UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS
SECOND SESSION

VOLUME 122—PART 7

MARCH 24, 1976 TO MARCH 31, 1976

(PAGES 7767 TO 8956)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1976

ment, I ask unanimous consent that I may submit my amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. Mr. President, reserving the right to object, what is the amendment?

Mr. CRANSTON. It is the amendment the Senator's staff has seen regarding the amendment suggesting the $1,000 threshold.

Mr. PACKWOOD. $1,000 for organizational limits, or $1,000 per candidate per year?

Mr. CRANSTON. $1,000 for each communication. I am seeking permission to send it up now, that is all I am asking, so that we can discuss it.

Mr. PACKWOOD. I thought the Senator was moving its adoption.

Mr. CRANSTON. No, I am asking unanimous consent to call it up.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question recurs on agreeing to the amendment of the Senator from Alabama.

ADDITIONAL STATEMENT SUBMITTED ON AMENDMENT NO. 1517

Mr. ROTH. Mr. President, I am voting in favor of the Allen amendment, not because I believe that it is a complete or the best means of preventing corruption by public officials, but because the Senate has so far failed to make any meaningful reforms in this area.

My reservations to the approach embodied in the Allen amendment are basicly two in number. First, it would strip some public officials of their rights to financial privacy without any evidence that these individuals are involved in criminal activity. Second, I fear that it might actually prove to be counterproductive to the prevention of corruption by public officials by lulling the press and public into the belief that public disclosure is an effective check where in reality, it may not be much of a check at all. Those who would abuse the public trust would also not hesitate to lie about their personal finances, just as they would on their tax returns. The only way to check would be through a complete and exhaustive audit.

A better approach to this problem, in my judgment, lies in Senate Resolution 175 which I introduced last summer. This resolution would require that the very extensive confidential financial disclosure statements now filed by Senators, Senate officers, and staff aides who are paid at the rate of $15,000 annually or higher would automatically be made available on request to any competent Federal or State court in any case involving alleged criminal misconduct by that Senator, officer, or employee. The resolution would also require that the financial disclosure statements would be provided to a grand jury investigating allegations of criminal misconduct by a Member of the Senate.

I believe that this approach would preserve the privacy rights of public officials while insuring that they would be fully accountable for their financial records in the event that there were suspicion of crime.

Mr. ALLEN. Mr. President, I am prepared to yield back the remainder of my time.

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

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1517, as amended) of the Senator from Alabama (Mr. ALLEN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GARY HART. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend until Senators take their seats. The Senate will be in order.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

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

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced—yeas 76, nays 13, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—76

Abourezk	Goldwater	Muskie
Allen	Griffin	Nelson
Baker	Hart, Gary	Nunn
Bartlett	Hart, Philip A.	Packwood
Beall	Haskell	Pastore
Bellmon	Hatfield	Pearson
Bentsen	Hathaway	Pell
Brooke	Helms	Proxmire
Bumpers	Hollings	Randolph
Burdick	Huddleston	Roth
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Javits	Scott, Hugh
Case	Johnston	Sparkman
Chiles	Kennedy	Stafford
Clark	Laxalt	Stevens
Cranston	Magnuson	Stevenson
Culver	Mansfield	Stone
Dole	Mathias	Symington
Domenici	McClure	Taft
Durkin	McGovern	Thurmond
Eagleton	McIntyre	Tower
Fannin	Metcalf	Tunney
Fong	Mondale	Weicker
Ford	Montoya	Williams
Garn	Morgan	
Glenn	Moss	

NAYS—13

Buckley	Hansen	Scott, William L.
Byrd, Harry F., Jr.	Hruska	Stennis
Curtis	Long	Talmadge
Eastland	McClellan	Young
	Ribicoff	

NOT VOTING—11

Bayh	Gravel	Leahy
Biden	Hartke	McGee
Brock	Inouye	Percy
Church	Jackson	

So Mr. ALLEN's amendment was agreed to.

Mr. CANNON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question now recurs on the motion to table division 1 of the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered.

Mr. CANNON. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Mr. President, if the motion to table is agreed to, does that carry the Allen amendment and the amendment to the Allen amendment that is pending?

The PRESIDING OFFICER. Division 1 of the Allen amendment and the Abourezk amendment thereto would fall.

CHILD DAY CARE SERVICES UNDER TITLE XX OF THE SOCIAL SECURITY ACT—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 9803 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HANSEN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9803) to postpone for six months the effective date of the requirement that a child day care center meet specified staffing standards (for children between six weeks and six years old) in order to qualify for Federal payments for the services involved under title XX of the Social Security Act, so long as the standards actually being applied comply with State law and are no lower than those in effect in September 1975, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of March 9, 1976, beginning at page 5841.)

Mr. LONG. Mr. President, under the Social Services Amendments of 1974, child care operators receiving funds under the social services program are required to meet certain Federal standards including standards with respect to the number of staff in relation to the number of children served. The 1974 legislation would have required child care facilities to come into compliance with the standards by October of last year or face a denial of Federal funds. Because these standards would have increased substantially the cost of operation for many child care operators, possibly resulting in a cutback in the amount of care provided, Congress deferred the effective date of these staffing standards insofar as they apply to preschool children to February 1, 1976. This was intended to allow time for the development of legislation which would make it possible to implement the standards without curtailing services.

In January, the Senate passed the bill H.R. 9803, which would have provided the necessary funding to enable States to come into compliance by raising the annual limit on social services funding by $250 million starting with $125 million in fiscal year 1976. This bill would have also provided substantial incentives for States to meet the new staffing standards by employing welfare recipients. It would have modified the child care requirements somewhat in the case of family day care homes and would have allowed State rather than Federal standards to apply in facilities serving only a few federally funded children.

Because the House conferees could not reach an accommodation with the House Budget Committee over certain technical matters, action on this measure was delayed and the House ultimately was unable to accept the Senate provisions on a permanent basis although the House conferees did not, I believe, have any substantive disagreement with the Senate provisions. However, agreement was reached to adopt the provisions temporarily through September 30 of this year, and I feel confident that it will be possible to further extend them at a later date. Thus, the conference agreement largely follows the Senate provisions although on a somewhat limited and temporary basis. A more detailed description of the agreement is presented in the statement of the conferees, and I ask unanimous consent that the statement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LONG. Mr. President, since the time the conferees reached agreement on H.R. 9803, the lawyers of the Department of Health, Education, and Welfare have discovered that, by a contorted reading of the language in the legislation, they can find a way to interpret it to defeat its purposes. While I do not see how any reasonable reading of the bill could reach that conclusion, I want to make the legislative history on this point completely explicit. The provisions of section 3(d)(2) of the bill as agreed to by the conferees are intended to operate only as a limitation on the provisions of section 3(d)(1). Thus, these two paragraphs taken together have the effect of increasing the Federal matching rate for child care services from 75 to 80 percent but making that increased matching applicable only to the additional $125 million in funding provided by this bill. There is no intent to in any way limit, restrict, or reduce the social services funding otherwise available to States under existing law.

EXHIBIT 1

DESCRIPTION OF CHILD CARE CONFERENCE REPORT—(H.R. 9803)

The House bill provided for the suspension until April 1, 1976, of Federal staffing standards for the care of preschool children in child care facilities receiving funding under the Social Security Act. The Senate amendment provided that these standards will be suspended until July 1, 1976. The conference substitute suspends the standards until July 1, 1976.

The Senate amendment added a statement of findings and purpose to the effect that the new child care standards will require increased expenditures and that the purpose of the bill is to provide funding to meet these added costs. The conference substitute includes this statement.

The Senate amendment added a provision which would increase the $2.5 billion limit on Federal funding for social services programs by $250 million annually beginning with fiscal year 1977 (with $125 million in fiscal year 1976 and $62.5 million for the July-September 1976 transition quarter). The additional funds would be available only for matching State child care expenditures and 80 percent of the funds (prior to the fiscal year beginning October 1, 1977) would be allocated among the States on the basis of State population. The Senate amendment required that the new funds be used in such a way as to increase the employment of welfare recipients and other low-income persons in child care related jobs to the maximum extent feasible as determined by the States. The conference substitute provides that $62.5 million in additional Federal child care funding will be available for fiscal 1976 and $62.5 million for the July-September transition quarter. No funding is provided beyond September 30, 1976.

The Senate amendment permitted States to use a part of the additional funding to reimburse providers of child care for the costs of employing welfare recipients. Under the Senate provisions, the amount payable to a qualified provider could not exceed $4,000 (an additional $1,000 in Federal funding would be available as a tax credit or, in the case of public and nonprofit providers, as a Treasury Department payment in lieu of tax credit). These payments could be made only to child care providers having a clientele at least 20% of which is composed of children receiving child care funded under the Social Security Act. The conference substitute generally follows the Senate provision except that payments to public and nonprofit providers could be made up to amounts equal to $5,000 per year per employee. (Such providers would not be eligible for a payment in lieu of the tax credit.)

The Senate amendment provided that the additional social services money available for child care would be eligible for matching State expenditures at an 80% rate rather than the current-low rate of 75%. The conference substitute accepts this Senate provision.

The Senate amendment provided that 20% of the additional funding available in fiscal year 1976, the July-September 1976 transition quarter, and fiscal year 1977 would be allocated by the Secretary of Health, Education, and Welfare to States which he determines to need additional funds because of special difficulty in meeting the child care standards. Funds set aside for special needs but not used would be reallocated on the basis of State population. The conference substitute includes this provision with respect to the additional funding provided for fiscal 1976 and the transition quarter.

The Senate amendment extended the work incentive program expense credit allowed by section 40 of the Internal Revenue Code of 1954 to permit a credit for a portion of the wages paid to an individual who is a Federal welfare recipient who is employed in connection with a child day care services program, and made several other changes in the rules applicable to the computation of the credit allowable for expenses of employing such an individual. Specifically—

(1) the limitation on the amount of the credit allowable for work incentive program expenses under section 50A(a)(2) of the Code, which limits the maximum credit to $25,000 plus 50 percent of tax liability in excess of $25,000, would not apply to so much of the credit as is attributable to Federal welfare recipients employed in connection with a child day care services program;

(2) the amount of the credit allowable for wages paid to any particular Federal welfare recipient could not exceed $1,000;

(3) the credit would be allowed to a State, a political subdivision of a State, or a tax-exempt organization;

(4) the credit is allowed for wages paid to such a Federal welfare recipient after September 30, 1975, and before January 1, 1981; and

(5) the full credit would be refunded to the taxpayer even if the amount of the credit allowed exceeded his tax liability (in the case of a State, a political subdivision of a State, or a taxexempt organization, the entire amount of the credit would be refunded).

The conference substitute is the same as the Senate amendment, with the following exceptions:

(1) Under the conference substitute, States, political subdivisions of States, and tax-exempt organizations are not eligible for the credit against tax allowed by section 40 of the Internal Revenue Code of 1954 (relating to expenses of work incentive programs).

(2) Under the conference substitute the credit is not refundable in excess of the taxpayer's liability for tax.

(3) Under the conference substitute, the credit is allowed only with respect to wages paid after the date of enactment of the conference substitute and before October 1, 1976.

A taxpayer who intends to claim the credit allowed by section 40 of the Internal Revenue Code of 1954 for the taxable year can, of course, adjust his quarterly payments of estimated tax, or his withholding (in the case of an individual), to take account of the amount of the credit he expects to claim.

The Senate amendment would permit State welfare agencies to waive the Federal staffing requirements in the case of child care centers and group day care homes which meet State standards if the children receiving federally funded care represent no more than 20 percent of the total number of children served (or, in the case of a center, there are no more than 5 such children), provided that it is infeasible to place the children receiving Federally funded care in a facility which does meet the Federal requirements. The amendment would also modify the limitations on the number of children who may be cared for in a family day care home by providing that the family day care mother's own children not be counted unless they are under age 6. This change would apply retroactive to October 1, 1975. The conference substitute accepts the Senate amendment on a temporary basis effective through September 30, 1976.

The Senate amendment added a provision making permanent certain modifications provided under P.L. 94-120 governing funding of services for addicts and alcoholics. The provisions involved (which expired January 31, 1966) require that special confidentiality requirements of the Comprehensive Alcohol Abuse Act be observed with regard to addicts and alcoholics, clarify that the entire rehabilitative process must be considered in determining whether medical services provided to addicts and alcoholics can be funded as an integral part of a State social services program, and provide for funding of a 7-day detoxification period even though social services funding is generally not available to persons in institutions. The conference substitute accepts the Senate amendment.

Mr. CURTIS. Mr. President, I oppose this legislation and urge my colleagues to reject the conference report.

In all fairness, I must state that my

objections go principally to the bill itself rather than to the specific action of the conference committee. The distinguished chairman of the Committee on Finance has handled the conference in a manner to which I have no objection. As our chairman has explained, the conference committee accepted most of the provisions of the Senate bill. The duration of these provisions was limited, however, to accommodate the objections of the House Budget Committee.

Thus, from the Senate's standpoint, this was a "successful" conference. Nevertheless, this is still ill-advised legislation and I urge its rejection. As the Senate is aware, this legislation continues for a brief period the suspension of the day care staffing ratios imposed under title XX of the Social Security Act. Once this brief suspension expires on July 1, 1976, the staffing ratios will go into effect. This bill also provides that States will receive additional title XX funds to comply with these requirements.

The fallacy of this bill is that it continues the assumption that Congress has such a monopoly on wisdom and sensitivity that only we can be trusted to decide how many children can be adequately cared for by one adult in a day care center. I cannot accept this notion as a matter of principle.

Moreover, in this particular case, we must candidly admit that the standards we now impose and fund are ones which may not even be appropriate. The standards continue to be controversial even among day care professionals and the administration is even now engaged in a study that we directed to determine what standards are appropriate. Even if a case for mandatory Federal staffing ratios could be made, it has not been made yet.

Given these facts, I cannot accept the argument that we should let the standards go into effect and then provide additional money to enable States to comply with these standards. At the very least, I would like to obtain the facts first. As our colleague, Senator PACKWOOD, noted earlier when we debated this bill, when we make a mistake, it is imposed nationwide. In my view, we are continuing a serious mistake here and seeking to bury it in an avalanche of Federal dollars.

Thus, while I commend our chairman for our "successful" conference, I must oppose this bill. We should reject this conference report and then pass legislation simply postponing these staffing ratios. This will give us time both to ascertain the facts and to consider other alternatives such as the President's social services block grant proposal.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Under Secretary Marjorie Lynch of HEW.

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

MARCH 15, 1976.

Hon. HUGH SCOTT,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR MR. SCOTT: This letter is to express to you the Department's strong opposition to the conference report on H.R. 9803 and to ask you to bring our concerns over the report to the attention of other Members of the Senate.

The conference report would authorize an additional $125 million over and above the $2.5 billion ceiling on funding under title XX of the Social Security Act to assist States in meeting the costs of full enforcement of the Federal interagency day care requirements (FIDCR) as modified under title XX. Favorable congressional action on this new entitlement—to be available to the States for the balance of the current fiscal year and for the July 1–September 30, 1976 transition quarter—would effectively commit the Congress to perpetuation of the controversial FIDCR staffing standards and later authorization of $250 million annually in order to help States meet the costs of their full implementation.

As you know, the President has recommended, as part of his social services block grant proposal introduced as S. 3061 and H.R. 12175, that FIDCR, and particularly the costly and controversial staffing standards, be deleted from Federal law. Under the President's proposal, each State would be required to have in effect its own appropriate mandatory standards, including requirements relating to safety, sanitation, and protection of civil rights, for day care services provided under title XX. We strongly believe that the formulation of staff-to-children ratios and related standards for day care services is most appropriately left to State discretion just as the formulation of teacher-pupil ratios and related standards is left to the States under Federal education assistance programs.

Also, enactment of the conference report would violate the spirit and intent of both title XX as it exists and the President's block grant proposal by earmarking a specific amount of title XX services funds for a specific purpose. The States fought long and hard in the years preceding enactment of title XX to win the flexibility to make their own decisions on the best uses of Federal services funding.

Thus, should the Congress act favorably on the conference report, it would signal a retreat from the historic steps toward a more productive Federal-State partnership taken in title XX just a year ago.

Moreover, the conference report contains a substantial technical defect. We are advised that section 3(d)(2) of the report is intended to integrate the report's provision for 100 percent Federal payment of "Federal welfare recipient employment incentive expenses (*i.e.*, the salaries of welfare recipients employed to provide child day care services in child day care facilities) with the report's provision to establish an 80 percent Federal share for other child day care services under title XX. Because this intent is so imperfectly rendered by the section, the report instead appears to limit the "total amount of the Federal payments which may be paid to any State" for fiscal year 1976 and the transition quarter to a small fraction of the amount that would be paid under current law.

In lieu of the conference report, we urge that the Congress extended to October 1, 1976, the moratorium on imposition of the child day care staffing standards enacted by Public Law 94–120 last October. This will give the Congress time to pass the President's title XX block grant proposal.

We are advised by the Office of Management and Budget that enactment of H.R. 9803 would not be consistent with the Administration's objectives.

Sincerely,

MARJORIE LYNCH,
Under Secretary.

Mr. CURTIS. Frankly, Mr. President, the objection to this legislation is that the States should be allowed to decide how many children an adult in charge of a day care center can look after. The idea that such matters should be determined by the Congress of the United States is ridiculous. It is denying the right of local self-government. It is preventing parents and local interested citizens from having something to say about this in their local communities, and it is turning it over to some incompetent and often theoretical professionals.

Mr. President, I shall not vote for the conference report.

Mr. JAVITS. Mr. President, if Senators will read the letter to which Senator CURTIS has properly referred, they will see that the whole premise of the letter is the President's block grant proposal. The President's block grant proposal, in my judgment, considering the fact that it ends up with the recipients receiving less and less and less, is simply, I think, as one Senator, not going to go very far, very fast.

Therefore, the States are left in the position in which a professionally backed up finding about what it takes to run a decent day care center program is going to leave them between two stools.

My State, for one, cannot stand the gaff financially. When, as, and if another program is adopted to replace this one, OK, we can do it. But until we do, we just do not have it, and the people who are going to suffer are the children. Therefore, I very much hope, Mr. President, that the Senate will approve this conference report.

I wish to ask the chairman of the committee a question on another matter. There is also pending the need, based on a House bill, for a short-term extension, under title 20, of the inhibition against putting into effect the new regulations with respect to the old people's centers. This is a very serious matter, because an individual means test will be imposed if those regulations go into effect as of April 1. We have put in a bill on that score which has over 30 cosponsors. I ask the chairman of the committee whether or not there is any likelihood of action on that bill which has come over from the House, which extends the situation, leaves it where it is, until October 1, 1976.

Mr. DOLE. Mr. President, I must reluctantly vote against the conference report on H.R. 9803, but not because I am in disagreement with its goals of improving the availability and quality of day care services. On the contrary, I believe there is a real need for a limited Federal role in encouraging these programs; unfortunately, the provisions of this measure do not represent the best and proper means of achieving those objectives.

In the minority views of the Finance Committee's report on this measure, we expressed the feeling that day care staffing standards should be left to the discretion of the respective States—without any uniform magic Federal formula. This legislation is inconsistent with that principle, however, in that it mandates the application of strict Government-determined ratios in all States, effective July 1, 1976.

This is another example of Congress saying, "What's Good For New York is Good For Kansas or Wyoming or Cali-

fornia," and I cannot go along with that type of paternalism. The far more desirable approach would be to allow the States to decide for themselves what is necesary and appropriate for themselves in this area—and then extend our support in helping them meet those criteria.

H.R. 9803's failure to do that may very well result in its being vetoed, since the administration has stated similar preferences. In any event, I am hopeful that we may soon be able to reverse this trend of telling the States and localities what they have to do—not just with day care services, but with all related programs.

Even conceding the legitimacy of the standards to take effect by this legislation, we are being very premature to call for their enforcement before HEW has a chance to complete its study on the matter—which will not happen for more than a year. For these reasons, Mr. President—and without forsaking any commitment to upgrading the private and public care given our children of working parents—I would urge the defeat of this report, and hope for the development of a better solution.

Mr. MONDALE. Mr. President, I rise to comment briefly in support of the pending conference report on H.R. 9803.

The bill before us today resolves a difficult and painful choice in what I believe to be a moderate and reasonable fashion.

The Social Services Amendments of 1974 relaxed the standards applying to federally assisted day care, but strengthened the requirement that these standards be enforced. As the effective date—last October 1—approached, it became clear that much of the day care provided under title XX did not meet these standards with respect to staffing ratios and with respect to health and safety requirements as well. Since spending for social services was and is virtually at the statutory ceiling, meeting the standards under existing law would require children to be dropped from day care, or would require hard-pressed State governments to come forward with substantial additional State funding.

Under legislation originated in the House of Representatives, the effective date of the standards was postponed until last February 1, to permit development of a solution.

And the distinguished Senator from Louisiana (Mr. LONG) designed an innovative new approach, an approach I was pleased to cosponsor and which is embodied in the legislation before us today.

In essence, there are three key provisions in the pending bill.

First, the bill further relaxes the application of day care standards, first, by permitting States to waive Federal child-staff ratios in centers with fewer than five or fewer than 20 percent title XX-connected children, and second, by permitting the disregard of two of a family day care mother's own school age children in the application of child-staff ratios to family day care homes.

Second, the bill provides additional funding for day care at the annual rate of $250 million, effective as of this April 1. These funds, which will be available as an entitlement on an 80–20 Federal-State matching basis, will help to meet the additional cost of compliance with the standards.

Third, where day care employees are hired from the welfare rolls the bill would permit States to reimburse 100 percent of the cost of the first $5,000 of salary cost, with no Federal match. With respect to profitmaking day care centers, the bill would limit such reimbursement to $4,000, with the remaining $1,000 supplied by an extension of the existing incentive tax credit, scheduled to expire June 30. I believe this emphasis is a hopeful one, promising both to reduce the net cost of this program by reducing Federal and State welfare payments, and to provide productive work for many who long for this opportunity. I would note that funds for training are available on an 80–20 matching basis under this bill, and on a 75–25 basis under existing law outside the title XX ceiling.

Fourth, the bill extends suspension of the child-staff ratios from February 1 until July 1, to permit necessary adjustments to be made.

In order to satisfy objections raised by the House Budget Committee, all provisions in this bill would expire on October 1 of this year. Grants of $125 million to States would be available during the 6-month life of this bill, further extension will be in order following adoption of the first concurrent resolution on the budget, scheduled to take place by May 15.

This compromise bill would cut the cost of compliance with day care standards in half. It supplies funding to meet those costs. It is within the congressional budget, as measured by both Budget Committees.

Mr. President, this bill does not require States to change their own day care standards. It says only that where Federal funds are used to provide care for children outside their homes, then the Federal Government has some responsibility to see that the care they receive meets minimum standards.

And I hope the President will take account of the alternatives when he considers H.R. 9803.

If this bill does not become law, there will be no waiver. The cost of compliance will double.

If this bill does not become law, there will be no funds to help States, local governments, and day care providers come into compliance.

If this bill does not become law, the existing, tougher standards must be applied retroactively, back to February 1.

I am hopeful that this bill will become law. I wish to express my thanks to all those who have worked so hard toward that end.

I wish again to express my deep admiration for the skill and dedication demonstrated by the distinguished chairman of the Senate Finance Committee (Mr. LONG) in shepherding this measure through the Congress.

And—speaking, I think for all those who have worked for this bill—I wish to give special recognition to the hard work and perseverance of Liz Robbins, whose efforts went far beyond the call of duty, and without whom we would still be on the drawing boards.

Mr. President, I ask unanimous consent that editorials which appeared in the Washington Post and the New York Times of March 15 may appear at this point in the RECORD.

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

[From the New York Times, Mar. 15, 1976]

DAY CARE SAVINGS

The provisions of the Social Security Act which support child care programs may be substantially nullified unless the House acts favorably on a bill which provides funds to bring local day care programs up to the standards required by Federal law.

Most states were already severely strapped for social services money when, in 1974, Congress enacted mandatory standards for federally assisted day care facilities covering such matters as health, nutrition and staff-child ratios. The trouble was that Congress failed to provide funds to help the states meet those standards and, as the time for putting them into effect approached, many programs were in danger of being cut off. To meet that problem, Senator Russell B. Long of Louisiana drafted a bill to provide the money and added strong incentives for programs to hire people off the welfare rolls.

There is now some reluctance in the House—bolstered by menacing noises from the White House—to act favorably on the measure because it will cost $125 million for the balance of this fiscal year. That is a pound-foolish view because in addition to serving nearly two million children, the program helps shave welfare costs. The director of Social Services in Georgia has estimated that its implementation in his state alone will produce an overall saving of $2 million. The House ought not to miss this rare opportunity to do good and save money at the same time.

[From the Washington Post, Mar. 15, 1976]

GIVING DAY CARE A CHANCE

There is little doubt that the day care program has been a great benefit to working women in this country, especially those who have been trying to make the transition from welfare to careers. No one can accurately count the dollars saved in welfare payments, or the dollars gained in the economy from goods and services sold or tax revenue received. But day care has proved that it makes sense to help people work. Now, because of legislative and bureaucratic entanglements, the day care programs in most of the 50 states are in jeopardy.

The House, acting under a suspension of its rules, will vote today on whether to accept a $125 million conference report intended to assist the states in meeting a set of tough health, safety and staffing standards in their day care programs. Without those additional funds, the day care programs in most of the states will not be in compliance with federal regulations. Failure to comply with any one of the standards can mean loss of all federal funds.

A survey of the 50 governors has found that meeting those health and safety standards has been impossible for most of them with the funds available up to now. In many states, the staff requirements have been difficult to meet, but most governors say they can't meet the health, safety and management standards either. Yet, those standards are important if the parents of children are going to have confidence in the day care program. They must feel their children are in a safe and healthy setting.

In themselves, the standards pose no other problem than the money to help the states meet them. There is an argument from some

Republicans on the Hill that the answer might be to delay putting into effect standards indefinitely. That is decidedly not the solution. Further delay only means either cutting services to meet the standards out of existing revenue or exposing small children to the danger that might befall them because the standards are not being met.

Neither of those is as attractive an alternative as that of having the House accept the conference report. It is an investment whose benefits demonstrably outweigh the cost. In addition to helping the states meet the physical standards, that $125 million will result in the employment of more welfare recipients in the day care program. We think the House should make the investment without further delay.

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

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. I yield the floor gladly.

Mr. GOLDWATER. Is not the parliamentary situation the vote on tabling the Allen amendment? We have been here all day. We have called people back from the White House. Now we are off on something altogether different.

The PRESIDING OFFICER. It is the opinion of the Chair that the presentation of the conference report by the chairman of the Committee on Finance is a privileged matter under rule XXVII. It is under that rule that it is now being considered.

Mr. MANSFIELD. Mr. President, I call the attention of the Chair to the fact that it was a unanimous-consent request which laid aside temporarily the tabling motion of the Senator from Arizona (Mr. GOLDWATER), the vote to be followed immediately by a vote, on which there was a time limitation attached, to the amendment of the Senator from Alabama. I raise a point of order: If there is going to be a rollcall vote on this, I want a vote on the Goldwater motion first. I ask for a ruling from the Chair.

Mr. CHILES. Is the Chair going to rule on that?

The PRESIDING OFFICER. Yes, it is. It will announce when it is going to rule.

Mr. JAVITS. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I yield to the Senator from Montana, of course, and to the Senator from Florida. I just wanted to keep the floor.

The PRESIDING OFFICER. The Chair holds the point of order not well taken and reads rule XXVII:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. MANSFIELD. Mr. President, it was my understanding that a unanimous consent, if agreed to, superseded anything and everything except a motion to adjourn.

Mr. LONG. Mr. President, as I understand it——

Mr. MANSFIELD. Mr. President, could I have a ruling?

The PRESIDING OFFICER. You may, indeed. Will the Senator suspend for a moment?

The opinion of the Chair is that the unanimous-consent request permitted consideration of an amendment prior to voting on the motion to table, which vote was to be had upon disposition of the amendment. Yet, despite that fact, rule XXVII, in the opinion of the Chair, would be governing since the unanimous-consent order did not require the vote on the motion to table immediately without intervening motions of a privileged nature.

Mr. MANSFIELD. I appreciate what the Chair has just said, but it was not to postpone the consideration of an amendment; it was to vote on the Goldwater motion to table an amendment.

In view of the fact that the leadership and the Senate as a whole made a commitment to Senators who were absent, and therefore delayed this vote, I ask unanimous consent that the vote occur immediately on the Goldwater motion to table.

Mr. LONG. I object.

Mr. MANSFIELD. Then we will go back on this other one.

Mr. LONG. My objection, Mr. President——

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. There is going to be some more talk and they want the yeas and nays.

Mr. LONG. That is all right with me, too. If they want the yeas and nays, let us have the yeas and nays.

I ask for the yeas and nays, myself.

Mr. MANSFIELD. I do not mind about the yeas and nays, but I do place some value on a promise made to delay a vote because 10 Members were down at the White House.

Mr. PASTORE. I was here when the promise was made.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered on agreeing to the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CANNON. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Call the roll.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I asked a question. Do I get an answer? I will take a limitation of 30 seconds, but I would like an answer. What is the Senator going to do about title 20 for the older people?

Mr. LONG. That is not in this bill. As soon as we vote on this report, let us get together and we shall talk it over.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been asked for. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON) and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

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

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 59, nays 30, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—59

Abourezk	Haskell	Muskie
Baker	Hatfield	Nelson
Beall	Hathaway	Pastore
Bentsen	Hollings	Pearson
Brooke	Huddleston	Pell
Bumpers	Humphrey	Randolph
Burdick	Javits	Ribicoff
Byrd, Robert C.	Johnston	Schweiker
Cannon	Kennedy	Scott, Hugh
Case	Laxalt	Sparkman
Clark	Long	Stafford
Cranston	Magnuson	Stennis
Culver	Mansfield	Stevens
Durkin	Mathias	Stevenson
Eagleton	McGovern	Stone
Eastland	McIntyre	Symington
Fong	Metcalf	Tunney
Glenn	Mondale	Weicker
Hart, Gary	Montoya	Williams
Hart, Philip A.	Moss	

NAYS—30

Allen	Ford	Packwood
Bartlett	Garn	Proxmire
Bellmon	Goldwater	Roth
Buckley	Griffin	Scott, William L.
Byrd, Harry F., Jr.	Hansen	Taft
Chiles	Helms	Talmadge
Curtis	Hruska	Thurmond
Dole	McClellan	Tower
Domenici	McClure	Young
Fannin	Morgan	
	Nunn	

NOT VOTING—11

Bayh	Gravel	Leahy
Biden	Hartke	McGee
Brock	Inouye	Percy
Church	Jackson	

So the conference report was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976

The Senate continued with the consideration of the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes.