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NOT VOTING—21

Boggs	Hartke	McClellan
Burdick	Humphrey	McGovern
Church	Incuye	Mundt
Dole	Jackson	Muskie
Fannin	Javits	Packwood
Fulbright	Magnuson	Randolph
Harris	Mathias	Spong

So Mr. CHILES' amendment (No. 946) was rejected.

Mr. MONDALE. Mr. President, I would like to engage in a colloquy with Senator PELL, chairman of the Education Subcommittee and floor leader on the higher education bill for the purpose of establishing some legislative history with respect to the provisions in S. 659 concerning the establishment of a National Foundation for Higher Education.

My inquiries concern the recommendations contained in the recent report of the American Association of State Colleges and Universities task force on innovations in higher education.

Generally, I would like to ask the distinguished junior Senator from Rhode Island whether the proposals contained in this task force report are consistent with the purposes of the national foundation as created in S. 659 and permissible under the provisions of this legislation.

Mr. PELL. Yes; the Senator is correct.

Mr. MONDALE. Then as I understand the chairman, it is possible under this legislation, and consistent with the intent of our bill, that regional advisory boards could be established; that emphasis on the administration of this program could be placed on institutional accountability; that funding could go through the president of the institution in addition to funding through a department, professor, or other subunit; and that block-type grants for creative institutional innovations and change would be authorized.

Mr. PELL. The Senator is correct. I would emphasize however, that the bill does not require that all funding go through the president of an institution. Clearly, funding of this nature is authorized and intended but not in an exclusive sense. The intent is to permit the foundation to fund in a variety of fashions: To presidents of institutions; to subunits; to professors, and indeed, to recipients which may not be part of a university or college.

Mr. MONDALE. Mr. President, I would like to thank the chairman for engaging in this colloquy to help clarify the intent of the Senate with respect to the National Foundation for Higher Education. I ask unanimous consent that a copy of a letter which I requested from Secretary Richardson be included at this point.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 28, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for your letter of February 1 regarding the position paper on the National Foundation prepared by Chancellor Mitau and President Spenser for the American Association of State Colleges and Universities.

Chancellor Mitau discussed with me several months ago his plans for establishing Minnesota Metropolitan State College. I thought his conception of this new institution was extraordinarily exciting. Having met him and learned what he has done, I can't think of anyone better qualified to address the issue of how the proposed National Foundation can best encourage reform and innovation in post-secondary education.

The statement of the need for and purpose of the National Foundation which is contained in the Mitau report is about the best I have read. It conforms precisely to our view that venturesome educators need a new source of risk capital, and that neither present programs nor institutional aid nor the National Institute of Education can be this source. We agree that Federal project grants for innovation, administered through a foundation-type organization, are an indispensable part of a balanced Federal role in higher education for the 1970's.

As to the specific recommendations of the report which you cited in your letter, they are all generally compatible with our view of the structure and operations of the Foundation. I am reluctant to endorse specifics at this point because I believe that the Director and the Board should have ample opportunity to consult with the Department on the modes and procedures which seem most appropriate to them. But I am pleased to state some of our current thinking pertaining to the recommendations:

Regional advisory boards. We are very concerned that the Foundation be open and responsive to all—not simply the powerful and prestigious. Regionalization of some of the Foundation's advisory functions strikes me as a very appropriate and desirable way to achieve both open access and the advantages of local contracts and local knowledge. We could establish either the precise structure recommended, or some variation of it, within the framework of the present Senate bill. I will propose to the new Director and Board that we do so.

Institutional accountability in place of Federal guidelines. This concept of how Federal controls should be exercised conforms very much to our view that the Foundation should be a responsive institution, which awards funds on the basis of the quality of ideas presented rather than pre-conceived notions of what should be done. Thus, we are planning for a mode of operation in which the Foundation Director and staff will be working within an evolving framework of priorities established by the Board and the Department rather than within the confines of narrow categorical programs. The review procedures for specific proposals, of course, will vary with the size and nature of the request. At one extreme, there might be a "small grant window" where funds would be available with an absolute minimum of review and delay. At the other extreme, a proposal for a new technologically based system for delivering educational programs might well be extensively reviewed by one or several ad hoc working teams of carefully-selected advisers.

Funds to the institution—not to the Department, Program, or professor. We, too, believe that Federal research grants to individual faculty members have weakened the cohesion of universities and frequently distorted the balance between teaching and learning. We presume that the autonomy, independence, and cohesion of institutions will be something which the Foundation Board will wish not only to protect but to encourage. However, rather than flatly ruling out grants to deans, faculty members, or students, I believe that the Board and Director would be better advised to be guided by the statement on page seven of the report that decisionmaking on campus should be a shared process. It seems to me that the Foundation could devise review procedures for proposals which would fully protect institution-wide perspectives while simultaneously offering encouragement and support to all those engaged in teaching and learning. I should also point out that the Foundation will be open to organizations beyond the campus—testing and accrediting organizations, State planning agencies, groups wishing to establish new services, etc.

Block-type grants. We are confident that the Foundation will make block-type grants in response to innovation proposals made by institutions through the office of the president. As stated earlier, however, we do not intend that this be the only function of the Foundation nor the only type of grant which will be made.

I welcome your attention to the Foundation, and hope that this response provides the kind of indication of the Department's posture which you had in mind. Please convey to Chancellor Mitau our considerable appreciation for his contribution.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

Mr. MONDALE. Mr. President, permit me at this point to add my appreciation for the creative leadership and patience that the distinguished junior Senator from Rhode Island has provided through the long and controversial consideration of this legislation before us. As a member of the Education Subcommittee who has worked closely with him on all aspects of this bill, I would like to commend him for the way in which he has managed this measure. This is truly a landmark piece of legislation and I think all of us interested in education are grateful to Senator Pell.

VETERANS COST OF INSTRUCTION PAYMENTS: INCENTIVES TO PROMOTE GREATER GI BILL PARTICIPATION—PARTICULARLY BY DISADVANTAGED VETERANS

Mr. CRANSTON. Mr. President, in behalf of myself, the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE), and the Senator from Montana (Mr. METCALF), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be waived. I have discussed it with the distinguished ranking minority member of the Education Subcommittee (Mr. DOMINICK), and there is no objection.

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

Mr. CRANSTON's amendment is as follows:

On page 489, strike out the close quote and the last period on line 10, and insert after line 10 of the following:

"VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 420. (a) (1) During the period beginning July 1, 1972 and ending June 30, 1975,

each institution of higher education shall be entitled to a payment under, and in accordance with, this section during any fiscal year, if the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or veterans receiving educational assistance under chapter 34 of such title, and who are in attendance as undergraduate students at such institutions during any academic year, equals at last 110 per centum of the number of such recipients who were in attendance at such institutions during the preceding academic year.

"(2) During the period specified in paragraph (1), each institution which has qualified for a payment under this section for any year shall be entitled during the succeeding year, notwithstanding paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least 105 per centum of the number of such persons who were in attendance at such institutions during the preceding academic year. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under paragraph (1) during the preceding fiscal year.

"(b) (1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

"(A) $300 for each person who is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year; and

"(B) in addition, $150, except in the case of persons on behalf of whom the institution has received a payment in excess of $150 under section 419, for each person who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year.

"(2) In any case where a person on behalf of whom a payment is made under this section attends an institution on less than a full-time basis, the amount of the payment on behalf of that person shall be reduced in proportion to the degree to which that person is not attending on a full-time basis.

"(c) (1) An institution of higher education shall be eligible to receive the payments to which it is entitled under this section only if it makes application therefor to the Commissioner. An application under this section shall be submited at such time or times, in such manner, in such form, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) meet the requirements set forth in clauses (A) and (B) of section 419;

"(B) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

"(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provision of educational, vocational, and personal counseling for veterans,

"(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of title 38, United States Code, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34,

"(iii) to carry out active outreach, recruiting, and counseling activities through the use of funds available under federally assisted work-study programs, and

"(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38.

The adequacy of efforts to meet the requirements of clause (B) in the preceding sentence shall be determined by the Commissioner in accordance with criteria established in regulations by the Commissioner after consultation with the Administrator of Veterans' Affairs.

"(2) The Commissioner shall not approve an application under this subsection unless he determines that the applicant will implement the requirements of clause (B) of paragraph (1) within the first academic year during which it receives a payment under this section.

"(d) (1) The Commissioner shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of persons on behalf of whom such payments are made in attendance at the institution at the time of the payment.

"(2) If, during any period of any fiscal year, the appropriations for making payments pursuant to this subsection are insufficient to pay the amounts to which all institutions are entitled at that time, the funds of the National Service Life Insurance Fund, created and continued under section 720 of title 38, United States Code, shall be available to make such payments. The Administrator of Veterans' Affairs and the Secretary of the Treasury shall transfer to the Commissioner from such Fund such funds as may be necessary to satisfy the entitlements which are created by this section and which are unsatisfied by appropriations for such purpose. The Commissioner shall guarantee repayment of any funds transferred to him under the preceding sentence. Such repayment shall be deposited in the National Service Life Insurance Fund, subject to the same terms and conditions as premiums deposited in the Fund. In order to enable the Commissioner to discharge his responsibilities under any guarantees issued by him under this paragraph, he shall issue to the Secretary of the Treasury notes or other obligations which shall not bear interest. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued under the preceding sentence.

Mr. CRANSTON. Mr. President, the amendment I offer today, with my distinguished colleagues, to S. 659, the Higher Education Amendments of 1972, would provide for cost-of-instruction grants to institutions of higher education on the basis of the number of veterans receiving GI bill educational assistance or vocational rehabilitation who are enrolled at each recipient institution. This amendment would include veterans among the "federally assisted" students whose education is encouraged by "following" Federal institutional aid which would be provided under the pending committee bill. This amendment recognizes the special readjustment problems of Vietnam era veterans—particularly the large numbers of disadvantaged veterans—and seeks to make GI bill assistance available, for far more veterans as an effective instrument of readjustment assistance.

It is distressingly clear that to date the GI bill has fallen far short of meeting the educational needs of the approximately 4 million Vietnam era veterans now in the United States. Large numbers of these veterans have suffered from a vicious cycle of disadvantagement. Unlike middle- and upper-class men, with relatively ready access to college and, until recently, deferment from the draft, the least educated men have been the most likely to enter the Armed Forces, to go into combat, and—if they return—to have the most difficulty in continuing their education and training or finding other than menial jobs.

Yet, despite a recent increase in the overall participation rate under the GI bill, the utilization of benefits has been in shockingly inverse proportion to the degree of individual need for readjustment assistance. Almost 30 percent of all Vietnam era veterans have a high school diploma or less upon discharge. However, as of February 1971, a mere 13.4 percent of the veterans with only preservice high school were enrolled in college. In contrast, 48.8 percent of those veterans with 1 to 3 years of college prior to service were reenrolled in college.

Studies by the American Association of Junior Colleges, which has played such a key role in aiding the readjustment of returning servicemen, indicate that as many as 50 percent of Vietnam era veterans require further education or training to compete realistically in the employment market. And yet, those veterans who face the least readjustment problems, those who have had preservice college, are more than three times as likely to continue their training under the GI bill than are veterans who are only high school graduates, and more than four times as likely to do so than veteran high school drop-outs.

The social and individual cost of these numbers are clearly reflected in the distressing unemployment statistics of Vietnam era veterans. The Bureau of Labor Statistics—whose figures often seem to represent a minimum rather than a maximum—estimates the unemployment rate for all veterans aged 20 to 29 at 10.1 percent, as of January 1972. This figure is significantly higher for the most recently returned veterans.

The Veterans' Administration recently contracted Louis Harris to examine the current plight of the Vietnam era veteran. The result, "A Study of the Problems Facing the Vietnam Era Veterans on Their Readjustment to Civilian Life," places this unemployment situation in a considerably more distressing light. This survey found that the total unemployment rate of Vietnam era veterans is at least 15 percent, and runs as high as 31 percent for veterans without a high school diploma. In cities such as New York, 40 percent might well be a more accurate figure.

Mr. President, who can doubt that this unemployment rate, whatever the exact figures may be, is reflected in the crime and drug abuse statistics which have had such an impact on our everyday life.

In light of the failure of the GI bill to meet the needs of very large numbers of Vietnam era veterans, I worked in 1969 and 1970 with many Members of the House and Senate, including my distinguished colleague in the House, the Honorable OLIN TEAGUE, for passage of Public Law 91–219, a bill which was accepted unanimously by both Houses and signed by the President on March 26, 1970.

Public Law 91–219 raised the level of GI bill benefits by about 35 percent, although not as high as I and many of my colleagues thought necessary. The law also created several new programs which I authored to help the majority of Vietnam veterans who are either high school dropouts or who are disadvantaged and lack the educational and job skills necessary for their advancement after their return to civilian life. Let me review several of the parts of this law:

1. PREP

Sections 1695–1697 added by the law to title 38, United States Code, were intended to help men still in the service, by enabling them to complete their high school education or to undertake deficiency, remedial, refresher, or preparatory work in order to continue their education. We conceived PREP, the "predischarge education program," as a way to help tens of thousands, perhaps hundreds of thousands of young servicemen to continue their education while they still have time, while in service, and to begin planning for their futures.

2. REMEDIAL REFRESHER COURSES

Section 1691 added by the law was an amendment to the previous law, to permit veterans to complete high school—or grammar school—and to take necessary refresher, deficiency or preparatory courses needed to prepare for a post-secondary program. They receive their GI educational assistance allowances while enrolled in such programs, but these allowances are not charged against their GI bill entitlement. Thus, after completing this secondary level or remedial work, these veterans still have a full 36 months of GI benefits to draw upon.

3. TUTORIAL ASSISTANCE

Section 1692 added by the law was intended to help veterans enrolled in college but having academic difficulties, by permitting them to draw up to $50 a month for up to 9 months for individualized tutorial assistance in their courses.

4. A MUCH GREATER EMPHASIS ON VETERANS OUTREACH

A new subchapter IV was added to chapter 3 of title 38 to insure that the Veterans' Administration would expand and improve its programs for veterans outreach, so that all returning servicemen, and especially the disadvantaged, would be fully informed of all benefits available to them. The last sentence of section 240(a) added by the law is particularly pertinent:

The Congress further declares that the outreach services authorized by this subchapter is for the purpose of charging the Veterans Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

Mr. President, I very much regret to report that 2 years after the President signed Public Law 21–219, the potential of these programs to answer at least partially the needs of our economically and educationally disadvantaged servicemen and veterans has been grossly underutilized.

On the one hand, as I pointed out in my floor statement of June 17, 1971, these programs have struggled along in the context of lethargy, delay, and foot-dragging by both the Veterans' Administration and the Department of Defense. I plan shortly to introduce amendments which will help to make PREP a more workable program.

I will continue to urge the Department of Defense in particular, as well as the VA and other Federal agencies, to make a greater effort to implement these programs which have been law for almost 2 years now.

On the other hand, institutions of higher learning have had neither the resources nor the incentive to actively recruit veterans, particularly those who are ill prepared to make the transition from the service to an academic setting. Unlike other Federal educational assistance programs, the GI bill pays the veteran recipient student directly and has been intended primarily as a subsistence allowance for the veteran while he is attending school.

In the absence of direct Federal institutional aid for veterans programs, colleges and universities have paid insufficient attention to the particular educational needs and frequent educational deficiencies of the Vietnam veteran.

Indeed, this situation has been aggravated by a pattern of Veterans' Administration redtape and delay in the payment of educational assistance benefits, which has frequently made veterans tardy in the payment of tuition and thus a somewhat unwelcome administrative problem for the institution. S. 740 which I introduced a year ago and which passed the Senate 18 months ago as S. 3657, would deal with this deficiency, if enacted, by providing for advance payment of GI bill benefits.

Often hindered by a lack of publicity about new programs and by the complex and restrictive regulations of the Veterans' Administration and the Department of Defense, colleges and universities have been slow in establishing programs such as those provided for in sections 1691, 1692, and 1695–1697 added to title 38 of the United States Code by Public Law 21–219.

Mr. President, the latest available figures illustrate the small number of men to whom these programs have been made available. As of June 30, 1971—the latest available figures—only 8,468 veterans were enrolled in the refresher, remedial, or other special educational assistance courses provided for by section 1691. To that date, only 51,215 veterans had received training under this section. I have requested updated figures from the Veterans' Administration but have not yet received them.

The underutilization of the PREP program has been even more pronounced and gravely disturbing to me. As of June 30, only 5,841 servicemen had been trained under that program. At that particular time a total of only 294 servicemen were receiving PREP training.

Mr. President, the same underutilization is characteristic of the tutorial assistance program which new section 1692 established. As of the last quarter of 1971, I understand of approximately 648,000 November 1971 GI college trainees that only 2,208 veterans were being paid benefits under this program. This figure includes three veterans receiving VA tutorial assistance in Rhode Island, 10 in Washington, D.C., 12 in Connecticut, 24 in all of New York State, 275 in all of California, and so on. Nationally, this is a participation rate of three-tenths of 1 percent.

The amendment I am submitting today seeks to provide institutions of higher education with the motivation and the money to recruit and to prepare veterans for post-discharge education, and to realize more fully the potential of existing programs which have been established, funded, and intended by Congress to facilitate this readjustment process.

This amendment does not simply create entitlement for colleges and universities for veterans already enrolled. It would require a continuing commitment by recipient institutions both to increase the enrollment of veterans and to establish programs suited to their immediate educational needs, programs which were enacted into law 2 years ago next month.

Under my amendment, each institution of higher education would be entitled to a Federal grant during each of fiscal years from July 1, 1972 to June 30, 1975, only if the number of undergraduate veterans who are receiving assistance under chapter 34 or 31 of title 38 and are enrolled during the first counting year exceeds the number of veterans thus enrolled during the preceding year by 10 percent. In other words, a school with 1,000 GI trainees enrolled in the school year 1971–72 would have to increase this enrollment to 1,100 during the school year 1972–73.

Any institution which has qualified for this Federal assistance entitlement for any year during the cited period would be entitled to continue to receive this aid during subsequent years, provided that the number of such veterans enrolled in that institution increased by at least 5 percent each year over the prior year's veterans enrollment.

In addition to the above criteria, this amendment conditions the entitlement to Federal institutional assistance on each applicant institution satisfying the Commissioner of Education that it has made an adequate effort—determined in accordance with its enrollment and resources—in the following areas:

First, to establish and maintain a full-time office of Veterans' Affairs, with responsibility for veterans outreach, recruitment, and special educational programs and counseling;

Second, to establish a program for post-secondary education for educationally disadvantaged veterans under subchapter V of chapter 34 of title 38, and, in the case of any institution located near a military installation, to establish a PREP program under subchapter VI of chapter 34;

Third, to carry out active outreach, recruiting, and counseling activities with funds available under federally assisted work-study programs;

Fourth, to maintain an active tutorial assistance program under section 1692 of title 38. For the second and fourth area, Federal moneys are already fully available as GI bill entitlements. For the third area, Federal work-study funds would be supplemented by the veterans work-study program proposed in my bill, S. 740. And, for the first area it would be expected that schools would use a significant part of their veterans' cost-of-instruction payments to set up and run active veterans' affairs offices.

Each applicant institution that met all these requirements in the amendment would be entitled to a Federal grant of $300 for each enrolled veteran who is receiving benefits under chapter 31 or 34 of title 38, United States Code, and, generally, to an additional grant of $150 for each veteran receiving educational assistance under either subchapter V or subchapter VI of chapter 34. This $150 would not be paid in the case of a veteran on behalf of whom the institution has already received a payment under section 419 of these amendments in excess of $150.

Mr. President, assuming that the anticipated number of veterans receiving chapter 31 and chapter 34 benefits during fiscal year 1972–73 are all enrolled at institutions of higher learning which meet the criteria of entitlement established by this amendment, the approximate cost of the Federal grants provided for by this amendment would be as follows: California institutions of higher learning would receive roughly $41,147,865; the national figure would be about $183,184,100. These estimates are derived by multiplying the number of GI bill and vocational rehabilitation college level trainees as of November 1971—647,515—plus 14,780 chapter 31 college level trainees as of April 1971—by 110 percent and again multiplying by $300 for 70 percent estimated full-time trainees and $150 for 30 percent estimated part-time trainees; for nationwide figures; and 143,218—plus 3,269 estimated chapter 31 college trainees—for California figures.

We, as a nation, are committed to equality of opportunity for all our citizens. Today, the opportunity for a college education is an essential aspect of this equality of opportunity. It is my hope that through the adoption of this amendment, the Higher Education Amendments of 1972 will make a higher education a realistic possibility for all Vietnam era and post-Korean conflict veterans, rather than the false hope that it has been to so many of these men.

In line with this goal, I was pleased to join Senator HARTKE, the distinguished chairman of the Veterans' Affairs Committee, in introducing S. 2161 during the last session. This proposed legislation provided for an increase of 27 percent in the basic rate of educational assistance payments to veterans under the GI bill and an increase of about 40 to 50 percent in the amount by which those payments are increased for dependents.

As welcome an improvement as were the GI bill increases provided for by Public Law 21–219 2 years ago over the previous, totally unrealistic rate schedule, I remain convinced that the level of GI bill benefits continues to be inadequate. Despite this rate increase of 2 years ago, the cost of a higher education continues to be prohibitive for great numbers of veterans, particularly the disadvantaged, many of whom must support a family while going to school.

I believe that the incentives which this amendment, if enacted, would provide for institutions of higher education to recruit and train veterans underlines the importance that these men receive a level of assistance which will allow them to take full advantage of available educational opportunities. I plan to continue to work closely during this session with Senator HARTKE in the Veterans' Affairs Committee to enact a very substantial increase—considerably above those increases proposed in S. 2161, which was prepared a full year ago—to make GI bill assistance generally comparable to the level of assistance provided under the World War II GI bill program.

The cost of a college education must cease to be the insurmountable obstacle that it is to so many Vietnam era veterans today. The amendment I am proposing coupled with a major GI bill assistance increase in the next few months, should remove that obstacle.

Mr. President, I ask unanimous consent that a section-by-section analysis of the amendment be set forth in the RECORD at this point.

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

ANALYSIS OF THE AMENDMENT TO PROVIDE FOR VETERAN'S COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

This amendment adds a new section 420 to subpart 5 of title IV–A of the Higher Education Act of 1965, as proposed in the Committee amendment, to create entitlements for institutions of higher education at which certain recipients of veterans' benefits under title 38 of the United States Code are in attendance. Such subpart 5, in the Committee amendment, entitles institutions of higher education to cost-of-instruction allowances on the basis of the number of Basic Grant recipients, under subpart 1 of such title IV–A, who are in attendance at such institutions.

The new section 420 contains four subsections: subsection (a) creates the entitlements in institutions of higher education; subsection (b) controls the amount of the payments to which such institutions are entitled; subsection (c) sets forth the manner in which such institutions may become eligible for the payments to which they are entitled; and subsection (d) provides for making payments to institutions which have established their eligibility.

Subsection (a) of new section 420, which creates entitlements, contains two paragraphs: paragraph (1) controls the first year during which an institution receives payments under section 420, while paragraph (2) controls subsequent years during which an institution receives such payments.

Paragraph (1) of subsection (a) creates in institutions of higher education entitlements on the basis of the number of persons in attendance at such institutions who are recipients of veterans' benefits under chapters 31 (vocational rehabilitation) or 34 (educational assistance) of title 38, United States Code. The period during which such annual entitlements are created begins July 1, 1972 and ends June 30, 1975. Each institution of higher education shall be entitled to a payment under section 420 during any fiscal year, if the number of persons who are veterans receiving benefits under chapters 31 or 34 of title 38, United States Code, and who are in attendance at such institution as undergraduate students during any academic year, equals at least 110 percent of the number of such persons during the preceding academic year. In order to be qualified to be counted for computing eligibility for entitlements under paragraph (1), a veteran must be (a) receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or (b) receiving educational assistance under chapter 34 of such title 38.

Paragraph (2) of subsection (a) relates to institutions of higher education which have qualified for and received payments under section 420 during the preceding year. The first sentence of such paragraph (2) provides that, prior to July 1, 1975, in the case of any institution which has qualified for, and received, a payment on the basis of an entitlement created under paragraph (1) of section 420(a), that institution shall be entitled, during succeeding fiscal years, to a payment if the number of persons receiving veterans' benefits in attendance at the institution during any academic year equals at least 105 percent of the number of such persons during the preceding year.

The second sentence of paragraph (2) of section 420(a) provides that once an institution has qualified for a payment by reason of paragraph (2), it may continue to qualify under such paragraph so long as it continuously maintains eligibility under that paragraph—that is, 5 per cent above the previous year. If during any year an institution has qualified under paragraph (2), and then during any subsequent year it fails to do so, it must, if it wishes to receive payments under section 420, reestablish its qualifications under paragraph (1) of section 420(a)—that is, a 10 per cent increase.

Subsection (b) sets the amount of payments to which institutions are entitled for any fiscal year. An institution of higher education which has qualified for a payment on the basis of subsection (a) of section 420, and which has submitted an approvable application under subsection (c), is eligible for a payment computed under subsection (b).

Paragraph (1) of new section 420(b) provides that an institution of higher education shall be entitled to a payment for any fiscal year in an amount equal to the amount determined under clause (A) of such paragraph, plus the amount determined under clause (B) of such paragraph.

Clause (A) of paragraph (1) provides that each institution shall be paid $300 for each person who—

(1) is in attendance at such institution as an undergraduate student; and

(2) is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38.

Clause (B) of such paragraph (1) provides that, except in the case of persons on behalf of whom the institution has received a payment in excess of $150 under section 419, each institution shall be paid $150 for each person who—

(1) is in attendance at such institution as an undergraduate student; and

(2) has been the recipient of educational assistance under subchapter V or VI of chapter 34 of such title 38.

Paragraph (2) of new section 420(b) relates to students counted under paragraph (1) who are not in full-time attendance at

institutions of higher education. Such paragraph (2) provides that in any case where a person on behalf of whom a payment is made under new section 420 attends an institution on less than a full-time basis, the amount of the payment on behalf of that student shall be reduced in proportion to the degree to which that person is not attending on a full-time basis.

Subsection (c) of new section 420 describes the method by which institutions become eligible for the payments to which they are entitled. The first sentence of such subsection (c) requires that an institution, in order to be eligible for the payment to which it is entitled under new section 420, must make application for such payment to the Commissioner.

The second sentence sets forth the procedure by which institutions are to make application for their entitlements. An application under section 420 shall be submitted at such time or times, in such manner, in such form, and containing such information as the Commissioner determines necessary to carry out his functions under title IV. In addition, the application is specifically directed to:

(1) meet the requirements set forth in clauses (A) and (B) of section 419;

(2) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

(A) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provision of educational, vocational, and personal counseling for veterans,

(B) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (i) under subchapter V (pre-college preparatory and elementary and secondary training) of chapter 34 of title 38, United States Code, and (ii) in the case of any institution located near a military installation, under subchapter VI (PREP) of such chapter 34,

(C) to carry out active outreach, recruiting, and counseling activities through the use of funds available under federally assisted work-study programs, and

(D) to carry out an active tutorial assistance program (including full dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38.

The third sentence of such subsection (c) of new section 420 is concerned with responsibility for judgment of the adequacy of efforts to meet the requirements of clause 2 above, which relates to maintenance of effort of certain specified activities. The adequacy of such efforts is to be determined by the Commissioner, in accordance with criteria established in regulations by the Commissioner after consultation with the Administrator of Veterans' Affairs. Such regulations would take into account variations in schools' total enrollments and available resources.

Subsection (d) of new section 420 provides the method for making payments to institutions of higher education.

Paragraph (1) of such subsection (d) provides that the Commissioner shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under section 420. Payments under such subsection (d) must be made in installments. There must be at least three such installments during each academic year, and the amount paid in each installment must be based on the actual number of persons on behalf of whom the payment is made who are in actual attendance at the institution at the time of the payment.

Paragraph (2) of such subsection (d) makes provision for making payments when appropriations are not available for making necessary payments.

The first sentence of such paragraph (2) of new section 420(d) provides that if, during any time during any fiscal year, the funds available for making payments under subsection (d) are insufficient to make payments sufficient to satisfy all entitlements under new section 420, the funds of the National Service Life Insurance Fund, created and continued under section 720 of title 38, United States Code, shall be used to make such payments. The Administrator of Veterans' Affairs and the Secretary of the Treasury are directed, by the second sentence of such paragraph (2), to transfer to the Commissioner from that Fund such funds as may be necessary to satisfy all unsatisfied entitlements under new section 420.

The third sentence of such paragraph (2) of new section 420(d) requires the Commissioner to guarantee repayment of any funds transferred to him under the second sentence of such paragraph. Such repayments shall be deposited in the National Service Life Insurance Fund, which repayments shall be subject to the same terms and conditions as premiums deposited in that Fund.

The fourth sentence of such paragraph (2) relates to the manner in which the Commissioner guarantees repayments to the National Service Life Insurance Fund. In order to enable the Commissioner to guarantee such repayments, he must, when necessary, issue to the Secretary of the Treasury such notes or other obligations as may be necessary. Such notes and obligations shall not bear interest. Under the fifth sentence of such paragraph (2), the Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued by the Commissioner under the fourth sentence of such paragraph (2).

Mr. PELL. Mr. President, I think the amendment of the Senator from California is meritorious. It tries to make sure that those veterans who go to institutions of higher education have the same attractions going with them as do youngsters who will receive the basic educational opportunity grant—a cost of education allowance.

I should like to put one question to the Senator from California, and that is to the funding of this amendment. As I understand it, it would take more money, but that money would come out of the Veterans' Administration funds. Is that correct?

Mr. CRANSTON. Yes, initially.

Mr. PELL. In view of that, and in view of the fact that it really carries even further the intent of the Higher Education Act as we suggest it be amended in making sure that an added incentive is attached to youngsters who have been receiving Federal assistance. I recommend to Senators that the amendment be adopted.

Mr. BEALL. The ranking minority Member is absent, but he has asked me to express his agreement with this amendment. There is unanimity in the desire that we make sure that returning veterans are given the same opportunity—and perhaps better opportunity—than other youngsters in our society.

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

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

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. MONDALE. Mr. President, last Friday, by a vote of 43 to 40, the Senate temporarily adopted the so-called Griffin amendment.

First, the Griffin amendment is a blatantly unconstitutional attempt to prevent enforcement of the U.S. Constitution by U.S. courts. In the face of express rulings by a unanimous U.S. Supreme Court, the amendment tries to prohibit Federal courts from requiring any transportation as a device for achieving school desegregation. Even its principal sponsor has been reported as admitting that his amendment may be unconstitutional.

Congress cannot repeal the 14th amendment by statute. But we can cause confusion and uncertainty in 565 school districts desegregating under Federal court order. We can create still another round of angry litigation—which may drag on for years. And so we can do permanent damage to the lives of 8½ million children attending those school districts.

In addition, the amendment provides all the excuse that is needed for the Justice Department to stop trying any school desegregation cases at all.

Second, the Griffin amendment would work the effective repeal of title VI of the Civil Rights Act of 1964 by imposing similar limitations on administration of that law—in effect withdrawing the executive branch of the Federal Government from the effort to end officially imposed segregation in public schools.

Under title VI plan 2.4 million children are attending 880 school districts. Adoption of the Griffin amendment would be an open invitation for their school systems to return to segregation. Confusion and bitter feeling will erupt. And for these children, next fall may be a living hell.

And third, the Griffin amendment makes a bitter mockery of the Emergency School Aid Act, contained in the pending bill, and designed to assure that school integration moves forward in a sensible and educationally beneficial manner.

While the act would create a national policy in support of stable, quality integration, the Griffin amendment would establish a national policy of support for segregation.

While the act would move forward to help make desegregation under law educationally successful, and to encourage voluntary integration, the Griffin amendment seeks not only to halt law enforcement in its tracks, but also to roll back much desegregation which has already been accomplished.

Mr. President, the Griffin amendment not only attempts to freeze any further efforts by courts or Federal agencies to eliminate officially sponsored segregation—but it would be a plain signal for 1,500 school districts under court order and title VI plan, serving 11 million children, to undo all that has been accomplished to date.