the amendment offered by the gentleman from New York [Mr. POWELL].

The amendment to the amendment was agreed to.

Mr. COOLEY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. COOLEY. Now that the Powell amendment has been perfected by the amendment offered by the gentleman from California, I make the point of order against the Powell amendment that it is not germane to the bill; and I would like to be heard briefly at this time.

The CHAIRMAN. The Chair is ready to rule. The point of order comes entirely too late, because the Powell amendment has already been perfected.

Mr. COOLEY. Mr. Chairman, let me point out that I did not make this point of order against the Powell amendment until the Powell amendment was perfected, because some debate had intervened between the time the Powell amendment was offered and the time the Roosevelt amendment was offered.

The CHAIRMAN. The Chair passed on that question when it was raised by the gentleman from Tennessee.

Mr. COOLEY. The Chair passed upon the question of the Powell amendment before the Powell amendment had been perfected.

The CHAIRMAN. The Chair has ruled.

Mr. COOLEY. Mr. Chairman, I rise in opposition to the Powell amendment.

The CHAIRMAN. Time for debate on amendments expired at 3:15. It is now 3:16.

The question recurs on the Powell amendment as amended.

The question was taken, and on a division (demanded by Mr. KEELER of Pennsylvania) there were—ayes 177, nays 123.

Mr. BAILEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read title IV.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

Definitions

Sec. 401. For purposes of this act—

(1) The term "Commissioner" means the (United States) Commissioner of Education.

(2) The term "State" means a State, Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands, except that for purposes of title I it also includes the District of Columbia, American Samoa, and the Canal Zone.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the governor or by State law.

(4) The term "State school-financing agency" means the single agency, official, governmental entity, or instrumentality of a State, designated or established by the State for purposes of title III.

(5) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools. If a separate public authority has responsibility for the provision or maintenance of school facilities for any local educational agency or the financing of the construction thereof, such term includes such other authority.

(6) 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.

(7) The terms "constructing" and "construction" mean the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(8) The term "annual debt service" means the aggregate amount required to pay the interest on and principal of each issue of

obligations becoming due in each successive 12-month period designated in accordance with the agreement under title III.

Utilization of other agencies

Sec. 402. In administering the provisions of this act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and, without regard to section 3709, as amended, of the Revised Statutes, of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary of Health, Education, and Welfare and the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon by the Secretary and the head of the agency or institution concerned.

Appropriation for administration

Sec. 403. There are hereby authorized to be appropriated for each fiscal year to the Department of Health, Education, and Welfare such sums as may be necessary for administration of this act.

Delegation of functions

Sec. 404. The Commissioner may delegate to any officer or employee of the Office of Education any of his functions under this act except the making of regulations.

Assurance against Federal interference in schools

Sec. 405. In the administration of this 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.

The CHAIRMAN. Are there any amendments to titles II, III, and IV?

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a motion.

Mr. KELLEY of Pennsylvania. Mr. Chairman, a point of order. I asked and received unanimous consent that all debate on the bill close at a certain time.

The CHAIRMAN. The unanimous-consent request did not dispense with the reading of title IV. The time was limited, but it was possible and it is still possible to offer amendments to be voted on without debate.

Mr. KELLEY of Pennsylvania. Mr. Chairman, my intention was to ask, and I think I did, that all debate on the bill, H. R. 7535, close at 3:15.

The CHAIRMAN. There is no question about that. All time has expired and the debate has ended. Now the Chair wants to know whether there are any more amendments?

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. That cannot be debated.

Mr. HOFFMAN of Michigan. Mr. Chairman, then I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

FEDERAL AID TO EDUCATION

Mr. HOFFMAN of Michigan. Mr. Chairman, listening to the debate on this bill but not thinking, one would reach the conclusion that unless it was adopted future generations would drop back into the dark ages.

Those who conceived and put into words the principles enumerated in the Constitution were wholly without edu-

cation such as that contemplated by this bill.

They were of many races. They were men of different religious faiths. They were not of one mind as to any political philosophy.

No overall authority had guided them, determined either the form or the substance of their education.

To determine their course, they had their knowledge of the kind of government which had prevailed in the lands from whence they came. They had their experiences to guide them. Their ever-present problems, their way of living, shaped their thoughts, determined their actions.

Nevertheless, they put into words the Declaration of Independence, which today, for clearness and conciseness, is still the best expression of man's justifiable desires.

In the Constitution and the first 10 amendments, they expressed basic and fundamental principles of government, which many of us believe outlined the best possible form of government.

Under it, we have not only grown great and powerful as a Nation, we have not only become prosperous and progressive, but we still enjoy a greater degree of liberty and freedom than that obtainable anywhere under any other form of government.

In those days, there were schools. The school buildings were constructed by the people. They varied in form and size, as did the homes, the necessities, and the resources of the people whose children attended them.

Whether the teacher should confine education to the three R's, the local people determined.

Do not misunderstand. No one is advocating that we go back to the one-room schoolhouse. No one suggests that we confine the curriculum to the three R's. No one contends that the opportunity to learn should be limited to those who had available only the light of the fireplace, the pine torch, the bear grease, or the tallow candle.

What is being attempted is the expression of the thought that, relying upon the Constitution, upon the commonsense of our people, we have not only made amazing progress as our position is compared with that of other nations but that nowhere at any time has a better system of education than that formulated and carried out by our own people existed.

WHY REPUDIATE IT?

The 10th amendment to the Constitution declares that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This bill before us today proposes to take from the people the right to determine the form and the substance of the education which their children shall receive.

The bill proposes to take the authority which they have heretofore enjoyed and exercised and vest it in a Federal Government, a Federal Government which all too often and in too many ways has already circumscribed their freedom. The proposal is the opening attempt to

take from the people the education of their children and vest it in a bureaucracy at Washington.

If it be said that that is not the wording in the bill, that such is not the purpose of the bill, nevertheless experience tells us that once the Federal Government inserts a wedge in the activities of the people, ultimately the Federal Government controls that activity.

If this bill becomes law, we have no assurance whatever that the Federal Government will not take over completely our system of education.

If this bill be adopted, we are back to those days when in Germany Hitler marched the children to his controlled schools, indoctrinated them, and the result of that we know.

Perhaps there is no more accurate observer or reporter in the Nation today than David Lawrence. His U. S. News & World Report, as well as his pieces in the daily press, give citizens too busy or unable to carry on their own investigations, statements of fact, sound conclusions, unexcelled by any other source.

What has happened when once the Federal Government obtained control of a function may happen again. We have no assurance that it will not happen again. Permit me to read what Lawrence recently wrote:

The United States Government used more than \$3 million of taxpayers' money from 1946 to 1952 to pay for the education of war veterans in 4 schools owned wholly or in part by members of the Communist Party.

This conclusion was reached by the Senate's permanent Subcommittee on Investigations, of which Senator McCLELLAN, of Arkansas, is chairman.

With that fact in mind, knowing as we do that there is no more patriotic agency in the Government than the Veterans' Administration, than those who were in charge of the education program of the veterans, can we now forsake the system of education which has proven to be sound, shown itself efficient, given us so much? Place it under control of those who do their thinking in Washington? Will we, by the adoption of this bill take from the people their constitutional right to determine the form and substance of the educational system which shall determine not only the future of their children, but the future of our Government?

Following the two paragraphs which have been quoted, Lawrence further wrote:

Clumsy administration in the veterans agency in those years and, to some extent, lack of alertness on the part of State agencies which had approved the schools were responsible for the situation.

More than \$2 million in Federal funds were expended to a private high school in New York City that had in it many pro-Communist teachers, but the bulk of the veterans were trained at the school even after the Veterans' Administration was aware that it was Communist-dominated.

The Senate committee has called for new legislation by Congress to prevent any further Federal support of Communist-owned schools. It is apparent that some of the existing laws are inadequate to take care of the situation.

Most significant in the subcommittee's report—which, incidentally, is unanimous—is the statement made concerning the im-

portance of confidential informants. The subcommittee does not reveal just what handicaps the investigating agencies of the Government may have been under in connection with the ascertainment of the facts concerning the influence of the Communists in the schools, but the subcommittee says:

"These hearings have served to reemphasize to this subcommittee the important contributions that may be made by confidential informants to the exposure of the Communist conspiracy before the courts and congressional committees. To this end they have made extreme sacrifices of which the American public generally is unaware. "It is to be expected that Communists and Communist sympathizers will launch smear campaigns against these former party members who have a unique knowledge of the real purposes of the Communist Party, United States of America. However, the subcommittee is particularly disturbed by a recent increase in similar unjustified attacks from misguided quarters avowedly anti-Communist. By such activities they are either unwittingly or deliberately promoting Communist causes.

"The result of such attacks has been an increasing reluctance on the part of former members of the Communist Party or undercover agents to testify in courts or before congressional committees. This Government is thus being deprived of its best source of facts concerning an organization dedicated to its overthrow by unconstitutional means.

"It is of interest that those groups attacking informants are not heard from when informants on non-Communist matters are involved.

"The very nature of the Communist conspiracy has always rendered its exposure exceedingly difficult. Now that the party has gone underground, that difficulty has greatly increased, necessitating an even greater dependence on confidential informants within the party in order to keep abreast of its activities and at appropriate times to publicly expose its real objectives.

"Reckless and unjustified attacks against all confidential informants and their use by our Government are strongly condemned by this subcommittee. They accomplish nothing except the rendering of assistance to the Communist Party.

"This subcommittee is firmly opposed to the expenditure of Federal funds for institutions owned or controlled by Communists."

Maybe the justices of the Supreme Court who inveighed against "confidential informants" in one of their decisions recently will read what the Senate subcommittee has just said on the subject.

The subcommittee, incidentally, points out that, under existing laws, the Veterans' Administration "did not have and does not have legal authority to discontinue payment of Federal funds to schools reliably reported as Communist owned." But the Senators point out nevertheless that the Veterans' Administration "was on notice as early as 1946 of the deficiencies in this area" of public law.

The criticism of the Veterans' Administration is phrased this way:

"For a period of over 9 years, the Veterans' Administration failed to recommend corrective legislation or at least apprise Congress of the deficiencies of these laws. Such inaction is strongly condemned by this subcommittee. It resulted in an inexcusable expenditure of Federal funds in support of Communist-owned schools."

It is interesting to note that the new bill to correct the situation is sponsored by the full membership of the subcommittee, which means Democrats as well as Republicans.

This bill should be defeated.

Mr. DONOHUE. Mr. Chairman, the problem of providing vitally needed Federal aid to school construction in this

country is second to none in its challenge to the legislative duty and individual conscience of the membership of this House.

The bill before us, the Kelley bill, H. R. 7535, should be enacted if we are to meet our duty and accept our conscientious obligation.

The overwhelming array of authoritative testimony of factual record leaves no question but what this Nation is faced with a dismaying shortage of classrooms. The situation has grown more critical each succeeding year since World War II. During the depression years few schools were built and during the war years even fewer, partially because of the shortage of materials. The nonexistence of classrooms coupled with the increasing birth rate has resulted in a catastrophic school situation in almost every community in the country.

The astonishing and astounding facts now are that 18 percent of our schools are fire hazards, a third are health and safety hazards, and thousands of school buildings are more than 50 years old. Coupled with these distressing figures is the cold fact that the school enrollment figure in 1955-56 was 1,675,000 over that of the previous year. By 1959 it is reliably reported that the total school enrollment will be more than 38½ million children.

This admitted classroom shortage problem goes beyond and is much deeper than the restriction of facilities and materials. Obviously the root of the problem and the real cause for national concern is that a shortage of classrooms and classroom facilities deprives the Nation's youth of adequate educational opportunities. Limited classroom space and old, unsafe, and unhealthy buildings are not conducive to learning nor are they by any means an inspiration to the faithful teacher. If we ignore this critical problem our greatest asset and investment for the future—the Nation's youth—are continuing to be improperly trained for the tremendous responsibilities of leadership which someday will be theirs.

Associated with this classroom shortage is perhaps even the more important problem of the shortage of teachers. The Nation's education authorities advise us that we are each year accumulating a deficit of 60,000 teachers while at the same time the yearly need is 150,000. Obviously, the almost sacred profession of teaching is becoming more and more unattractive to those who would best serve in it if they could afford to do so. The educators tell us further that the major reason for the teacher shortage is the low pay that teachers are offered, together with the poor facilities and overburdening number of pupils in the individual classrooms. In most States teachers are paid less than the average industrial worker. It is no wonder then that over 425,000 teachers have left their desks for other positions in the last ten years.

Enactment of a sound Federal Aid to School Construction bill will at least result, indirectly, in helping to make the teaching profession more attractive. Taking advantage of Federal aid for con-

struction will permit State and communities to allocate more of their education budgets to the increase of teachers' salaries.

Mr. Speaker, there are some who honestly feel that any type of Federal Government injection into the national school system will hold the great danger of Federal interference and control. I should like to point out to these individuals that the committee hearings will show the great care and precautions taken by the committee to make certain that there shall be no undue interference by the Federal Government in the control of our school system. I would be the first to protest any unwarranted intrusion, or danger of intrusion, by the Federal Government into the supervision and direction of the schools of this country. I am extremely happy that the committee has seen to it that this legislation carries provisions that preclude any possibility of Federal control of our schools.

Mr. Speaker, it is unfortunate perhaps that in connection with this school construction bill we are being forced to vote on an amendment providing that no financial aid shall be advanced to any State that does not recognize the decisions of the Supreme Court. It is, of course, very clear that the purpose of the amendment is to sustain and emphasize the recent decision of the United States Supreme Court that outlawed segregation in our public-school system on the basis that such was opposed to the provisions of the Constitution of the United States granting equal rights. It is an unhappy circumstance that this amendment creates a dilemma in the minds of many of the Members of this House. It is clear that herein lies a challenge to be determined and resolved in accord with the individual conscience, and that the challenge must be met.

In these tremendous days of tension at home and turmoil abroad it is obvious to me that the authority, the stature and prestige of the Supreme Court of this land must be ever and forever upheld in its dignity and position of one-third of this Government as established and defined by the Constitution upon which our democracy rests. Any other course, to my conscience, would be an abandonment of the judicial part of our Government and unwittingly provide the Communist propaganda machines with an inexhaustible amount of material to undermine our efforts of world leadership.

I earnestly hope and pray that the majority of this membership can find it in their minds and hearts to support the Constitution while they are supporting the Nation's children and that we can in conscience and in patriotism preserve the Nation and provide for our youth by adopting this Federal school construction measure which is essentially good for all of America.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed 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, pursuant to House Resolution 554, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. KELLEY of Pennsylvania. Mr. Speaker, I demand a separate vote on the so-called Powell amendment and on the Gwin amendment.

Mr. HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN of Michigan. Mr. Speaker, when the House votes on the bill and if a motion is offered to recommit with instructions to send the bill back to the committee and report the bill forthwith back to the House with the McConnell amendments, would the Powell amendment still be in it?

The SPEAKER. That depends on what action the House takes.

Mr. HOFFMAN of Michigan. If a motion is offered with instructions to report the bill back with the McConnell amendments, would the Powell amendment be in the bill?

The SPEAKER. The Chair is not going to prognosticate on whether amendments are going to be adopted or what the motion to recommit will be.

Mr. POWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWELL. Mr. Speaker, a request has been made that there be a separate vote on the Powell amendment, that request being by the author of the bill, the gentleman from Pennsylvania [Mr. KELLEY]. Is that amendment the gentleman is talking about title IV which was just adopted in the last 10 minutes by the Committee?

The SPEAKER. That is the amendment reported to the House proposing a new title IV.

Mr. BASS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BASS of Tennessee. Mr. Speaker, is it in order at this time to also demand a record vote on the Powell amendment to title I?

The SPEAKER. Not on title I.

Is a separate vote demanded on any other amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read, as follows:

Beginning on page 3, line 1, strike out everything through line 6 on page 10 and insert in lieu thereof the following:

"Authorization of appropriations"

"SEC. 101. There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1956, and for each of the 3 succeeding

fiscal years, an amount equal to 1 percent of the total of all income taxes collected on individual and corporate incomes, under the Internal Revenue Code of 1954 from all the States and Territories during the previous calendar year, which shall be paid by the Secretary of the Treasury on December 31, during each such fiscal year, to the respective States and Territories, in amounts equal to 1 percent of the amount of such revenue collected in each such State or Territory, to be used for public schoolroom construction as prescribed by the law of each State or Territory."

The SPEAKER. The question is on the amendment.

Mr. KELLEY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 250, not voting 14, as follows:

[Roll No. 89]

YEAS—168

Abbitt	Donovan	Miller, Nebr.	Fogarty	Hosmer	Philbin
Adair	Dorn, S. C.	Miller, N. Y.	Forand	Huddleston	Poage
Alexander	Dowdy	Minshall	Hull	Hull	Polk
Aiger	Durham	Morrison	Curtis, Mass.	Hyde	Powell
Allen, Ill.	Ellsworth	Moulder	Curtis, Mo.	Ikard	Price
Andersen,	Fascell	Mumma	Davidson	Jarman	Priest
H. Carl	Fenton	Norblad	Davis, Tenn.	Johnson Calif.	Prouty
Andresen,	Fisher	O'Brien, N. Y.	Dawson, Ill.	Johnson, Wis.	Quigley
August H.	Fjare	Ostertag	Dawson, Utah	Jones, Ala.	Rabaut
Andrews	Flynt	Passman	Deane	Judd	Rains
Ashmore	Forrester	Phillips	Delaney	Karsten	Reece, Tenn.
Avery	Fountain	Pillion	Dempsey	Kean	Reed, N. Y.
Barden	Gamble	Poff	Denton	Kearns	Reuss
Baumhart	Gary	Preston	Devereux	Kee	Rhodes, Ariz.
Beamer	Gavin	Radwan	Diggs	Kelley, Pa.	Rhodes, Pa.
Becker	Gentry	Ray	Dingell	Kelly, N. Y.	Richards
Bennett, Fla.	George	Rees, Kans.	Dixon	Keogh	Robison, Ky.
Bentley	Gross	Riehlmian	Dodd	Kilday	Rodino
Berry	Gwinn	Riley	Dollinger	Kilgore	Rogers, Colo.
Betts	Hale	Rivers	Donohue	King, Calif.	Rogers, Mass.
Blitch	Haley	Robeson, Va.	Dorn, N. Y.	King, Pa.	Rooney
Boggs	Harden	Rogers, Fla.	Doyle	Kirwan	Roosevelt
Bolton,	Harrison, Va.	Rogers, Tex.	Eberhardt	Klein	Sadiak
Frances P.	Hays, Ohio	Rutherford	Edmondson	Kluczynski	Saylor
Bolton,	Herbert	St. George	Elliott	Knutson	Schwendel
Oliver P.	Henderson	Schenck	Engle	Krueger	Scott
Bonner	Herlong	Scherer	Friedel	Laird	Seely-Brown
Bosch	Hess	Scrivner	Fulton	Lankford	Selden
Bow	Hoeven	Sheehan	Garmatz	Lesinski	Shelley
Boykin	Hoffman, Ill.	Short	Gathings	Lipscomb	Sheppard
Bray	Hoffman, Mich.	Shuford	Gordon	Fino	Sieminski
Brooks, La.	Horan	Sikes	Grant	Flood	Simpson, Ill.
Brown, Ga.	Jackson	Siler	McIntire	Fogarty	Simpson, Pa.
Brown, Ohio	James	Smith, Kans.	Macdonald	Forand	Sisk
Brownson	Jenkins	Smith, Va.	Machrowicz	Ford	Smith, Miss.
Broyhill	Jennings	Smith, Wis.	Mack, Ill.	Frazier	Spence
Budge	Jensen	Springer	Mack, Wash.	Frelinghuysen	Staggers
Burleson	Johansen	Taber	Madden	Fulton	Steed
Bush	Jonas	Talle	Magnumson	Garmatz	Sullivan
Carlyle	Jones, Mo.	Taylor	MaMahon	Gatmaz	Thompson, N. J.
Carrigg	Jones, N. C.	Teague, Calif.	Mailliard	Gathings	Thompson, Tex.
Chase	Kearney	Thomas	Hayworth	Gordon	Tollefson
Chatham	Keating	Thompson,	Healey	Gray	Trimble
Chipfield	Kilburn	Mich.	Heselton	Green, Oreg.	Udall
Church	Knox	Tuck	Hiestand	Green, Pa.	Merrill
Clevenger	Landrum	Tumulty	Hill	Gregory	Van Zandt
Cole	Lanham	Utt	Hillings	Griffiths	Westland
Cooley	Latham	Van Pelt	Hinshaw	Gubser	Wainwright
Coon	LeCompte	Velde	Hollifield	Hagen	Walter
Coudert	Long	Vinson	Holland	Halleck	Marshall
Cramer	McCulloch	Vursell	Holmes	Hand	Morano
Crumpacker	McGregor	Weaver	Holt	Hardy	Morgan
Cunningham	McMillan	Wharton	Holtzman	Harris	Moss
Dague	McVey	Williams, N. Y.	Hope	Harrison, Nebr.	Multer
Davis, Ga.	Mason	Willis	Bell	Harvey	Murray, Ill.
Derounian	Matthews	Wilson, Ind.	Cretella	Hays, Ark.	Murray, Tenn.
Dies	Meader	Woicott	Dolliver	Hayworth	Natcher
Dondero	Miller, Md.		Lane	Healey	Nicholson

NAYS—250

Abernethy	Bass, N. H.	Byrd	Bell	Nelson	Thompson, La.
Addonizio	Bass, Tenn.	Byrne, Pa.	Cretella	O'Hara, Minn.	Thornberry
Albert	Bates	Byrnes, Wis.	Dolliver	Pilcher	Wilson, Calif.
Allen, Calif.	Belcher	Canfield	Lane	Scudder	Young
Anfuso	Bennett, Mich.	Cannon	McCarthy	Teague, Tex.	
Arends	Blatnik	Carmahan			
Ashley	Boal	Cederberg			
Aspinwall	Boling	Celler			
Auchincloss	Bowler	Chief			
Ayres	Boyle	Chenoweth			
Bailey	Brooks, Tex.	Christopher			
Baker	Buckley	Chudoff			
Baldwin	Burdick	Clark			
Barrett	Burnside	Colmer			

Hosmer

Huddleston

Hull

Hyde

Ikard

Jarman

Johnson Calif.

Johnson, Wis.

Jones, Ala.

Judd

Karsten

Kean

Kearns

Kee

Kelley, Pa.

Kelly, N. Y.

Keogh

Kilday

Kilgore

King, Calif.

King, Pa.

Kirwan

Klein

Kluczynski

Knutson

Elliott

Krueger

Engle

Friedel

Fulton

Garmatz

Gatmaz

Gathings

Gordon

Grant

Gray

Green, Oreg.

Green, Pa.

Gregory

Griffiths

Gubser

Miller, Calif.

Hagen

Halleck

Hand

Hardy

Harris

Harrison, Nebr.

Harvey

Madden

Mahon

Maillard

Marshall

Martin

Merrill

Morgan

Moss

Multer

Murray, Ill.

Murray, Tenn.

Natcher

Nicholson

Norrell

O'Brien, Ill.

O'Hara, Ill.

O'Hara, Ill.

O'Konski

O'Neill

Osmer

Patman

Patterson

Pelly

Perkins

Pfost

Teague, Tex.

NOT VOTING—14

Bell

Cretella

Dolliver

Lane

McCarthy

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Bell for, with Mr. McCarthy against.

Mr. Dolliver for, with Mr. Cretella against.

Mr. Pilcher for, with Mr. Nelson against.

Until further notice:

Mr. Thompson of Louisiana with Mr. O'Hara of Minnesota.

Mr. Thornberry with Mr. Scudder.

Mr. Teague with Mr. Wilson of California.

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

Mr. HOFFMAN of Michigan changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 2, after line 12, insert a new title:
"Title IV. That there shall be no Federal funds allotted or transferred to any State which fails to comply with the decisions of the Supreme Court."

Mr. KELLEY of Pennsylvania. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 225, nays 192, answering "present" 1, not voting 14, as follows:

[Roll No. 90]

YEAS—225

Adair	Fogarty	Multer
Addonizio	Ford	Mummua
Allen, Calif.	Friedel	Murray, Ill.
Allen, Ill.	Fulton	Nicholson
Andersen,	Gamble	Norblad
H. Carl	Garmatz	O'Brien, Ill.
Andresen,	George	O'Brien, N. Y.
August H.	Gordon	O'Hara, Ill.
Anfuso	Green, Oreg.	O'Neill
Arends	Green, Pa.	Osmers
Ashley	Gross	Ostertag
Auchincloss	Gubser	Patterson
Avery	Gwynn	Pelly
Ayres	Hagen	Philbin
Baldwin	Halleck	Phillips
Barrett	Hand	Powell
Bates	Harden	Price
Baumhart	Harrison, Nebr.	Quigley
Beamer	Harvey	Rabaut
Becker	Hays, Ohio	Radwan
Bentley	Hayworth	Ray
Betts	Healey	Reed N. Y.
Blatnik	Henderson	Rees, Kans.
Boland	Heseltine	Reuss
Bolton,	Hess	Rhodes, Pa.
Frances P.	Hiestand	Riehman
Bolton,	Hill	Rodino
Oliver P.	Hillings	Rogers, Colo.
Bosch	Hinshaw	Rogers, Mass.
Bow	Hooven	Rooney
Bowler	Hoffiman, Ill.	Roosevelt
Boyle	Hoffman, Mich.	Sadlak
Bray	Holland	St. George
Brown, Ohio	Holt	Saylor
Brownson	Holtzman	Schenck
Buckley	Horan	Scherer
Bush	Hosmer	Schwengel
Byrne, Pa.	James	Scott
Byrnes, Wis.	Jenkins	Scrivner
Canfield	Jensen	Seely-Brown
Cannon	Johansen	Sheehan
Carnahan	Johnson, Calif.	Shelley
Cederberg	Judd	Short
Celler	Karsten	Sieminski
Chase	Kean	Simpson, Ill.
Chipperfield	Kearney	Smith, Kans.
Christopher	Keating	Springer
Chudoff	Kelly, N. Y.	Sullivan
Church	Keogh	Taber
Clevenger	King, Calif.	Talle
Cole	King, Pa.	Taylor
Coon	Kirwan	Teague, Calif.
Corbett	Klein	Thompson,
Coudert	Kluczynski	Mich.
Crumpacker	Krueger	Thomson, Wyo.
Cunningham	Laird	Tumulty
Curtis, Mass.	Latham	Utt
Curtis, Mo.	LeCompte	Vanik
Davidson	Lipscomb	Van Pelt
Davis, Wis.	McCormack	Van Zandt
Delaney	McCulloch	Veide
Derouian	McDonough	Vorys
Diggs	McGregor	Vursell
Dingell	McVey	Wainwright
Dodd	Machrowicz	Weaver
Dollinger	Mack, Ill.	Wharton
Donohue	Madden	Widnall
Donovan	Mailliard	Wier
Dorn, N. Y.	Martin	Wigglesworth
Doyle	Mason	Williams, N. Y.
Eberhardt	Meader	Wilson, Ind.
Ellsworth	Merrow	Wolverton
Fallon	Miller, Nebr.	Yates
Feighan	Miller, N. Y.	Young
Fino	Minshall	Younger
Fjare	Morano	Zelenko
Flood	Morgan	
	NAYS—192	
Abbitt	Ashmore	Bass, Tenn.
Abernethy	Aspinwall	Belcher
Albert	Bailey	Bennett, Fla.
Alexander	Baker	Bennett, Mich.
Alger	Barden	Berry
Andrews	Bass, N. H.	Elitch

CII—746

Boggs
Bolling
Bonner
Boykin
Brooks, La.
Brooks, Tex.
Brown, Ga.
Brophyhill
Budge
Burwick
Burleson
Burnside
Byrd
Carlyle
Carrigg
Chatham
Chenoweth
Clark
Colmer
Cooley
Cooper
Cramer
Dague
Davis, Ga.
Davis, Tenn.
Dawson, Ill.
Dawson, Utah
Deane
Dempsey
Denton
Devereux
Dixon
Dondero
Dorn, S. C.
Dowdy
Durham
Edmondson
Elliott
Engle
Evins
Fascell
Fenton
Fernandez
Fisher
Forand
Forrester
Fountain
Frazier
Frelinghuysen
Gary
Gathings
Gavin
Gentry
Grant
Gray

Gregory
Griffiths
Hale
Haley
Hardy
Harris
Harrison, Va.
Hays, Ark.
Hébert
Herlong
Holifield
Holmes
Hope
Huddleston
Hull
Hyde
Ikard
Jarmar
Jennings
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N. C.
Kearns
Kee
Kelley, Pa.
Kilday
Kilgore
Knutson
Dies
Dixon
Dondero
Dorn, S. C.
Lesinski
Long
Lover
Lubbock
Edmondson
Edmondson
Edmondson
Engle
Evins
Fascell
Fenton
Fernandez
Fisher
Forand
Forrester
Fountain
Frazier
Frelinghuysen
Gary
Gathings
Gavin
Gentry
Grant
Gray

Norrell
OKonski
Passman
Patman
Perkins
Pfost
Pillion
Poage
Poff
Polk
Preston
Priest
Prouty
Rains
Reece, Tenn.
Rhodes, Ariz.
Richards
Riley
Rivers
Roberts
Robeson, Va.
Robison, Ky.
Rogers, Fla.
Rogers, Tex.
Rutherford
Selden
Sheppard
Shuford
Sikes
Siler
Sisk
Smith, Miss.
Smith, Va.
Smith, Wis.
Spence
Staggers
Tucker
Udall
Vinson
Walter
Watts
Whitten
Wickersham
Williams, Miss.
Williams, N. J.
Mills
Mollohan
Morrison
Winstead
Moss
Withrow
Moulder
Murray, Tenn.
Natcher
Zablocki

ANSWERED "PRESENT"—1

Jackson

NOT VOTING—14

Bell	Nelson	Teague, Tex.
Cretella	O'Hara, Minn.	Thompson, La.
Dolliver	Pilcher	Thornberry
Lane	Scudder	Wilson, Calif.
McCarthy	Simpson, Pa.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. McCarthy for, with Mr. Bell against. Mr. Jackson for, with Mr. Nelson against. Mr. Cretella for, with Mr. Scudder against. Mr. Dolliver for, with Mr. Pilcher against. Mr. Wilson of California for, with Mr. Thompson of Louisiana against.

Until further notice:

Mr. Teague of Texas with Mr. Simpson of Pennsylvania.

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

Mr. BOYLE, Mr. BLATNIK, and Mrs. ROGERS of Massachusetts changed their vote from "nay" to "yea."

Mr. JACKSON. Mr. Speaker, on the last vote I voted "yea." However, I have a live pair with the gentleman from Maine, Mr. NELSON. Had he been here he would have voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

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

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

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. McCONNELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McCONNELL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCONNELL moves to recommit the bill to the Committee on Education and Labor with instructions to the committee to report the same back forthwith with the following amendments:

Page 3, strike out lines 11 to 20, both inclusive, and insert in lieu thereof the following:

"Sec. 102. (a) (1) The sums appropriated pursuant to section 101 shall be allotted among the States on the basis of the income per child of school age, the school-age population, and effort for school purposes, of the respective States. Subject to the provisions of section 103, such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the sums appropriated pursuant to section 101 for such year as the product of

"(A) the school-age population of the State, and

"(B) the State's allotment ratio (as determined under subsection (b)), bears to the sum of the corresponding products for all the States.

"(2) A State's allotment pursuant to paragraph (1) shall remain available for reservations of funds pursuant to section 105 (b) for projects in such State until the end of the year following the year for which the allotment is made.

"(b) For purposes of this title—

"(1) The 'allotment ratio' for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that (A) the allotment ratio shall in no case be less than .25 or more than .75, and (B) the allotment ratio for Hawaii and the District of Columbia shall be .50, and for Alaska, Puerto Rico, Guam, and the Virgin Islands shall be .75.

"(2) The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this act and again between July 1 and September 30 of the year 1958, on the basis of the average of the incomes per child of school age of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the 3 fiscal years in the period beginning July 1, 1956, and ending June 30, 1959, and the second shall be conclusive for each of the 2 fiscal years in the period beginning July 1, 1959, and ending June 30, 1961.

"(3) The term 'child of school age' means a member of the population between the ages of 5 and 17, both inclusive.

"(4) The term 'continental United States' does not include Alaska or the District of Columbia.

"(5) The term 'school-age population' means that part of the population which is between the ages of 5 and 17, both inclusive,

and such school-age population for the several States shall be determined by the Commissioner on the basis of the population between such ages for the most recent year for which satisfactory data are available from the Department of Commerce.

Maintenance of State and local support for school financing

"SEC. 103. (a) The allotment of any State under section 102 for any year shall be reduced by the percentage (if any) by which its State school efforts index for such year is less than the national school effort index for such year. The total of such reductions shall be reallocated among the remaining States by proportionately increasing their allotments under section 102 for such year.

"(b) For purposes of subsection (a)—

"(1) The 'State school effort index' for any State for a fiscal year is the quotient obtained by dividing (A) the State's school expenditures per public schoolchild by (B) the State's income per child of school age; except that the State school effort index shall be deemed to be equal to the national school effort index in the case of (i) Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, and (ii) any State for which the school expenditures per public schoolchild are not less than the school expenditures per public schoolchild for the continental United States.

"(2) The 'national school effort index' for any fiscal year is the quotient obtained by dividing (A) the school expenditures per public schoolchild for the continental United States, by (B) the income per child of school age for the continental United States.

"(c) (1) The school expenditures per public schoolchild for any State for purposes of determining its State school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the State and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the State, as determined by the Commissioner on the basis of data for the most recent school year for which satisfactory data for the several States are available to him, by (B) the number of children in average daily attendance in public elementary and secondary schools in such State, as determined by the Commissioner for such most recent school year.

"(2) The school expenditures per public schoolchild for the continental United States for purposes of determining the national school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the States and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the continental United States, as determined by the Commissioner for the same school year as is used under paragraph (1), by (B) the number of children in average daily attendance for such year in public elementary and secondary schools in the continental United States, determined as provided in paragraph (1).

"(3) The income per child of school age for the States and for the continental United States shall, for purposes of subsection (b), be determined by the Commissioner on the basis of the incomes per child of school age for the most recent year for which satisfactory data are available from the Department of Commerce."

Page 3, line 22, strike out "103" and insert in lieu thereof "104."

Page 4, line 10, strike out "105" and insert in lieu thereof "106."

Page 6, line 17, strike out "104" and insert in lieu thereof "105."

Page 6, line 19, strike out "103" and insert in lieu thereof "104."

Page 8, line 5, strike out "105" and insert in lieu thereof "106."

Page 8, line 19, strike out "104" and insert in lieu thereof "105."

Page 8, line 22, strike out "106" and insert in lieu thereof "107."

Page 9, line 12, strike out "107" and insert in lieu thereof "108."

Page 4, lines 9 and 10, strike out "(consistent with the matching requirements of section 105.)"

Page 6, beginning with line 16, strike out everything down to and including line 20 on page 8 and insert in lieu thereof the following:

Reservations of funds and payments

"SEC. 104. (a) In the case of each project for the construction of school facilities for a local educational agency with respect to which the State educational agency requests any funds under this title, the State educational agency shall include in its request—

"(1) a description of the school facilities project with respect to which the request is made;

"(2) its estimate of the cost of construction of such project and a statement of the amount of the Federal-State grant proposed to be made by the State educational agency with respect thereto under the plan;

"(3) a certification that State funds to cover the State share of such Federal-State grant will be available.

"(b) Except as provided in section 105, the Commissioner shall issue, to each State educational agency furnishing a statement in accordance with subsection (a), a commitment reserving, out of the State's allotment, for each project included in the statement, the amount requested by the State educational agency for that project. The Commissioner shall change any amount so reserved upon request of the State educational agency and receipt of an amended statement from such agency, but only to the extent the change is not inconsistent with the other provisions of this title. Upon certification by the State educational agency that the financing of the remainder of the cost of construction of the project has been arranged, the Commissioner shall pay the amount reserved to the State educational agency, through the disbursing facilities of the Department of the Treasury and in such installments as he may determine. Funds so paid shall be used exclusively to meet the cost of constructing the project for which the amount was reserved.

"(c) In lieu of certification by a State educational agency pursuant to subsection (a) (3) with respect to a project, the Commissioner may accept certification by such agency that an amount equivalent to the State share of the payment with respect to such project has been arranged through provision for State payments toward the debt service on the loan (if any) to help finance part of the construction of such project, provision for waiver of payments due the State or any agency thereof with respect to such project, or other provision which, in the judgment of the Commissioner, is (or is estimated to be) equivalent to such State share.

"(d) 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, the State to which such payments were made shall repay to the United States, for deposit in the Treasury of the United States as miscellaneous receipts, the amount of such payments or such lesser amount as may be reasonable under the circumstances (as determined by agreement of the parties or by action brought in the Federal district court for the district in which such project is located).

Matching by States

"SEC. 105. (a) The Commissioner may issue or modify a commitment under section 104 with respect to any project only if the

amount to be reserved under the commitment, plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed the Federal share for such State of the sum of (1) the Federal-State grant toward the cost of constructing such project and (2) the total of the Federal-State grants toward the cost of constructing the projects for which such other commitments have been issued. Until actual construction costs are available, cost determinations under this section shall be made on the basis of the estimates furnished under section 104 (a) and revised estimates furnished in compliance with section 103 (a) (7).

"(b) For purposes of this title—

"(1) (A) The 'Federal share' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that (i) in no case shall the Federal share be less than 0.33 1/3 or more than 0.66 2/3, and (ii) in the case of Alaska it shall be 0.50.

"(B) The Federal shares shall be promulgated by the Commissioner as soon as possible after enactment of this act and again between July 1 and September 30 of the year 1958, on the basis of the average of the income per child of school age of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the 3 fiscal years in the period beginning July 1, 1956, and ending June 30, 1959, and the second shall be conclusive for each of the 2 years in the period beginning July 1, 1959, and ending June 30, 1961.

"(2) The 'Federal-State grant' for any project means the total of the Federal and State funds (including the equivalent thereof as provided in section 104 (c)) paid or to be paid under the State plan toward the cost of construction of such project.

"(3) The 'State share' of a Federal-State grant with respect to any project is the difference between such grant and the amount paid to the State with respect to such project under this title.

"(c) Notwithstanding the preceding provisions of this title, the Commissioner may, during the fiscal year ending June 30, 1957, issue or modify under Section 104 a commitment of funds from a State's allotment for such year if the amount to be reserved under the commitment plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed the Federal share for such State of the sum of (1) the cost of constructing such project and (2) the total cost of constructing the projects for which such other commitments have been issued, and if the State educational agency certifies that the remainder of the cost of constructing the project in question will be paid from funds other than funds paid by the Commissioner under the act of September 23, 1950 (Public Law 815, 81st Congress), as amended. The cost determinations under this paragraph shall be made on the same basis as is provided in subsection (a).

"(d) In the case of any project to which subsection (d) is applicable,

"(1) the amount of the Federal share and the amount of any other payments toward the cost of constructing such project shall be disregarded for purposes of determining under subsection (a) the amount of the commitment for any project which may be reserved during any fiscal year beginning after June 30, 1957;

"(2) the statement required by section 104 (a) (2) shall be a statement of the amount of the reservation of funds re-

quested with respect to such project instead of the amount of the 'Federal-State grant';

"(3) instead of the certification required under section 104 (a) (3), the State shall certify that funds from State or local sources, or both, equal to the non-Federal share of the cost of construction will be available; and

"(4) the requirement in section 104 (b) for standards and procedures assuring highest priority to certain local educational agencies shall be deemed met if such priority is assured subject to the matching requirements of this section."

Mr. McCONNELL (during the reading of the motion). Mr. Speaker, I ask unanimous consent that the further reading of the motion be dispensed with. The amendments are the same as I offered during the last 2 days of debate on this measure.

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

Mr. HOFFMAN of Michigan. Mr. Speaker, I reserve the right to object. If this motion to recommit prevails and the bill is passed, is the Powell amendment still in?

The SPEAKER. The Powell amendment was just voted in.

Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Pennsylvania.

Mr. McCONNELL. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas, 158, nays, 262, not voting 12, as follows:

[Roll No. 91]

YEAS—158

Adair	Donovan	LeCompte
Allen, Calif.	Dorn, N. Y.	Lipscomb
Allen, Ill.	Elliott	Lovre
Andersen,	Ellsworth	McConnell
H. Carl	Fenton	McDonough
Andresen,	Fernandez	McGregor
August H.	Ejare	McIntire
Arends	Ford	McVey
Auchincloss	Frelinghuysen	Mailliard
Avery	Gamble	Martin
Avres	George	Mason
Bailey	Gross	Miller, Md.
Baker	Gubser	Miller, Nebr.
Bass, N. H.	Gwynn	Miller, N. Y.
Bates	Hale	Morano
Beamer	Halleck	Nicholson
Belcher	Hand	Norblad
Bennett, Mich.	Harden	Osmers
Berry	Harrison, Nebr.	Ostertag
Bolton,	Harvey	Perkins
Frances P.	Hays, Ark.	Phillips
Bolton,	Heselton	Poff
Oliver P.	Hess	Proutry
Bray	Hiestand	Radwan
Brownson	Hill	Reece, Tenn.
Brynhill	Hillings	Rees, Kans.
Budge	Hinshaw	Rhodes, Ariz.
Bush	Hooven	Riehman
Byrnes, Wis.	Hoffman, Ill.	Robston, Ky.
Canfield	Holmes	Rogers, Mass.
Cederberg	Hoit	Sadlak
Chenoweth	Hope	St. George
Chipfield	Horan	Saylor
Church	Hosmer	Scherer
Cole	Hyde	Schwengel
Coon	Jackson	Scrivner
Corbett	James	Sheehan
Coudert	Jensen	Sheppard
Cramer	Johnson, Calif.	Short
Crumpacker	Judd	Sler
Cunningham	Kean	Simpson, Pa.
Curtis, Mass.	Kearney	Smith, Kans.
Curtis, Mo.	Kearns	Smith, Wis.
Davis, Wis.	Keating	Springer
Dawson, Utah	Kilburn	Taber
Devoreux	King, Pa.	Talte
Dixon	Krueger	Teague, Calif.
Dondero	Laird	Thomas

Thompson, Mich.	Wainwright	Wilson, Ind.
Thomson, Wyo.	Weaver	Withrow
Utt	Westland	Wolcott
Van Pelt	Widnall	Young
Veide	Wigglesworth	Younger
Vorys	Williams, N. Y.	

NAYS—262

Abbitt	Forand	Multer
Abernathy	Forrester	Mummia
Addonizio	Fountain	Murray, Ill.
Albert	Frazier	Murray, Tenn.
Alexander	Friedel	Natcher
Alger	Fulton	Norrell
Andrews	Garmatz	O'Brien, Ill.
Anfuso	Gary	O'Brien, N. Y.
Ashley	Gathings	O'Hara, Ill.
Ashmore	Gavin	O'Konski
Aspinall	Gentry	O'Neill
Baldwin	Gordon	Passman
Barden	Grant	Patman
Barrett	Gray	Patterson
Bass, Tenn.	Green, Oreg.	Pelly
Baumhart	Green, Pa.	Pfost
Becker	Gregory	Philbin
Bennett, Fla.	Griffiths	Pillion
Bentley	Hagen	Poage
Betts	Haley	Polk
Blatnik	Hardy	Powell
Blitch	Harris	Preston
Boggs	Harrison, Va.	Price
Bojand	Hays, Ohio	Priest
Bolling	Hayworth	Quigley
Bonner	Healey	Rabaut
Bosch	Hebert	Rains
Bow	Henderson	Ray
Bowler	Herlong	Reed, N. Y.
Boykin	Hoffman, Mich.	Reuss
Boyle	Holfeld	Rhodes, Pa.
Brooks, La.	Holland	Richards
Brooks, Tex.	Holtzman	Riley
Brown, Ga.	Huddleston	Rivers
Brown, Ohio	Hull	Roberts
Buckley	Ikard	Robeson, Va.
Burdick	Jarman	Rodino
Burleson	Jenkins	Rogers, Colo.
Burnside	Jennings	Rogers, Fla.
Byrd	Johansen	Rogers, Tex.
Byrne, Pa.	Johnson, Wis.	Rooney
Cannon	Jonas	Roosevelt
Carlyle	Jones, Ala.	Rutherford
Carnahan	Jones, Mo.	Schenck
Carriig	Jones, N. C.	Scott
Celler	Karsten	Seely-Brown
Chase	Kee	Selden
Chatham	Kelley, Pa.	Shelley
Chelf	Kelly, N. Y.	Shuford
Christopher	Keogh	Sieminski
Chudoff	Kilday	Sikes
Clark	Kilgore	Simpson, Ill.
Clevenger	King, Calif.	Sisk
Colmer	Kirwan	Smith, Miss.
Cooley	Klein	Smith, Va.
Cooper	Kluczynski	Spence
Dague	Knox	Staggers
Davidson	Knutson	Steed
Davis, Ga.	Landrum	Sullivan
Davis, Tenn.	Lanham	Taylor
Dawson, Ill.	Lankford	Teague, Tex.
Deane	Latham	Thompson, N. J.
Delaney	Lesinski	Thompson, Tex.
Dempsey	Long	Tollefson
Denton	McCormack	Trimble
Derouulan	McCulloch	Tuck
Dies	McDowell	Tumulty
Diggs	McMillan	Udall
Dingell	Macdonald	Vanik
Dodd	Machrowicz	Van Zandt
Dollinger	Mack, Ill.	Vinson
Donohue	Mack, Wash.	Vursell
Dowdy	Madden	Walter
Dowdy	Magnuson	Wharton
Doyle	Mahon	Whitten
Durham	Marshall	Wickersham
Eberhardt	Matthews	Wier
Edmondson	Meader	Williams, Miss.
Engle	Merrow	Williams, N. J.
Fallon	Metcalf	Willis
Fascell	Miller, Calif.	Winstead
Feighan	Mills	Wolverton
Fogarty	Minshall	Wright
Bell	Fino	Yates
Cretella	Fisher	Morgan
Deveraux	Flood	Zablocki
Dixon	Flynt	Morrison
Dondero	Gage	Zelenko

NOT VOTING—12

McCarthy	Scudder
Nelson	Thompson, La.
O'Hara, Minn.	Thornberry
Lane	Wilson, Calif.

So the motion to recommit was rejected.

The Clerk announced the following pairs.

On this vote:

Mr. Wilson of California for, with Mr. McCarthy against.

Mr. Nelson for, with Mr. Pilcher against.

Mr. Cretella for, with Mr. Bell against.

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

Until further notice:

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

Mr. DAWSON of Illinois, Mr. BARRETT, Mr. BENTLEY, Mr. MERROW, and Mr. ALGER changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. BAILEY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 224, answered "present" 2, not voting 13, as follows:

[Roll No. 92]

YEAS—194

Addonizio	Feighan	Martin
Allen, Calif.	Fernandez	Meader
Anfuso	Fino	Merrow
Ashley	Flood	Metcalf
Aspinall	Fogarty	Miller, Calif.
Auchincloss	Forand	Mollohan
Ayres	Frelinghuysen	Morano
Bailey	Friedel	Morgan
Baldwin	Fulton	Moss
Barrett	Garmatz	Moulder
Bass, N. H.	Gordon	Multer
Becker	Gray	Mumma
Bennett, Mich.	Green, Oreg.	Murray, Ill.
Blatnik	Green, Pa.	Norblad
Bojand	Griffiths	O'Brien, Ill.
Boland	Gubser	O'Brien, N. Y.
Bolling	Hagen	O'Hara, Ill.
Bosch	Hale	O'Konski
Bowler	Hand	Perkins
Boyle	Hays, Ohio	Patterson
Burdick	Hayworth	Perrin
Burnside	Healey	Petty
Byrd	Heselton	Reeves
Byrne, Pa.	Hill	Philbin
Canfield	Holland	Poll
Carrigg	Holmes	Price
Celler	Horn	Prouty
Chase	Hosmer	Quigley
Chief	Hull	Rabaut
Christopher	Hand	Radwan
Clark	Hayes, Ohio	Reeves
Clevenger	Heselton	Rhodes, Ariz.
Colmer	Holland	Rhodes, Pa.
Cooley	Holmes	Rielman
Cooper	Horn	Robison, Ky.
Dague	Hosmer	Rodino
Davidson	Hull	Rogers, Colo.
Davis, Ga.	Hoitzman	Rogers, Mass.
Davis, Tenn.	Holmes	Keogh
Dawson, Ill.	Horn	Rooney
Deane	Hosmer	Roosevelt
Delaney	Hull	Robison, Ky.
Dempsey	Hoitzman	Rodino
Denton	Horn	Rogers, Mass.
Dodd	Hosmer	Reeves
Dollinger	Hull	Rhodes, Ariz.
Donohue	Hull	Rhodes, Pa.
Dowdy	Hull	Rielman
Dowdy	Hull	Robison, Ky.
Dowdy	Hull	Rodino
Dowdy	Hull	Rogers, Colo.
Dowdy	Hull	Rogers, Mass.
Dowdy	Hull	Keogh
Dowdy	Hull	Rooney
Dowdy	Hull	Roosevelt
Dowdy	Hull	Robison, Ky.
Dowdy	Hull	Rodino
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Dowdy	Hull	Roosevelt
Dowdy	Hull	Robison, Ky.
Dowdy	Hull	Rodino
Dowdy	Hull	Rogers, Colo.
Dowdy	Hull	Rogers, Mass.
Dowdy		

Westland	Williams, N. J.	Young
Widnall	Withrow	Zablocki
Wier	Wolverton	Zelenko
Wigglesworth	Yates	
	NAYS—224	
Abbitt	Ford	Natcher
Abernethy	Forrester	Nicholson
Adair	Fountain	Norrell
Albert	Frazier	Passman
Alexander	Gamble	Patman
Alger	Gary	Phillips
Aiken, Ill.	Gathings	Pillion
Andersen,	Gavin	Poage
H. Carl	Gentry	Poff
Andresen,	George	Preston
August H.	Grant	Priest
Andrews	Gregory	Rains
Arends	Gross	Ray
Ashmore	Gwynn	Reece, Tenn.
Avery	Haley	Reed, N. Y.
Barden	Halleck	Rees, Kans.
Bass, Tenn.	Harden	Richards
Bates	Hardy	Riley
Baumhart	Harris	Rivers
Beamer	Harrison, Nebr.	Roberts
Belcher	Harrison, Va.	Robeson, Va.
Bennett, Fla.	Harvey	Rogers, Fla.
Bentley	Hays, Ark.	Rogers, Tex.
Berry	Hebert	Rutherford
Betts	Henderson	St. George
Blitch	Herlong	Saylor
Booggs	Hess	Schenck
Bolton,	Hiestand	Scherer
Frances P.	Hillings	Scrivner
Bolton,	Hinshaw	Selden
Oliver P.	Hoeven	Short
Bonner	Hoffman, Ill.	Shuford
Bow	Hoffman, Mich.	Sikes
Boykin	Hoit	Siler
Bray	Huddleston	Simpson, Ill.
Brooks, La.	Hyde	Simpson, Pa.
Brooks, Tex.	Ikard	Smith, Kans.
Brown, Ga.	James	Smith, Miss.
Brown, Ohio	Jenkins	Smith, Va.
Brownson	Jennings	Smith, Wis.
Broyhill	Jensen	Spence
Budge	Johansen	Springer
Burleson	Johnson, Calif.	Steed
Bush	Jonas	Taber
Byrnes, Wis.	Jones, Ala.	Talle
Carlyle	Jones, Mo.	Teague, Calif.
Cederberg	Jones, N. C.	Teague, Tex.
Chase	Judd	Thomas
Chatham	Kearney	Thompson,
Chief	Kearns	Mich.
Chiperfield	Kilburn	Thompson, Tex.
Church	Kilday	Thomson, Wyo.
Clevenger	Kilgore	Trimble
Cole	King, Pa.	Tuck
Colmer	Krueger	Utt
Cooley	Laird	Van Pelt
Coon	Landrum	Velde
Cooper	Lanham	Vinson
Cramer	Lipscomb	Vorys
Crumpacker	Long	Vursell
Davis, Ga.	Lovre	Wainwright
Davis, Tenn.	McCulloch	Walter
Davis, Wis.	McDonough	Watts
Deane	McGregor	Weaver
Devereux	McMillan	Wharton
Dies	McVey	Whitten
Dondero	Mahon	Wickersham
Dorn, S. C.	Marshall	Williams, Miss.
Dowdy	Mason	Williams, N. Y.
Durham	Matthews	Willis
Elliott	Miller, Md.	Wilson, Ind.
Evins	Miller, Nebr.	Winstead
Fascell	Miller, N. Y.	Wolcott
Fenton	Mills	Wright
Fisher	Minshall	Younger
Fjare	Morrison	
Flint	Murray, Tenn.	

ANSWERED "PRESENT"—2

Jackson McConnell

NOT VOTING—13

Bell	McCarthy	Scudder
Cretella	Nelson	Thompson, La.
Doliver	O'Hara, Minn.	Thornberry
Lane	Pilcher	Wilson, Calif.

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McCarthy for, with Mr. Bell against.
Mr. Cretella for, with Mr. Feicher against.
Mr. Doliver for, with Mr. Thompson of Louisiana against.

Mr. Scudder for, with Mr. McConnell against.

Mr. Nelson for, with Mr. Jackson against.

Until further notice:

Mr. Thornberry with Mr. Wilson of California.

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

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

Mr. McCONNELL. Mr. Speaker, I have a pair with the gentleman from California, Mr. SCUDDER. I voted "nay" when my name was called. If the gentleman from California were here I understand he would vote "yea." I therefore withdraw my vote of "nay" and vote "present."

Mr. JACKSON. Mr. Speaker, I have the same agreement with the gentleman from Maine, Mr. NELSON. If he were present he would have voted "yea." I therefore withdraw my vote of "nay" and vote "present."

The result of the vote was announced as above recorded.

GENERAL LEAVE TO EXTEND
REMARKS

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just considered.

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

There was no objection.

LEGISLATIVE PROGRAM FOR
BALANCE OF THE WEEK

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. MARTIN. Mr. Speaker, may I inquire of the majority leader if he can tell us what the program for tomorrow is?

Mr. McCORMACK. Would the gentleman include the remainder of today?

Mr. MARTIN. Yes, sure.

Mr. McCORMACK. There are two disapproving resolutions which have been unanimously reported out of the Committee on Government Operations. There is a deadline involved and we intend to bring those up in a few minutes. I know of no opposition to the adoption of these disapproving resolutions.

If the House grants permission, we will meet at 11 o'clock tomorrow morning, at which time we will take up the postal rate increase bill. There is also a conference report to be taken up tomorrow afternoon on the narcotic bill.

Mr. MARTIN. That will follow the postal rate bill?

Mr. McCORMACK. Yes. There are some items to be taken up by unanimous consent.

At the conclusion of the consideration of the postal rate increase bill, the bill H. R. 10765, the Longshoremen and Harbor Workers Compensation Act, will be called up, followed by the bill H. R. 11695, to extend the school construction program in impacted areas. Then there will

be the bill H. R. 11132, to increase the borrowing power of the Commodity Credit Corporation.

On Saturday there is a Democratic State Convention in Connecticut, and any rollcalls will go over until Monday.

Mr. MARTIN. We are going to make every effort to finish the postal rate increase bill tomorrow?

Mr. McCORMACK. I hope so.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of Virginia. The gentleman from Massachusetts announced that we will take up tomorrow the longshoremen's bill?

Mr. McCORMACK. No; on Saturday.

Mr. SMITH of Virginia. That bill is reported in my name, and I do not expect to call it up on Saturday.

Mr. McCORMACK. That is an unexpected revelation, which, of course, the gentleman from Virginia may exercise, in view of his having control of that rule. But I may say that this has been on the program all week and the gentleman from Massachusetts would have been better pleased if the gentleman from Virginia had advised him of his intention. May I ask the gentleman if he is in charge of any of the other rules?

Mr. SMITH of Virginia. The gentleman happens to be chairman of the Rules Committee, and as such I am in charge of a good many rules. I will be happy to confer with the gentleman from Massachusetts at any time, and I would also feel better, I may say, if the gentleman from Massachusetts would sometimes consult the gentleman from Virginia.

Mr. McCORMACK. In reply to the last observation by the gentleman from Virginia, may I say that the gentleman from Massachusetts, in the making of programs for the House where rules are reported out, does not feel he has to consult with the chairman of the Rules Committee. That is, where a rule has been reported. The gentleman from Massachusetts programs a bill for consideration. If any member of the Rules Committee has views, it would seem that that member of the Rules Committee should advise the gentleman from Massachusetts, as majority leader—not as a Member from Massachusetts but as majority leader—of any views that he entertains. I respect the chairman of the Committee on Rules and I expect respect from him. May I ask a question of the gentleman? Is the gentleman in charge of any other rules?

Mr. HOFFMAN of Michigan. Mr. Speaker, I would like to ask about a rule, if I may.

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

Mr. HOFFMAN of Michigan. My question is this: Inasmuch as these two disapproval resolutions from the committee are coming up this afternoon, if either one of those plans is to be disapproved, does it not require the presence of a majority or 218 Members of the House? I just want the Members to know about that.

Mr. McCORMACK. Well, the gentleman from Massachusetts understands