Mr. MONDALE. Mr. President, I am deeply pleased that the pending bill—H.R. 3153, the Welfare Technical Amendments of 1973—contains provisions that would reverse the destructive social services regulations put into effect by the Department of Health, Education, and Welfare last November 1.

The social services program—first established 17 years ago—is among our oldest human service programs. It is a Federal-State partnership, with Federal matching of State contributions on a 3-to-1 basis. By law, it is directed to past, present, and potential welfare recipients.

Through provision of services by the States—such as day care for children of working mothers, help for drug addicts and alcoholics, and assistance in obtaining hot meals and other services for elderly persons at home—the social services program is designed to reduce and prevent welfare dependency, to strengthen families, and to provide alternatives to institutionalization for the aged, blind, and disabled.

Last year, as part of the Revenue Sharing Act—Public Law 92-512—the Congress, at the request of the administration, adopted a $2.5 billion ceiling and a 12-month program to prevent abuses and to require States to more carefully order their priorities.

The social services program, with its strong role for decisionmaking and ordering of priorities on the State level, closely resembles the strategy of "revenue sharing" which the administration has advocated in other areas.

It is designed to reduce welfare dependency by helping the poor, the elderly, and the disabled to lead more independent, productive lives.

Yet, last January 16 the Department of HEW issued new regulations, which would cut the heart out of the program. The Department proposed to sharply limit the range of services open to the States and prohibit the use of privately-contributed funds. Most important, they proposed to limit services to the poorest of the poor, well below the maximum welfare support level.

These new regulations would reverse the basic thrust of the services program. By confining services to those below the welfare level, they would create a positive incentive to get on welfare and stay there.

With great accuracy the Washington Post last week described the regulations as "impoundment by redtape." Last June 30, the Congress adopted legislation prohibiting implementation of new social services regulations before November 1 without approval of the Senate Finance and House Ways and Means Committees. No regulations have been submitted to the committees for approval; but DHEW has announced its intention to put revised regulations into effect on November 1.

It is a great disappointment that despite the concern of the Nation's Governors and local officials, an outpouring of mail from concerned persons and organizations throughout the country, days of hearings by the Senate Finance Committee, and formal action by the Congress to suspend the new regulations, the basic problems remain.

The proposed regulations have been revised at least four times since last January and improvements have been made.

But important services continue to be excluded. For example, education is perhaps the single most effective means of rehabilitation. The HELP program at the University of Minnesota now serves 300 welfare mothers. The children, who were previously classed as failed, go on to become productive tax-paying citizens. Yet education would be excluded from the social services program.

And the role of private charitable groups has been virtually eliminated.

The services program, with its successful record over the years, has been a partnership of public and private agencies. Private groups involved in providing day care, services for the mentally retarded and the aged, and a host of other activities, have contributed billions of dollars to be used in the services program. In turn, States have contracted with many of these groups to provide services. Yet the HEW regulations destroy this partnership by prohibiting States from contracting for services with any agency which has contributed funds.

Most disappointing of all, the November 1 regulations continue to ignore the goal of reducing and preventing welfare dependency. They limit services to past welfare recipients to 3 months, and they hold out to potential recipients who those likely to be on welfare within 1 year. And for most services, they impose an additional restrictive income test. In most States this would limit services to families below the maximum welfare level, creating a disincentive and reverse towards leaving welfare. And in many cases, this approach will prohibit any assistance to intact, two-parent families. It will prohibit any aid to elderly persons under 64 years old.

I find these regulations incredible from an administration that claims to believe in granting more discretion to the States, that claims to be in favor of work, and in favor of reducing the welfare load. I cannot understand why, after the great bipartisan expression of concern from the Congress, the Nation's Governors, local officials, the administration has refused to modify this callous and counterproductive approach.

And I cannot accept Secretary Weinberger's decision to put these regulations into effect without the face of the Finance Committee's unanimous request for delay while the pending legislation moves through the Congress.

Do we want to deny day care services to low-income mothers who find work? And what sense does it make to offer an alcoholic help only after he loses his job? The lines are clearly drawn. In a Finance Committee hearing last May, Chairman Long expressed the concerns of the Congress:

The role of private charitable groups has been virtually eliminated. And the Congress will want to be sure that the regulations are not penny-wise and pound foolish. We don't want to cut off low-income working persons from the services they need and other services they need to stay off welfare.

On October 3 of this year I introduced legislation together with Senators Benson, Javits, and Packwood, and 36 cosponsors. Companion legislation was introduced in the House by Representative Corman with over a hundred cosponsors. That legislation received the support of the National Governors Conference and a broad range of concerned organiza-
tions. I ask unanimous consent that a list of the cosponsors of S. 2528, and a list of supporting organizations may appear at the conclusion of my remarks.

The provisions contained in the pending bill are not identical to those of S. 2528. It is true, however, that we have concluded to rest the ultimate judgment of what services shall be offered, and the standards of eligibility for those services up to the States, within the context of congressionally defined purposes and goals, and under the requirement that States shall establish diagnostic and other services, and make recommendations to the Secretary of HEW, on their uses of social services funds.

I would have preferred to see the Secretary of HEW vested with authority to disapprove funding for activities not consistent with the goals of the program. But, in view of the incredible resistance which this administration has shown to the legitimate concerns of the Congress, State, and local government, and concerned groups and individuals, I will not challenge the committee's determinations which ultimately appeal to the State. I will not challenge the committee's wisdom in allowing the States to determine the needs of a child for personal care, preparation, or (U) because of the death, incapacity of any member of such child's family to provide adequate care and supervision for such child;

(b) child care services for children with special needs, including services provided when other forms of care are not feasible or (U) because of developmental disability; (c) child care services in foster care including services provided to a child who is under or awaiting foster care and including preventive services to provide care services for children not furnished under the State's title XIX plan, or within ninety days been remanded to a foster family home or other nonresidential facility, or where the child is needed (I) in order to enable a child to return to or remain in his own home, or (U) in order to ensure the well-being of a child, or (K) in order to sustain, strengthen, and safeguard the family to the fullest extent possible, where there are indications of children's need for such care, finding of foster homes or other nonresidential facilities to which to return the child;

(d) protective services for children, including multidisciplinary (medical, legal, social, and other) services for the following purposes: identification, investigation, and response to child abuse, or exploitation of a child; helping parents and others to recognize the causes thereof and strengthen the ability of families to provide acceptable care; or, if that is not possible, bringing the situation to the attention of appropriate courts or law enforcement agencies, furnishing relevant data, and providing followup services;

(e) family planning services (including social, educational, and medical services for any female of child bearing age and any other services to prevent the abandonment or the exploitation of a child) to provide such services to unmarried parents and others to support the child's family;

(f) child welfare services, directed toward alleviating the handicapping effects of blindness and/or other sensory impairments associated with impairment of adaptive behavior as defined and determined by the State, agency, with such services including but not limited to personal care, day care training, sheltered employment, recreation, counseling of the retarded individual and his family, protective and other legal services;

(g) special services for the blind to alleviate the handicapping effects of blindness through training in mobility, personal care, home management, and communication.
Mr. MONDALE. Mr. President, it should not be necessary to reduce spending for this fiscal year by $800 million beneath the $2.5 billion level which Congress appropriated last fall. But the need to reverse the administration's regulations is critical, and the $1.9 billion ceiling should remove the slightest excuse for Presidential veto.

One major difference remains. Unlike the bill which I introduced, the committee amendment fails to provide standards for federally funded day care.

I have spent a tremendous amount of time in the last several years working in the area of day care and child development, as chairman of the Subcommittee on Children and Youth and as chief sponsor of the comprehensive child development and family services legislation which has passed the Senate in each of the last 2 years.

During this time I have had a chance to talk with day care workers, parents, day care administrators, and a wide variety of people interested in and involved in this field. I have visited a wide variety of preschool programs including part-day Headstart programs and full-day day care programs. This work has convinced me of the positive contribution that high quality day care-with parental participation, adequate staffing, and a concern for the health and education of the children involved—can make to children and their families. It has also convinced me that the children can suffer severe and sometimes permanent damage if the day care they participate in is understaffed and otherwise inadequate.

Day care, in short, can be either

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**ESTIMATED DISTRIBUTION OF FEDERAL SOCIAL SERVICES FUNDS UNDER COMMITTEE BILL, BASED ON NEW ADJUSTED ESTIMATES OF STATE EXPENDTURES IN FIRST QUARTER OF FISCAL YEAR 1974**

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<tr>
<th>State</th>
<th>Fiscal year 1974 funding level</th>
<th>Allocation of funds above current level (up to $1.9 billion)</th>
<th>Total funding available in fiscal year 1974 under bill</th>
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1 $1,9 billion ceiling on social services expenditures for the current fiscal year, as the committee bill does. This is the amount contained in the President's budget, although current spending in the face of their restrictive regulations has been reduced to the annual level of $1.2 billion.

This temporary, 1-year ceiling is designed in such a way that no State will be required to reduce the level of services which it is now providing, and the great majority of States will be allowed to expand services during the current year. And for the fiscal year beginning next July 1, the full $2.5 billion ceiling adopted by the Congress last fall will be in effect.

I ask unanimous consent that a table of State by State allocations under the committee bill may appear at this point in the Record.

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

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Mr. MONDALE. Mr. President, second, the bill contains our provision designed to assure that in the future social services funds will be used to finance new activities, rather than simply to replace State funding of existing programs.

Third, the committee bill contains our provision protecting the right of States to use privately contributed funds as part of their matching share—so long as funds are donated on an unrestricted basis. Contributions may be earmarked for a particular service in a named community, and States will be free to contract with agencies which have donated funds. However, private groups cannot condition contributions on the issuance of a contract. The State must remain free to provide the service directly or to contract with another private agency.

Finally, the States would be free to define eligibility for services, to fulfill the broad Federal goals outlined above. I believe that the committee has reached a livable compromise between those of us who wish essentially to preserve social services programs as it has developed over the years and those who wish to convert the program into a revenue-sharing system, sharing with no guidelines for provision of services, no prohibition against refinancing of existing programs, and no provision for participation of privately donated funds.

I deeply regret the need to impose a $1.9 billion ceiling on social services expenditures for the current fiscal year, as the committee bill does. This is the amount contained in the President's budget, although current spending in the face of their restrictive regulations has been reduced to the annual level of $1.2 billion.

This temporary, 1-year ceiling is designed in such a way that no State will be required to reduce the level of services which it is now providing, and the great majority of States will be allowed to expand services during the current year. And for the fiscal year beginning next July 1, the full $2.5 billion ceiling adopted by the Congress last fall will be in effect.

I ask unanimous consent that a table of State by State allocations under the committee bill may appear at this point in the Record.

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

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

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the following be dispensed with:

THE PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

Mr. SCHWEIKER. Mr. President, I urge the Senate to give its swift approval to H.R. 3153, the Social Security Amendments of 1973 which would provide an 11 percent increase in social security benefits, and make improvements in supplemental security income payments to the aged, blind and disabled in order to bring them to a reasonable level, and to comply with the Federal Interagency Day Care Requirements of 1968.

Mr. SCHWEIKER. Mr. President, I urge the Senate to give its swift approval to H.R. 3153, the Social Security Amendments of 1973 which would provide an 11 percent increase in social security benefits, and make improvements in supplemental security income payments to the aged, blind and disabled in order to bring them to a reasonable level.

Mr. SCHWEIKER. The 5.9 percent social security increase originally scheduled for July 1974, would have been too little, too late. That is why I support H.R. 3153 to raise the increase to 11 percent. This increase would occur in two stages. The first would be a 7 percent benefit increase effective the month of enactment. This would be followed by a second increase, starting June 1974, to bring the benefits up to 11 percent above the present level. It is imperative that the Senate act soon to protect our senior citizens from the ravages of inflation.

Mr. SCHWEIKER. No group of Americans has been hit harder by skyrocketing consumer prices than our senior citizens. Forced to live on fixed incomes, they do not have the benefit of automatic cost-of-living increases to help stem the tide. The 11 percent increase we consider today is the very least we can do to reflect the unusual economic hardships imposed upon older Americans.

Mr. SCHWEIKER. We express our appreciation for the leadership shown by the Finance Committee. This legislation included specific authority to permit the delegation of eligibility determinations to other agencies in the case of purchased services. Services for the blind and aged were added to the bill as specifically allowable, and it required other services requested by a State be allowed unless HEW found them inconsistent with the purpose of the services program.

Mr. SCHWEIKER. The text of the amendment is as follows:

At the end of p. 153 of the bill, insert the following new section:

Sec. 153. (a) Section 226(c)(1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and eligible drugs," (b) Section 1811 of such Act is amended by inserting "and eligible drugs" after "related post-hospital services", (c) Section 1812(a) of such Act is amended—(1) by striking out "and" at the end of paragraph (2); (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and; and (3) by adding after paragraph (3) the following new paragraph: (4) "eligible drugs.", (d) Section 1813(a) of such Act is amended by adding at the end thereof the following new paragraph: (4) The reasonable allowance, as defined in section 1826, for eligible drugs furnished to any individual pursuant to any one prescription, or such renewal thereof, to be charged and paid by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment obligation which shall be billed by the plan.

Mr. SCHWEIKER. (e) Section 1814(a) of the Social Security Act is amended—(A) by striking out "and" at the end of paragraph (4); (B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and; and (C) by inserting after paragraph (7) the following new paragraph: (8) with respect to drugs or biologicals furnished pursuant to and requiring (except for insulin) a physician's prescription, such...
(b) by adding at the end thereof the following new paragraph:

"(2) The amount paid to any participating pharmacy which is a provider of services with respect to eligible drugs for which payment may be made under this part shall, subject to the provisions of section 1813, be the reasonable allowance (as defined in section 1823) with respect to such drugs."
in subsection (b) of this section) means the following:

(1) When used with respect to a prescriptionlegend drug entity, in a given dosage form and strength, such term means the lesser of—

(A) an amount equal to the customary charge for such drug, whichever is less, for any such pharmacy, or

(B) the price determined by the Secretary, in accordance with subsection (b) of this section, plus the professional fee or dispensing charges determined in accordance with subsection (e) of this section.

(2) When used with respect to insulin such term means the charge not in excess of the reasonable customary price at which such drug is sold by a pharmacy, or a drug entity, or a part thereof, which is sold by one supplier only, except for the lower prices at which the products of such drug entity are generally sold (and such lower prices) to the public, or

(b) (1) For purposes of establishing the reasonable allowance in accordance with subsection (a) the price shall be (A) in the case of a drug entity (in any given dosage form and strength) available from and sold by only one supplier, the price at which such drug entity is generally sold (to establishments dispensing drugs), and (B) in any case in which a drug entity (in any given dosage form and strength) is available from and sold by more than one supplier, only each of the lower prices at which the products of such drug entity are generally sold (and such lower prices) to the public, or

(2) If a particular drug entity (in a given dosage form and strength) in the Formulary is available from more than one supplier, and the prices of such drug entity available from one supplier possesses demonstrated distinct therapeutic advantages over other products of such drug entity as determined by the Secretary, that the price at which such drug entity is generally sold (to establishments dispensing drugs), and (B) in any case in which a drug entity (in any given dosage form and strength) is available from and sold by more than one supplier, only each of the lower prices at which the products of such drug entity are generally sold (and such lower prices) to the public.

(c) (1) For purposes of establishing the reasonable allowance (in accordance with subsection (a)), a participating pharmacy shall, in the form and manner prescribed by the Secretary, file with the Secretary, at such times as the Secretary may prescribe, bills for amounts payable under this title, except for subsection (a) (1) (A), be reimbursed, in addition to any price provided for in subsection (b), the amount of the fee or charges filed in paragraph (1), except that no fee or charges shall be paid for any such pharmacy for charges filed by 75 per cent of participat­ ning pharmacies (with such pharmacies classified on the basis of (A) lesser dollar volume of prescriptions and (B) all others) in a census region which has agreed not to charge beneficiaries for such drugs.

(2) A participating pharmacy, which has agreed with the Secretary to serve as a provider of services under this title, shall, except for subsection (a) (1) (A), be reimbursed, in addition to any price provided for in subsection (b), the amount of the fee or charges filed in paragraph (1), except that no fee or charges shall be paid for any such pharmacy for charges filed by 75 per cent of participating pharmacies (with such pharmacies classified on the basis of (A) lesser dollar volume of prescriptions and (B) all others) in a census region which has agreed not to charge beneficiaries for such drugs.

(d) (1) The first sentence of section 1866 (a) (2) (A) of such Act is amended by striking out “and (ii)” and inserting in lieu thereof “or home health agency,”

(2) Section 1866 (a) of such Act is amended by inserting “as defined in section 1861 (aa) (4), and

(3) A participating pharmacy shall have the privilege of the floor during the consideration of H.R. 3153.

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

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Sidney Johnson and Mr. Bert Camp of my staff have the privilege of the floor during the consideration of H.R. 3153.

Mr. Ruff. Mr. President, this amendment provides Medicare coverage for certain life-saving drugs purchased outside the hospital.

Senators may recall that an identical proposal passed the Senate last year but, unfortunately, was dropped in conference.

One of the great gaps in the Medicare program has been the coverage for out-of-hospital drugs. Medicare pays for most prescription drugs which are dispensed while beneficiaries are confined to a hospital or skilled nursing facility. But out-of-hospital drugs are not covered.

The costs of these medicines make up a large part of the expenses associated with an illness and can run into hundreds or even thousands of dollars.

This amendment provides medicare coverage for drugs necessary in the treatment of the following chronic diseases:

Diabetes, high blood pressure, chronic cardiovascular disease, chronic respiratory disease, chronic kidney disease, arthritis and rheumatism, gout, thyroid disease, cancer, epilepsy, Parkinson’s disease, myasthenia gravis, tuberculosis and leukemia.

A patient needing prescription drugs to treat such diseases would be able to purchase them through a participating pharmacy for $1. Medicare would cover additional costs.

The proposal would exclude drugs not requiring a physician’s prescription—except for insulin, diuretics, and antibiotics which are generally used for a short period of time and drugs such as tranquilizers and sedatives which may be used not only by beneficiaries suffering from serious chronic illnesses, but also by many other persons as well.

Ever since the inception of the medicare program it has been recognized that providing coverage for drugs is of the utmost importance if we want to help America’s senior citizens hold down their medical costs. This legislation passed the Senate last year but was deleted in conference. I hope that Congress will take fast action to bring relief to the millions of medicare participants who up to now have had to single handedly bear the burden of purchasing drugs.
Mr. President, this is a very urgently needed amendment. I ask unanimous consent that a list of the distinguished Senators whose names are attached to the amendment be included as cosponsors of the amendment.

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

Cospromoters of amendment 542 to H.R. 3153, to provide Medicare coverage for prescription drugs purchased outside the hospital:

- Moss (Utah)
- Hart (Michigan)
- Burdick (North Dakota)
- Udall (New Mexico)
- Stevens (Illinois)
- Montoya (New Mexico)
- Abourezk (South Dakota)
- Hash (Iowa)
- Hollings (South Carolina)
- Gurney (Florida)
- Church (Idaho)
- Domenick (Colorado)
- Humphrey (Minnesota)
- Clark (Iowa)
- McIntyre (New Hampshire)
- Bible (New Jersey)
- Williams (New Jersey)
- Case (New Jersey)
- Mondale (Minnesota)

Mr. RIBICOFF. Mr. President, I ask unanimous consent that a statement by the distinguished senior Senator from New Mexico (Mr. Mondale) be read into the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Exhibit 1

Statement by Senator Montoya

In past years I have introduced proposed legislation to afford some degree of protection to elderly Americans confronted with the need to purchase costly prescription drugs. At the very least, these drugs become a burden on the already tightly stretched budgets of the elderly. For some, the cost of medication is a financial catastrophe that has far-reaching effects both on the elderly person and on his family. Since last I worked on an out-patient drug insurance program, the cost of living, staple prices and inflation, have cut deeper into the personal savings of a significant number of the elderly. Now the cost to heat their homes and provide warm security for their future is spurring upward. And drugs themselves, always a financial drain on the elderly, now cost more.

Today, I am glad to join Senator Ribicoff in sponsoring legislation to provide what I believe to be a workable insurance program that would provide much needed assistance to millions of hard pressed elderly citizens with chronic illnesses. In the years since 1965, I have offered proposals substantially similar to this one. Last year, this concept was endorsed unanimously by the Senate, but dropped in conference with the House. I sincerely feel that the time has come for a new look at the needs of the elderly who are chronically ill.

When I first introduced legislation to provide assistance for elderly persons confronted with costs of prescription drugs, I sought to reduce the costs of all drugs covered. During committee hearings, however, it became clear that the measure originally would have been prohibitively expensive. Costs were estimated at $26 billion. On the other hand, it became apparent to the committee that drug costs incurred by the elderly, especially continuing costs of chronic illness, are impossibly high.

As a result, modifications were made which reduced the expected cost of the legislation to $740 million yearly, while still providing protection for those who need it most.

I am sure every Senator is aware of the difficulties encountered by older citizens subsisting on the little income most of the elderly receive. These tiny amounts made up of pensions, social security and retirement benefits, at best, at best, keep pace with the cost of living. While a person struck by a sudden illness may be forced to expend a great deal of his income over several months to offset the temporary and require short term expense.

But a chronic, lingering malady, such as heart disease, can require such large and continuing expenses for medication that hopelessness and loss of zest for life ahead may set in. Instead of viewing medicines as preservers of life, many chronically ill elderly people see their lives as wearisome spirit-sapping treks from one costly prescription to the next.

We must provide those older Americans with a normal sense of security. All but the new members of the Senate agreed last year on the necessity for this legislation. I trust we can do so again.

We must not be careless with the finances of the United States, but we must place this proposal for the elderly high on the national list of priorities. Such action is only humane. Moreover, the measure will eventually become self-sustaining, and its immediate enrollment will lighten the burden the elderly must face every month until we act.

Mr. RIBICOFF. Mr. President, on this amendment, I ask for the yeas and nays. The yeas and nays were not ordered. Mr. LONG. Mr. President, will the Senator yield? Mr. RIBICOFF. I yield.

Mr. LONG. We will come back to the request for the yeas and nays in a few minutes.

Mr. President, I ask unanimous consent that the following staff members be permitted the privilege of the floor during the consideration of this measure. They are in addition to the names I have already requested:

Mike Shoumaker, Pam Duffy, John Scales, John Cevette, Jon Steinberg, Owen Malone, Dave Lambert, Mr. Willard, Mr. M.L. McClellan’s staff, Gene Mittelman, Charles Warren, Jay Cutler, Tyler Craig, and Bill Wohlford.

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

Mr. MONTDALE. Mr. President, I ask unanimous consent that Sidney Johnson of the Labor and Public Welfare Committee staff and Bert Carp of my staff, be granted floor privileges during the consideration of H.R. 3153.

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

Mr. LONG. Mr. President, does the Senator from Connecticut desire the yeas and nays on this amendment? Mr. RIBICOFF. Yes, I do.

Mr. LONG. Mr. President, I ask that the yeas and nays be ordered.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, what is the request?

The PRESIDING OFFICER. The Senator from Louisiana has asked unanimous consent that the yeas and nays be ordered.

Mr. ROBERT C. BYRD. Mr. President, I hope that the Senator from Louisiana will forgive me, but I shall have to object to that request. However, I shall be happy to assist in obtaining the yeas and nays, so I shall suggest the absence of a quorum.

Mr. LONG. Mr. President, permit me to say that while we are spending time trying to get a sufficient number of Senators, it does seem to me—

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. LONG. Mr. President, will the Senator from West Virginia withhold his request to permit me to make a brief statement?

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, by way of trying to save time, the greatest waste of time that I know of that exists in this body, and the greatest waste of energy that I have ever seen is from pillar to post, trying to drag 70 or 80 Senators into the Chamber, while we try to get the yeas and nays. Every Senator knows that all that is necessary is to ring one long bell, and Senators will come to the Chamber. But if there is merely a quorum call, Senators are going to ask, “What is the quorum call for?” They will ask, “Isn’t anyone there?” They want to know whether they are trying to get more Senators to the Chamber or are looking for a speaker. They want to know just what is in a Senator’s mind.

This matter of hauling 10 or 15 people into the Chamber only to go back from whence they came is against my better judgment and a matter about which I have protested. I am aware of the rules of the Senate, and I suggest the absence of a quorum in order to cooperate with this dilatory tactic.

Mr. ROBERT C. BYRD. Mr. President, I could not agree with the Senator more. We waste a tremendous amount of time trying to secure a sufficient number of Senators from time to time to have a show of hands to sustain the demand for the yeas and nays.

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

Mr. LONG. I yield.

Mr. MATHIAS. Seek and ye shall find, ask and it shall be given.

Mr. LONG. I ask for the yeas and nays. The yeas and nays were ordered.

The PRESIDING OFFICER. The quorum is on agreeing to the amendment of the Senator from Connecticut.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from
Mr. SYMINGTON. I am absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), and the Senator from Florida (Mr. TUNNEY) are absent.

Mr. McCLELLAN. I wish to reconsider the vote by which the Ribicoff amendment was agreed to.

The result was announced—yeas 77, nays 11, as follows:

[No. 525 Leg.]

YEAS—77

Abourezk Fong
Allen
Allen
Bayh
Beall
Bent
Bente
Biddle
Biden
Brook
Brooke
Budlong
Butler, P. J.
Cannon
Chiles
Chu
Clark
Cook
Cotton
Cranston
Dole
Dominick
Eastland
Eagleton
Engle
Erickson
Ervin
Baker
Fannin
Gurney
McClure
McCollum
Nelson
Noah
Nichols
O'Toole
Parker
Perkins
Pierce
Poff
Purcell
Rabb
Rand
Randall
Reagan
Reagan
Riley
Ruska
Sarbanes
Saxby
Simpson
Smitherman
Snowe
Summers
Swanson
Talmage
Taylor
Thurmond
Tower
Travis
Young
NAYs—11

Bartlett
Bellmon
Bennett
Buckley
Byrd
Byrd
Cannon
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Eskul
Erickson
Ervin
Baker
Fannin
Gurney
McClure
McCollum
Nelson
Noah
Nichols
O'Toole
Parker
Perkins
Pierce
Poff
Purcell
Rabb
Rand
Randall
Reagan
Reagan
Riley
Ruska
Sarbanes
Saxby
Simpson
Smitherman
Snowe
Swanson
Talmage
Taylor
Thurmond
Tower
Travis
Young

AMENDMENT OF THE SOCIAL SECURITY ACT

The Senate continued with the consideration of the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

Mr. MONDALE obtained the floor. Mr. TALMADGE. Mr. President, will the Senator yield briefly? Mr. MONDALE. I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, in the enrollment of H.R. 1284, there is a need for perhaps 10 to 20 more such centers to adequately cover the country on a regional basis, and this amendment serves as a resource to 15 percent of the total U.S. juvenile population.

These worthy and vital programs will terminate June 30, 1974, unless immediate action is taken. Highly skilled teams of professionals will be dispersed, and years of valuable training will be lost. However, continuity can be maintained by placing the pediatric pulmonary centers in the permanent administration of the maternal and child health program of the Bureau of Maternal and Child Health Services in HEW. This Agency has already assumed program responsibility for these centers and is ready and prepared to assume full control.

Current childhood health disorders rapidly become chronic adult problems. Preventive steps now serve to reduce those problems by a considerable amount in years to come.

Mr. President, I ask unanimous consent that pertinent background information on pulmonary disease and care programs be printed in the Record following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. TALMADGE. Mr. President, the amendment I have offered would assure continued specific authorization of not more than $5 million annually for the continued operation and expansion of pediatric pulmonary programs.

**EXHIBIT 1**

<table>
<thead>
<tr>
<th>Pediatric Pulmonary Program: Fact Sheet</th>
<th>Existing Centers and Funding (RMP Budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orange County Pulmonary Ctr., University of Calif. at Irvine, $73,970.</td>
<td></td>
</tr>
<tr>
<td>Pediatric Pulmonary Ctr., University of Colorado Med. Ctr., Denver, Colorado, $125,839.</td>
<td></td>
</tr>
<tr>
<td>Pediatric Chronic Pulmonary Ctr., Medical College of Georgia, Augusta, Georgia, $49,300.</td>
<td></td>
</tr>
<tr>
<td>University of Nebraska Hospital, Omaha, Nebraska, $259,873.</td>
<td></td>
</tr>
<tr>
<td>Pediatric Pulmonary Center, Babies Hospital, Columbia University, New York, New York, $25,581.</td>
<td></td>
</tr>
<tr>
<td>Center for Management and Treatment of Chronic Pulmonary Diseases in Children, University Hospital, Rio Piedras, Puerto Rico, $45,000.</td>
<td></td>
</tr>
<tr>
<td>Total: $2,000,000.</td>
<td></td>
</tr>
</tbody>
</table>

A PEDIATRIC RESPIRATORY CENTER

**A. What it is**

A comprehensive and coordinated diagnostic, treatment, training, and clinical and basic research center for children and young adults with Chronic Respiratory Disease (CRD).

**B. Why**

The prevalence, mortality, and morbidity statistics emphasize the importance of acute and chronic lung diseases as a problem in children. Establishment of pediatric respiratory disease centers is the most practical and economical method of increasing the availability of professional personnel and improving the quality of care in this field.

**C. Objectives**

The primary objective of such a Center is to bring together in a teaching center personnel with special skills for a coordinated approach to the diagnosis and comprehensive management of children with acute and chronic respiratory diseases. Such a Center will represent an optimal program unit.

**Prevalence of chronic conditions among children in the United States of America**

11.44% of population

<table>
<thead>
<tr>
<th>Condition</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hayfever, asthma and other allergies</td>
<td>6,618,000</td>
</tr>
<tr>
<td>Other respiratory conditions</td>
<td>3,727,000</td>
</tr>
<tr>
<td>Asthma and chronic conditions</td>
<td>1,971,000</td>
</tr>
<tr>
<td>Pulmonary hypertension</td>
<td>1,968,000</td>
</tr>
<tr>
<td>Digestive diseases</td>
<td>733,000</td>
</tr>
<tr>
<td>Speech disorders</td>
<td>575,000</td>
</tr>
<tr>
<td>Hearing problems</td>
<td>537,000</td>
</tr>
</tbody>
</table>

*Application withdrawn.
**Approved by Regional Medical Programs, but never funded.*

Mr. TALMADGE. Mr. President, I have discussed this amendment with the distinguished floor manager of the bill. I believe that he is prepared to accept the amendment. And I urge the Senate to do so.

Mr. LONG. Mr. President, I have not had an opportunity to discuss this matter with the minority members of the Finance Committee. An effort is being made at this moment to find a way to agree with our judgment on this matter.

I personally believe the amendment is meritorious. The costs of this measure would not exceed $5 million a year. In my judgment that would be a very worthwhile and useful expenditure.

Mr. President, I have now been advised that the ranking minority member of the Committee, the Senator from Utah (Mr. BENNETT) agrees with our judgment on this matter that the amendment should be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia (putting the question).

The amendment was agreed to.

Mr. MONDALE. Mr. President, I call up an amendment on the desk and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

Sect. 4. Title IV-A of the Social Security Act is amended by adding at the end thereof the following new section:

**"CHILD CARE STUDIES**

"Sec. 4. Child day care services provided under the Social Security Act shall meet the following standards: (1) In-home care shall meet standards of national organizations (such as the Child Welfare League of America and the National Council on Child Welfare, League of America) reasonably in accord with recommendations of the National Council on Child Development and Family Services Legislation, which has passed the Senate in each of the last 2 years.

During this time I have had a chance to talk with experts, with parents, day care administrators, and a wide variety of people interested in this field. I have visited a wide variety of preschool programs including part day Head Start programs and full day care programs. This work has convinced me of the positive contribution that quality day care—-with parental participation, adequate staffing and a concern for the health and education of the children involved—can make to children and their families. It has also convinced me that the children can suffer severe and sometimes permanent damage if the day care they participate in is understaffed or otherwise inadequate.

Day care, in short, can be either beneficial or destructive. Some care is not always better than no care at all. Indeed,
Mr. President, there have been a great number of studies of the conditions and standards in day care centers in this country. Some are excellent. Some are nothing short of tragedy.

Recently there was a study based on the findings of the National Council of Jewish Women, under the leadership of a remarkable American, Mary Keyserling, entitled "Windows in Day Care." I wish that all of my colleagues had the time to read the report. It details example after example in which children are placed in homes that are unsanitary or in unsafe day care centers with unskilled staffs, overcrowded conditions, and all the rest so as to damage physically and mentally the children who stay there.

A typical first-hand observation goes as follows:

This center is housed in a shack of poor repair. It was over-crowded, filthy and depressing. It was very small for the number of children. When we arrived at nap time and one tiny room was completely filled with cots which were right up against one another. There were 28 children in attendance that day. The doctor could find a place to nap the extra eight children enrolled but not present. The odor was noxious and one child had gone to the bathroom in her sleep and it has not been cleaned up.

The kitchen was tiny with dishes stacked up on top of one another. The bathroom had the tile off the wall and the black tar was exposed. It has only one sink, one toilet, and an old bathtub.

Mr. President, I ask unanimous consent that the distinguished Senator from Kentucky (Mr. Cook) be added as a co-sponsor of the pending amendment.

Mr. MONDALE. Mr. President, a survey about a year ago by a reporter from the Washington Post revealed at that time many examples of day care centers in the Nation's Capital which were overcrowded, unsanitary and overcrowded facilities to stimulate or support the children during the day. There were boring and listless programs. There were surroundings in which no American would want his children to be found.

The single best protection we have against substandard care is the existence and enforcement of decent standards. It is absolutely essential that we assure that Federal funds are not used to encourage or support programs that harm children.

Mr. President, it is the purpose of our amendment to provide that kind of protection and to provide it in a way that is consistent with the practices of the past. The standards contained in our amendment have been in existence since 1968. They have applied on all federally assisted programs for young children for the last 2 years. And these standards were included in the child development and family service legislation adopted overwhelmingly by the Senate in each of the past 2 years. They were added as an amendment to the so-called welfare reform bill, when that was considered in the Senate last fall.

I urge my colleagues to continue as they have in the past insisting that federally supported day care programs provide adequate protections for the children and families involved. I urge them to join us in co-sponsoring the amendment and support it when it comes to a vote.

A wide variety of organizations concerned about children and families—including the American Academy of Pediatrics, the Child Welfare League of America, the National PTA, the UAW, the AFL-CIO, the American Association of University Women, the National Council of Jewish Women, the National Association of the Churches of Christ, the American Association for the Education of Young Children, the National Governors Conference. They have been included in the child development and family service legislation adopted overwhelmingly by the Senate in each of the past 2 years. They were adopted overwhelmingly by the Senate in each of the past 2 years. They were added as an amendment to the so-called welfare reform bill, when that was considered in the Senate last fall.

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These standards provide a minimal level of protection by requiring parental involvement, setting health and sanitation standards and defining minimum levels for adult-child ratios in day care centers or family day care homes.

Mr. President, unless we adopt this amendment I fear we will be inviting or endorsing the watering down of the reasonable standards with which we are all familiar. Without this amendment the bill is in grave question of whether Federal interagency day care requirements would still apply to day care programs existing under this measure. And without that clarification it is clear from HEW's most recent regulations that the existing minimums would not be retained.

Indeed, HEW's November 1 regulations drop all reference to the interagency day care standards and state simply that services "must comply with such standards as may be prescribed by the Secretaries.”

That kind of regulation is utterly meaningless. It provides no guarantee that standards ever will be prescribed. And in the event that standards are prescribed this regulation provides no assurance that they will include the minimal protections that now exist.

Mr. President, the Senate is familiar with this issue. These standards were part of S. 2528, the social services amendments I introduced in October with 33 cosponsors and with the support of the National Governor's Conference. They have been included in the child development and family service legislation adopted overwhelmingly by the Senate in each of the past 2 years. They were added as an amendment to the so-called welfare reform bill, when that was considered in the Senate last fall.

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For the benefit of my colleagues and the public, I ask unanimous consent that their letters and telegrams be printed at this point in my remarks.

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


Dear Senator Mondale, U.S. Senate, Washington, D.C.

Dear Senator: We understand that the Senate Finance Committee has completed its work on the so-called Social Services Bill.

According to our information, the language omits references to specific standards for income and the 1968 Federal Interagency Day Care Requirements for out-of-home care.

We believe that this language should be restored and we support those who wish to do this when the bill comes to the Senate floor.

For the League, specific standards language is absolutely essential. "Some care," that is any care which is not protective of children, is not better than "no care." If we cannot provide care for children which safeguards them and allows them to grow and develop soundly, then those children should not be in day care at all be with their own parents and under their full-time supervision in the home.

Cordially, Joseph H. Reed.

[Telegram]


National PTA strongly urges Senate to reconstitute subcommittee and guidelines for programs for children in social security regulations. Social Security regulations that went into effect on November 1 should be suspended and replaced in accordance with the 1968 Federal interagency standards that covered many of the programs for young children.

Grace Hingsen, Coordinator of Legislative Activity.


Hon. Walter Mondale, U.S. Senate, Washington, D.C.

Dear Senator Mondale: On behalf of the National Council of Churches, I want to express support for your proposed amendment to H.R. 3183 requiring that any day care services provided through the social services program conform with the requirements of the Federal Interagency Day Care Standards of 1968. These standards are designed to assure that federally funded day care centers have the resources necessary to serve a child's emotional, cognitive, and physical development. Surely if we love our children, we ought to do no less.

Sincerely,

R. H. Edwin Eshy, General Secretary.


Hon. Walter F. Mondale, U.S. Senate, Washington, D.C.

Dear Senator Mondale: The UAW strongly supports your amendment to assure that day care activities under the social services program continue to comply with the Federal Interagency Day Care Standards. We believe the adoption of your amendment is absolutely essential to the protection of children enrolled in day care programs.

On behalf of the UAW, I wish to commend you for your continuing leadership in the effort to assure that day care standards are not relaxed to the detriment of the children involved.

Sincerely,

Jack Bedler, Legislative Director.


Hon. Walter F. Mondale, U.S. Senate, Washington, D.C.

Dear Senator Mondale: The National Association for the Education of Young Children wholeheartedly supports your amendment to assure that day care services provided through the social services program conform with the requirements of the Federal Interagency Day Care Standards of 1968. These standards are designed to assure that federally funded day care centers have the resources necessary to serve a child's emotional, cognitive, and physical development. Surely if we love our children, we ought to do no less.

Sincerely,

Grace Hingsen, Coordinator of Legislative Activity.
recognizes that within programs for young children it is necessary to provide an environment which permits maximum development and growth of children.

We, therefore, urge that provisions for child care services under the Social Security Act be accompanied by minimum requirements that at least equal the 1968 Federal Interagency Day Care Standards, including those concerning child-teacher ratios, staffing patterns, and parent involvement.

Sincerely,

Marilyn M. Smith,
Executive Director.

WASHINGTON RESEARCH PROJECT,
ACTION COUNCIL,

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: We commend you for your continued vigorous efforts to expand developmental child care programs and to assure that any such programs receiving federal funds meet high standards for quality.

We understand that you will be offering amendments to the Social Security Act to provide standards for children under the age of five.

As a current member of the Board of Directors of the 1968 Federal Interagency Day Care Standards, I am writing to urge you to support the reinstatement of the 1968 Federal day care standards. We urge the inclusion of the standards in the compromise social bill.

Sincerely,

Margaret O'Conner,
Legislative Chairman.

BLACK CHILD DEVELOPMENT
INSTITUTE, INC.,

[Telegram]

Senator Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: It is a pleasure to respond to your request for us to examine and analyze the provisions in H.R. 3153, "The Social Security Act," from a black perspective.

We have found that the social service amendments in H.R. 3153, would assist the black communities we serve in providing quality child development services.

We feel that the most important provisions—S-2528, "The Social Service Amendments of 1973," are the Federal Standards for Day Care, the appreciable changes in the eligibility of past and potential recipients, the increased need, and the need to give states to determine eligibility and the manner in which those services are to be rendered, and the general increase in services rendered to non-welfare recipients from 10% of the state AFDC monies to 35%.

S-2528 is more desirable than the general revenue sharing formula which has proven its ineffectiveness in the local communities.

We feel that the most appropriate and beneficial method for distributing funds and services to our constituents which many states can be found in S-2528, not a revenue sharing approach.

Moreover, we are emphatically opposed to any effort to omit Federal Standards for Day Care services which are now being debated in the Senate Finance Committee.

We support the efforts of Senator Mondale and his colleagues to prevent the exemption of Day Care Standards from the provisions of H.R. 3153.

Sincerely,

Evelyn K. Moore,
Executive Director.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: The AFL-CIO represents 14,000 physicians providing health care to infants, children and adolescents, has been involved for over 40 years in efforts to improve the general health of children. In regard to day care, the Academy has appeared on numerous occasions before various committees of both the House and Senate. The Academy has testified with DHHS in response to proposed regulations. It has also labored as a standards setting organization and has recently published Standards for Day Care for Infants and Children.

One of the basic principles upon which Academy work has proceeded, which is presented in the Recommendations, is that "services offered should first be based on the health and developmental needs of the child to be served, then on the needs of his family, . . . The provision of "parking lots" for children or of programs which do not meet the developmental and health needs of children. We urge that urgent into routinized group programs with little variation cannot be sanctioned."

The quality of child care programs is threatened. Both the House and the Senate have omitted reference to standards. Until research further evaluates present standards and programs, the use of the 1968 Federal Interagency Day Care Standards as minimal and their modification in the direction suggested by research is the preferred approach.

Consequently, the Academy would urge that adequate systems of day care supported by the Social Security Act be governed by standards no less than the 1968 Federal Interagency Day Care Standards.

Your efforts to establish a base line for quality day care services are commended.

Sincerely yours,

Robert G. Frazier, M.D.,
Executive Director.

[Telegram]

Senator Walter F. Mondale,
Capitol Hill, D.C.

Attention Sid Johnson, room 433, we are distressed to learn that the social service legislation under consideration in the Senate would exempt non-federal child care programs. Congress has the obligation to guarantee high standards of care for children in federally supported programs urge you to continue your pressure for responsible Congressional actions.

Sincerely yours,

Bertram Beck,
Chairman Citizens Committees for Children of New York.


NATIONAL COUNCIL OF JEWISH WOMEN,

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: We wish to commend you for all your efforts to modify and improve Social Security Act Standards as minimal by the Department of Health, Education, and Welfare which were so detrimental to an effective administration of social services. We regret that the Senate Finance Committee did not accept for inclusion among the provisions of H.R. 3153, your recommendations for federal standards for child development programs.
As you know, the National Council of Jewish Women conducted a national survey of day care and found that many of the programs were in violation of the Child Care Services Act, which sets minimum standards, or even standards, even minimum standards. In testifying before the Senate Finance Committee in 1972, we stated that the data produced by one survey indicates that quality day care, which can help children to develop to their full potential, is too frequently encountered, and vigorous action by the national, state, and local levels on behalf of children must be undertaken. Legislation to provide care for children must include: Well defined standards and a set of the Inter-Agency requirements of 1968.

We are greatly pleased that you plan to offer a standards amendment when H.R. 3153 reaches the Senate floor and we pledge our support for your effort.

Sincerely yours,
Mrs. ELEANOR MARVIN, National President.


SENATOR MONDALE: Our organization believes that the purpose of that day care program provided under the social service titles of the Social Security Act must meet the Inter-Agency standards of 1968 and therefore we strongly support your effort to introduce a floor amendment to H.R. 3153 to make such services a mandatory provision.

LORENZO TRAYLOR, President, NASW.

Mr. MONDALE. Mr. President, it is the policy in this country to encourage welfare mothers to take training and to find work.

It seems to me that one of the elements in that bargain ought to be that when the children are required to stay in family day care homes or day care centers while the mother is working, at the very minimum they ought to be certain that the children are kept safely from harm.

That is not only the humane thing to do. In addition to that, in the long run it will cost more if we have generations of youngsters who have been pushed aside and left to grovel into cold warehouses of this kind.

The day care standards that we are talking about are not radical. They are the very minimum one needs for decent day care. They provide a staff ratio that has been found by expensive experience to be the minimum necessary.

They recognize the special problems and the vulnerability of the very young. There have been many, many studies that have shown that when children are infants or ages 1, 2, and 3, the failure to assure adequate staff ratios and properly skilled persons for management can actually result in children physically and damage them mentally in ways that later are difficult to repair.

I ask unanimous consent that a summary of the minimum day care standards that we wish to continue be printed in the Record at this point.

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

SUMMARY OF 1968 REQUIREMENTS

1. Staff Ratios (including volunteers)
   a. Family Day Care Home—home with no more than 6 children; 1 to 5 ratio for children under age 6; 1 to 6 ratio for children aged 3-14.
   b. Group Day Care Home—1 to 5 ratio where preschooler involved; 1 to 6 ratio otherwise.

2. Safety and Sanitation—"must meet requirements of appropriate safety and sanitation authority.

3. Educational opportunities—"must meet the requirements of appropriate safety and sanitation authority.

4. Staff must be provided including guidance and counseling to families about appropriateness of day care.

5. Health & Nutrition. Requires supervision of staff members trained or experienced in the health and medical treatment for children "using existing community resources" if available; and "nutrition education.

6. Staff Training. In service training required.

7. Parent Involvement requires opportunities for parents to observe day care programs, and when agency provides care for 40 children or more, it must have a Policy Advisory Committee comprised of the representatives of the parents.

8. Waiver. "Requirements can be waived when administering agency can show that requested waiver may advance innovation and experimentation and extend services without loss of quality in the facility.

Four states now have waiver: (Michigan, Missouri, Oregon, and Colorado.)

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

Mr. MONDALE. I am glad to yield.

Mr. LONG. Can the Senator tell me how many States are complying with those standards?

Mr. MONDALE. There are waivers in only four States. I concede to the distinguished floor manager—we have discussed this before—that there are States which have not complied with it, and there are day care centers which fall beneath these standards. But I think that is another reason why we should continue them as they are, and try to insist that the centers be brought up to standard.

Mr. LONG. The reason I asked the question is that I have in my hand a pamphlet containing data on child care prepared for the conference on June 16, 1971, and I do not think that the situation has changed drastically in that respect. These are the minimum staffing requirements of the States.

Take, for example, ages 3 to 4; the Federal standards would require that there be one adult for every five children aged 3 and 4.

The great majority of the States in their licensing laws would require a minimum of 1 woman for every 10 children. So, assuming that the States are from the grassroots of democracy, it would seem to me that it is rather difficult to think that the Senator's judgment or the judgment of the legislators of 48 out of the 50 States in the Union. Certainly those legislators who are from the grass roots of democracy, are concerned about children.

As a matter of fact, if we look at all the States of the Union, the overwhelming view seems to be that for children from ages of 3 to 4, 10 would be about the proper number of children 1 staff member could keep an eye on. And when the children get to be 6 through 14, by this law that the Senator wants to impose upon the States, they could not...
We have more than 10 children per staff member.

Mr. President, I was brought up in a classroom with 30 children.

Mr. MONDALE. How old was the Senator from Minnesota?

Mr. LONG. And I thought that was a good school.

Mr. MONDALE. How old?

Mr. LONG. It was between 6 and 14.

Mr. CURTIS. We are talking about 1- to 3-year-olds. I hope the Senator was not brought up in a classroom with 30 children when he was 2 years old.

Mr. LONC. No, I am talking about the requirement that there be not more than 10 children per staff member. A lot of people use 14-year-old children for babysitters. But if you look at the amendment as it concerns 14-year-old children, the States would have to have 1 staff member for each 10 children. One would think they could look after themselves, but no, they have to have 1 staff member for each 10 children.

If they go to school, they usually have 1 teacher for every 25 or 30 children.

Let us see why the States do that. For the kindergarten; most States seem to think 25 to 30 children per adult is all right. I was not abused by the schoolteachers or the kindergarten attendants when I happened to go as a child. By requiring standards that are far beyond the capacity of anyone to pay for, including the Federal Government, the Senator would make it impossible for people to provide the opportunity for mothers to improve the situations of their families by working.

In my own office, we have a mother, one of the most competent women I have ever had the opportunity to work with in my life. She is one of the most efficient secretaries on Capitol Hill, a fine woman who knows what it is to be a mother and a wife, and to bring up children to make fine people.

She was shocked to hear that the Federal standards would mean you might have to pay as much as $2,400 per child for day care. The family assistance plan proposed to pay that much for a family of four. So it would cost as much to put one child in day care as to take care of three children and the mother under the whole family assistance program.

She was shocked to hear about that. She said, "How can they possibly justify that?" They propose that it would cost $2,400 a year. That means $200 a month." She said, "When I brought my children up, I was a widow and a working mother, and I put them in a good day care center where it did not cost but about half that much money. They provided them with meals and everything else, and a mother has a right to expect that of them."

When good and competent working mothers find out that it will cost $100 a month for a child, they will think that it will cost $2,400 a year to have 1 person for every 10 14-year-old children, or to have 1 person for every 5 small children? If we require someone who can qualify as a child care development specialist, then we have to pay her a minimum salary for a schoolteacher, and we run the cost up to $300 a month and look at how the cost of looking after the job. It is why I have encouraged mothers to take jobs, but at this rate we will not be able to afford for anyone to take a job because it would take 4 times as much money to look after one child as it would if the person did not take the job. It is why I have been dismayed when we are confronted with these standards, where now only two States can comply with them, and impose that on the other 48 States. If the States could comply—all right. If we had $10 billion to spend, we could do it, but we do not. If we had $10 billion to spend, we could do it, but we do not.

I regret, Mr. President, that we do not have the money it takes to afford all this. But the fact is that we do not. So if we do not have the money, the best we can do is to provide as much as we can to the States and expect them to do what they are doing now; namely, the best they can do, and they have to have it available to them. We cannot afford everything we would like to do.

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

Mr. MONDALE. I had promised to yield to the Senator from South Carolina but I will yield to the Senator from Nebraska in a minute.

Mr. President, this is the same debate when the distinguished Senator from New York (Mr. BUCKLEY) and I insisted on day care standards and the committee agreed that, as a condition of Federal aid to day care centers, we must insist that those day care centers have sufficient minimum standards to assure that the children will not be damaged while in day care. The Senator from Louisiana (Mr. LONG) used the same exaggerated figures he used a moment ago, suggesting that the standards would cost $2,400 a year or $3,000 a year, when the figures show that it would cost $1,600 on the average for full-time day care, the full year around, and only $400 for part-time.

These standards are not extravagant. They are not unrealistic. They were established by the Department of Health, Education, and Welfare in consultation with the best people in this country. I think that we should ask ourselves, what on earth do those who have abused themselves with children in day care think about removing the day care standards? I state as a fact that almost everyone in this field, almost everyone who has learned and knows what happens in day care centers, do not favor this amendment. We insist on minimum care standards so that our children will not be damaged.

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

Mr. MONDALE. I yield.

Mr. CURTIS. I thank my distinguished friend from Minnesota for yielding to me.

If this amendment is not adopted, then we have a situation where the day care centers must be licensed by the States; that is not correct?

Mr. MONDALE. That is correct.

Mr. CURTIS. Is it not also true that day care centers are a part of the social services portion of the social security laws?

Mr. MONDALE. Yes, but if I may—I will get back to that question. It is true that in the absence of my amendment, it would be the first time in over 5 years that there are no such standards. If there were new standards, it would be the States that would impose them, if they wanted to. That is the catch.

According to our information, there are two States that have no standards whatsoever with respect to adult-child ratios whatsoever. There are 11 States that have no standards whatsoever for family day care. There are 9 States that have standards which would permit 1 person for every 5 small children under 2 years of age, which every one I know of who has studied this problem says is disastrous.

So while it is true that States still can impose standards, the studies we have seen, plus these records, show at this point that without Federal standards, there will be thousands and thousands of children placed on day care standards where no child should ever be found.

Mr. CURTIS. Is it not true that the programs for social services adopted by the committee are entirely controlled by the States under a revenue-sharing program?

Mr. MONDALE. In some respects, that is correct, except, for example, we have regulations in our bill here that prohibit the use of Federal funds for social services with Federal funds. There are some restrictions in the committee bill and this one concerning the health and well-being of children, in my opinion, is just as important as that one concerning education.

Mr. CURTIS. Well, I believe the entire thrust of what the committee has done with reference to social services is that the States shall decide who shall be
Mr. CURTIS. Until when?

Mr. MONDALE. Until November 1, when as the Senator knows, the Secretary of HEW, through new regulations in effect, eliminated everything, including most of the social services.

Mr. CURTIS. Then, is it true that the standards that have been studied day care centers and imposed since November 1, when he tried to change it through regulations.

Mr. CURTIS. If they already have had what the Senator proposes now and the Senator in his opening statement decided that many day care centers were deficient, dangerous for the children, and injurious to their health and welfare, what does the Senator gain by continuing the provision of law that was in effect and resulted in all those undesirable conditions that he enumerates?

Mr. MONDALE. If we remove the standards that he has here, I think it is an invitation to a wholesale disregard of the minimum standards needed for the care of children. It is true that under the present day care standards, there have been far too many examples of day care centers that have fallen clearly below the minimum standards which everyone in this field considers to be minimally necessary for the physical and mental health of children. But the answer to that problem is not to delete the standards by which we identify and maintain them, and enforce them so that day care programs can be brought up to a level that assures minimal protection for the children involved.

Mr. CURTIS. If I may say, our social services money has carried with it the interagency day care standard since 1968, which I wish to retain at this point. So this is nothing new, but merely attempts to continue existing standards in day care.

Mr. CURTIS. The bill remains as reported by the committee, a State does not have to have any day care centers at all; does it?

Mr. MONDALE. The Senator is correct.

Mr. CURTIS. So if we impose Federal restrictions on them, they can spend that money on protective service for children, family planning services, protective services for adults, services for adults and foster care of the young, homemaker services, home delivery of meals, day care services for adults, health related services, home management, other functional educational services, housing improvement services, a full range of legal services, employment and training services, employment services, information referral and follow-up services, special services for the mentally retarded, special services for the blind, services for alcoholism and drug addiction, special services for the emotionally disturbed, and special services for the physically handicapped.

Mr. MONDALE. That is correct.

Mr. CURTIS. So long as they did not use the money for some program they would carry on, anyway.

Mr. MONDALE. The Senator is correct.

The point I should like to make to the Senator from Nebraska is this: Thousands of children have been served in day care centers since the social services program began some years ago. During all this time since 1968, at least—some of these day care minimum national standards that I am proposing we continue. In other words, what I am proposing to do is not to change the law but to keep the standards the way they have been for the last 5 years, almost 6 years.
The Senator has pointed out that great research has been done, and he has given credit to the National Council of Jewish Women, who did quite an exhaustive study and rendered a report. I shall not read the entire report, but I do think that parts of the report are very pertinent.

Although all states, with the exception of two (Idaho and Mississippi) require that day care centers be licensed a number of exclusions and exemptions provide little protection for the children receiving care. Some ten states exclude from regulation centers operated or regulated by another state or local Governmental agency. About half the states exclude centers operated by the public school systems. Several states exempt centers operated by religious organizations. Facilities operating primarily as a educational program, as a kindergarten or nursery school are excluded from licensing regulation in sixteen states.

The foregoing provides the most forceful argument for Federal standards if the children of this nation will receive the kind of care necessary for beneficial child development.

We all have sympathy with the chair-man and the ranking minority member of the Committee on Finance. They have a serious money problem and we recognize the existence of a serious money problem. But it always seems that we are looking to cut back on programs that are so vitally needed as this program and contend they cost too much money. Does the Senator from Minnesota have any idea as to what kind of money we are talking about, because that seems to be the main objection that has been raised by the opposition to the Senator's amendment. I do not think anyone denies it would be good to have national standards for day care centers.

Mr. MONDALE. This is a report prepared by the Library of Congress which states:

According to the Office of Child Development, Department of Health, Education and Welfare, the national average cost for providing day care under the existing standards—

Those are the ones we seek to maintain; we are not opposing anything new. Is approximately $1,600 a year for pre-school children and $400 a year for children of school age.

My friend from Louisiana keeps saying $2,400, $3,000. It is not true. These are maximums in that case and many times the volunteers are able to cut the normal cost. Those involved in this field the least are unanimous in favor of the minimum standards. The committee decided to eliminate all standards and let any community do as it chooses, no matter how poor the conditions are.

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

Mr. MONDALE. I shall yield in just a moment.

The Senator from New York (Mr. Buckley) said in the last debate, and I agree:

I believe and agree as a result of what we have read in conference that the experience abroad and especially studies at home demonstrate that unless quality and standards of day care, especially care given to very young children, are set, we cannot provide care for children.

In this debate, all we have heard from those who face this condition in our society of $1 trillion gross is that we are trying to cut corners on physical care for children. This is not the case.

Mr. BROOKE. Mr. President, it seems to me, further, that it is pennywise and pound-foolish—that is an old cliche—because what happens to the child is that he gets involved in crime. Then that child graduates into the criminal courts. The child generally will end up in some prison in the Nation, after having committed some heinous crime, such as we read about day after day.

So it seems to me that we are not saving money. If saving money is our main purpose, it seems to me that we are defeating the purpose by not trying to give the child some education and some training, rather than merely to let him go without any standards established at all.

This research was a most exhaustive study and indicates that there are just not enough standards; and that where there are standards, they are not being lived up to.

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

Mr. MONDALE. I yield.

Mr. PACKWOOD. When I knew that this issue was coming up again I referred to a telegram received from the Director of the Children's Services Division in Oregon, Don Miller, and also contacted the Division to ask him as to whether the amendment, requiring adherence to the Federal day care standards, would adversely affect Oregon. He indicated that it would not; that he preferred the standard in the bill be adopted, to guarantee that these standards would be met.

But he also said that Oregon feels so strongly about the importance of these day care standards that Oregon intended to simply even if it were not written in the law as a Federal requirement.

Mr. President, Oregon has had serious budget problems, like many other States, but even this being the case, my State felt that the Federal day care standards were realistic enough, and necessary enough, to promote compliance on a voluntary basis. Now it seems to me that my own State of Oregon, even though but a single State, provides ample evidence that we are not here talking about unrealistic, exhorbitant costs. We are simplifying talking about providing safe, healthy, properly supervised care for children needing that care.

Mr. MONDALE. I thank the Senator from Oregon. I think his statement reflects the experience of one serious administrator in one State. It shows that the standards are reasonable and practical for the children involved.

Mr. CURTIS. Mr. President, what we are seeking to impose is what we have had for several years. The prime issue is not, in my opinion, whether it is fair that the Federal Government shall write the standards or leave it to the States. The Federal Government has been writing standards since 1968, until a few weeks ago. We have the conditions described by the principal proponent of the amendment. It is a bad situation, unhealthy, unsafe, and so on.

The question is whether we are going to vest authority in the Federal Government or in the States. Who is it that licenses teachers? It is the State. Who is it that licenses lawyers? It is the State. If Senators do not think the States are tough on discipline, they should be tougher.

Who is it that licenses nurses? Who sets the standard for their training? It is the State. Who is it that licenses realtors? It is the State. Who is it that licenses certified public accountants? They do not have Federal licenses. Who is it that licenses barber and architects? Who is it that licenses hospitals? It is the State. Nowhere in the Federal Government does one get a license to run a hospital.

We have had Federal standards, and we learn that the situation is deplorable. What do we do to gain by perpetuating them?

I happen to believe that the State officials in my State can and will do greater justice to the children of all ages than will a clumsy, far-removed, impersonal, blundering bureaucracy in Washington.

It is not a question of money; it is a question of where the authority should rest.

I do not believe that there are any day care centers in my State that are filthy and unhealthy and dangerous, and if any Senator has any evidence of any such, I wish he would present it.

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

Mr. MONDALE. I would first like to respond to the comments of the Senator from Nebraska.

I think that the Federal Government does have a proper concern about the health of these children. It is Federal policy which, by and large, is encouraging and sometimes bring mothers at work under Federal welfare laws. It is social services money which is going to these programs. The Federal Government drafts people. The Federal Government pays most of the welfare costs. The Federal Government pays for penal costs. The Federal Government pays for a whole range of costs when people are damaged.

Everything that we have read, everything we have seen, everything that the experts in this field say indicates that when we fall beneath the standards required as a minimum, and which have been set by the best of our society, we think the chance of damage to these children.

For example, the Child Welfare League of America, which I think most people recognize as one of the most responsible, balanced associations of experts in the field, said this:

Some care—that is, any care—which has not protective children is not better than no care. If we cannot provide care for children which safeguards them and allows...
them to grow and develop soundly, then those children should not be in day care but be with their own parents and under full-time supervision in the home.

I would find it very ironic, in the midst of this wealthy and powerful society, that we are discussing the emotional and physical expense of youngsters and infants who are unable to protect themselves.

I yield first to the Senator from Massachusetts. I will then yield to the Senator from Wyoming.

Mr. BROOKE. Mr. President, just on the point of my colleague from Nebraska, and then I will be very glad to yield to the Senator from Wyoming, at first blush the arguments that the States license doctors and lawyers and accountants and dentists appropriately, but we are not talking here about licensing of professional groups or any thing of that kind at all. We do not subsidize lawyers in this country. We do not subsidize doctors in this country. We do not give Federal money to many of the differences that you have quite properly, licensed by the individual States.

We are talking about Federal money which is being spent for day care centers in day care in various States which have no standards and which are taking care of young children under the most deplorable conditions.

What is the purpose stated? It says: 'Family-care or self-care goal: To strengthen family life and to achieve and maintain maximum personal independence, self-determination, and security in the home, including for children, the achievement of maximum potential for eventual independent living, and to prevent or remedy neglect, abuse, or exploitation of children.'

Is that rhetoric, or is that a meaningful purpose goal which we of the U.S. Congress have established? That is what we are talking about here.

I did not raise the question of money. That question was raised by the opponents of the proposal. They were the ones who said money was the main issue. That is why I will take this up, and I will deal with the purposes. I do not want to use the trap that has been used here, the question to the distinguished Senator from Massachusetts about money.

If we cannot go according to the purposes of the bill, and every one of the other 49 States have entered into this debate a year ago. In 1972, it is even more valid in 1973, and I think all of the reports, all of the research that has been done, will bear that out.

I commend the distinguished Senator from Minnesota for his courtesy. Everyone of the other 49 States have to impose standards of that nature on nursing homes, we would automatically exclude from the services those facilities which provide for, I suspect, more than 90 percent of all people who now have to use them.

I have talked with the distinguished senior Senator from Iowa (Mr. HARKES) about this matter, and I have talked with others. I know that the Senator from Iowa has told me that from personal experience as Governor of the State of Iowa—and from my personal experience as Governor, I know that it is not hard to impose standards on these facilities, whether one is talking about day care centers or whether he is talking about nursing homes, or whatever.

We can impose standards, and we will achieve the object, raise the standards. However, in the process we may very well exclude most of the persons we are trying to serve.

So, despite what has been said about money, the problem does return to money. And the reason we had a $2.5 billion limitation on social services that are to be provided by Federal dollars at this time is that we saw a proliferation of services provided by the States which, by State definition, were included within the broad category of social services. And as a consequence, the social services, we were talked about nursing homes, we display a sharp escalation of the expenditure of Federal dollars on the basis of the expansion of social services.

I would hope that we could be realistic and that we could realize what the facts are.

I have talked with people who are knowledgeable about the HEW laws in this respect. And they recognize that mothers today have at least two alternatives if they want to work and they have children who are eligible for any day care center treatment. They may either take advantage of those facilities or they will see that their children are taken...
care of by another mother in the neighborhood who is not actually running a day care center.

However, we come back to this proposition. Why do mothers do this? They do it because they want to be able to help their children live better. We all feel this way. I think that the distinguished chairman of the Finance Committee is not suggesting that we give every child a free Cadillac.

However, I would have to say that I read in the paper today that General Motors has about three-fourths of a million cars on hand now, the biggest inventory of new cars that it has ever had at this time of the year.

Jobs are in short supply. There will be more people unemployed. If one was watching television this morning, he probably saw that one of the main truck lines in northern California shut their doors because there was not enough fuel. He also probably saw that one of the major airlines furloughed thousands of people.

Anyone that has a job wants to keep that job. I would hope that we would not take our eyes off of the States and that it would make it impossible for those mothers who did want to work to continue working because we had raised the Federal standards imposed on each of the 50 States with respect to day care centers so as to make it impossible for them to work.

We can all be sympathetic, and indeed we all are sympathetic. We want to do whatever we can for people so that they can live better. However, let us not get so carried away in our enthusiasm for a particular type of service that we price it so high as to make fewer Federal dollars available for other members of society, and that is exactly what we could do.

There is just so much money. We are talking about $2.5 billion. And if we punch the bag in one place, it will come out at another place. And if we pull the bag in here, it will collapse on the other side. I wish that there were more money. If we had all the money in the world, we could do things that we cannot do now.

We will find as the winter progresses that jobs will be more at a premium than they are now. I would hope, Mr. President, that we do not take action that will result in making opportunities for employment fewer in the future than they are now.

I hope that this country will be able—as I am certain, indeed, that it intends to—to improve on all of those services and to make every program better. However, we cannot achieve this objective by imposing Federal standards that are not realistic. And when only two of the 50 States now comply with the Federal standards we are talking about, it seems pretty ill-advised to me to say that whether the States want it or not or whether any of them are now complying with it or not, we will demand that they do this.

We can do that. However, when we do, it will mean that there will be more mothers who have to forego the opportunity of working. There will be more people in America who live in poorer conditions than they now live because they cannot as productive as they otherwise would be simply because we have priced day care centers out of the market.

Mr. President, I thank the Senator from Minnesota for yielding.

Mr. MONDALE. Mr. President, I thank the Senator from Minnesota. The main point of difference I have with the Senator is the apparent assumption that we can serve many people with sub-standard day care centers, no matter how poor the conditions are.

I would repeat what the Child Welfare League said:

If we cannot provide care for children which safeguards them and allows them to grow and develop soundly, then these children should not be in day care but be with their own parents and under full-time supervision in the home.

Let us ask whether States are in here urging the elimination of these day care centers. The answer is that they are not. We are not hearing from them. We heard from the director of the State of Oregon. We know that the Governors unanimously supported the bill I introduced earlier which contains a continuation of the day care standards that we have had since 1968. That is all we are asking for here.

The organizations which most closely represent the parents and the children in day care, and the labor unions and organizations which represent them, are almost unanimous in support of the extension of the day care standards as required in the pending amendment.

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

Mr. MONDALE. Mr. President, I shall yield in a moment to the Senator from New York (Mr. Buckley). Before doing so, I would like to express my appreciation to the Senator from Minnesota for yielding and for the extension of the day care standards, the amendment I introduced which deals with the damaging effects of institutionalized care of children which is of a substandard nature. It is not a delightful picture, the physical and mental damage that can occur to infants and children who are placed away from their parents and their families in day care centers, hospitals, and foster home care situations which are substandard.

The Senate from New York has compiled an enormous amount of undeniable data which warn us of the severity of the damage that follows when we fail to properly care for these children when, under certain circumstances, day care is required.

I am pleased to yield to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from Minnesota for his very kind remarks. I believe this is the third time that the Minnesota-New York axis has mobilized itself on common ground, and I believe this is ground where our general points of view, although they may be in a common concern for the actual potential impact of a Federal program on those who are supposed to be aided by it.

Frankly, I have never been and am not now an enthusiast for day care as a general palliative for certain social ills, and I would be the last to recommend that it be adopted on a large scale. However where day care is deemed necessary, it ought to be carefully designed and undertaken under the leadership of the children involved. This was a major point of contention in the last Congress during the debates on the child care section of H.R. 1 and of the comprehensive child development bill. The Federal Inter-Agency Developmental Respite Court for the Presidential veto. The bill represented in my opinion a classic case of Congress promising to provide that which the Federal Government could not possibly deliver.

Also, as I pointed out at the time, the mere fact that it seemed to be imposed upon the States by undiscriminating basis could change public attitudes as to whether or not it would be truly suitable for a particular child. As the Senator from Minnesota has pointed out, experience has proven that the natural mother is the best possible Institution for the care of a child.

On many points in last year's bill, I was in sharp disagreement with its sponsors. But on one point there was complete concurrence, that being the damage that would be done by what the Senator referred to as the "warehousing" of children. The evidence on this point, Mr. President, is both substantial and uniform in its findings; namely, that day care for the very young—chiefly those 3 years of age and under—is psychologically unwise and should be reserved to only under exigent circumstances.

In order to minimize such risks, it is necessary to maintain a low adult/child ratio. This, of course, involves considerable expense, a fact which proponents of last year's bill were fully aware of while insisting that somehow the money would be found to pay for it. On a number of occasions, I pointed out to the proponents of the comprehensive bill that their attempt to expand the eligibility base and to insist at the same time that the care provided be of a high quality for the children involved as a condition for the receipt of Federal funds for day care.

It is for these reasons that I have in the past urged that Government ought to concentrate its necessarily limited day care resources upon high quality care for those for whom extrafamilial care is a real necessity, and that I now urge the Senate to restore high quality day care standards to H.R. 3153. By accepting our amendment.

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

Mr. BUCKLEY. I am glad to yield.

Mr. CURTIS. Is the Senator aware that the standards which would be imposed by the pending amendment have been in the regulations for several years?

Mr. BUCKLEY. I am aware of that.

Mr. CURTIS. What is the problem that makes it difficult, impossible, or improbable that the State of New York could and would adequately license, police, and supervise day care centers if the responsibility were upon the State?

Mr. BUCKLEY. I believe that in many
instances, in many areas, the State of New York would undoubtedly exercise approval the law. I feel that very likely there are groups and communities within New York who still have not caught up with the growing body of evidence as to the danger to the young if we do not have the very expensive adult-child ratio.

I share with the Senator from Nebraska his general confidence in the abilities of the States to look after themselves, but here we are talking about a program utilizing Federal funds that can do positive damage. This is why I am not an enthusiastic supporter of this bill. I am afraid that we might become an instrumentality of harming children.

It is not a question of wasting money; it is not a question of mismanagement; it is not a question of being sloppy. But I know from my own experience in the lobbying that I have received in this area that there are groups that are uninform- ed. I do know that the standards are being tightened at the Federal level. I do know that there is a growing awareness of the findings of the concerns of those like Mr. Dale Meers, who have documented what happens to these children.

I say it is preferable to have no Federal day care program than to have one in which we are not assured—because we are responsible for how this money is expended—that we have the essential safeguards that we know are necessary.

Mr. CURTIS. I call my distinguished friend's attention to the fact that we rely upon the States to license their doctors, to license their nurses, and to license their hospitals. I also agree with him that the primary concern is what happens to children.

My feeling is that the children are in better hands under the jurisdiction of the State of New York than under a bureaucratic government at the Federal level, inasmuch as it is assured there. That is the reason for my opposition to the amendment.

Mr. BUCKLEY. Mr. President, I believe there is a distinction between having the States conduct an activity financed by Federal Government in accordance with certain guidelines and having the Federal Government administer the entire program. I agree, subject to the appropriate guidelines, that I would rather see New York State handle the problem. But again, we get back to the point where we are dealing with something special. We are not dealing with the question of waste, or of the selection of priorities, or other questions which are utilized as an excuse for substituting Federal administration for State administration. But I see an authorization having a significant sum of money that can be utilized to harm children unless we, here today, take full consideration of the medical facts now available to us and act accordingly.

Mr. President, I would not want to read from the remarks I made on June 20, 1972, at the time I introduced the amendment to upgrade and tighten standards on day care, but I would ask unanimous consent that my remarks on that date be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, let me quote one sample from a paper by Dr. Humberto Nagera, director of the child psychoanalytic study program at Children's Hospital, University of Michigan:

On the basis of the information available regarding different types of child-rearing practices and their known outcomes, as well as an increasing basic understanding of the human infant to develop normally and ideally, I cannot but seriously question (for the age group I have been referring to) the advisability of moving to the establishment of day care centers in the grand scale that this country is now planning. I fear that widespread and unthoughtful use of such facilities in this country, for infants in the age range between birth and two and a half years of age, could someday result in the United States mass-producing a large number of neurotic children, emotionally disturbed, and mismanaged, whose emotional development has been interfered with by inappropriate day care center's practices.

Here is another quotation from Mr. Dale Meers, child psychoanalyst, at Children's Hospital in Washington:

The proposed legislation contains a controversial question of early day care is that of potential danger and damage to the very children for whom the centers are designed. . . . The significance of the depersonalization of human relationships that are vital to the child's healthy maturation. . . . Depersonalization can readily take place in institutions. . . . It is a chronic potentiality in group care of children.

Mr. President, there are other sam­plings, and I do call the Senate's attention to them as to the opinions expressed therein. All I can say is that the literature of the past year has served only to cor­robe the extensive evidence I quoted on June 20, 1972.

Thus I urge my colleagues to vote in favor of the Mondale amendment if we are to have Federal funds going for child care purposes. If we do not adopt this amendment, then we must assume the individual responsibility for setting time bombs around the country—time bombs that can harm our children for the remainder of their lives.

EXHIBIT 1

AMENDMENT No. 1247

Mr. Buckley. Mr. President, I call up amendment No. 1247 and ask that it be printed in the Record.

The PRESIDING OFFICER (Mr. RINCOFF). The amendment will be stated.

The assistant legislative clerk read as follows:

"On page 74, line 15, insert a new section (2) as follows and remove succeeding sections:

"(2) In the case of parents who request full day child care services made available under this Act, the Secretary shall inform them in writing of the following: (a) that the mother-infant relationship is the cornerstone of healthy development for the vast majority of children; (b) that group day care can be a service for children whose value extends mainly to children who are developmentally disadvantaged, handicapped, abused, neglected, or are otherwise receiving insufficient care; (c) that there is a separation from the mother or mother figure on a systematic basis, or for long periods of time, combined with placement in a group setting, can be harmful to the child, and especially to those under three years of age."

Mr. BUCKLEY. Mr. President, the purpose of this amendment is to refer to the purpose of those who sell medicines, who alert the patient to possible harmful side effects of the medicine. I am very much concerned about the potential of young children under the day care programs provided for in this bill far outweighs the good contained in other parts of the bill now before us. While there is unquestionably a need for remedial services for "developmentally disadvantaged" or neglected children, no convincing demonstration has been made for the type of broad-reaching programs here authorized.

A fundamental objection to the overall tone and intent of this bill is what I would call the overselling of the concepts of child development and day care. In the first place, the assumption is conveyed that the Gov­ernment and its agents know how to provide "the best and most" form of care to children. As Dr. Ernest Van Den Haag, psychoanalyst and sociologist at New York Uni­versity, recently observed in congressional testimony, "If the government has such knowledge it is a well kept secret of which the scientific community is quite unaware. . . . The assumption that social science has as yet pro­duced a tested theory of child rearing is sheer fantasy. Only a few variables have been detected. And they suggest that family care should be replaced by institutional care." The simple fact is that the state of the art of child development is as yet primitive. Mr. Julie Sugarman, former Director of the Office of Child Development underscored this fact in testimony before Congress in December of 1969 when he said:

"As we enter the 1970's we are still seriously handicapped in our understanding of how children develop, (b) the causes and nature of the deficits found among disad­vantaged children, (c) the techniques for appraising the state of development and (d) the design and delivery of programs and curriculum to prevent or overcome development­al deficits."

He went on to say:

"Early childhood programs are being cre­ated and operated on an inadequate base of knowledge. There is general agreement that the early years have great importance in the growth and development of the child. There is also general agreement that high propor­tions of children from economically disad­vantaged families are in development­al deficits very early in life."

But, he added—and I wish to emphasize this very strongly, Mr. President:

"There is far less agreement on what constitutes effective intervention to improve the opportunities for development of such children."

I am informed that Mr. Sugarman is a supporter of the pending legislation, as in­deed he was of last year's bill. But if what he said in December of 1969 is true—and I believe it is—then the best advice of me is how he can be so bold in his support of the current bill. Has there been some dramatic breakthrough in the art or science of child development since December of 1969? Has this hitherto undiscovered body of knowl-
edge come to light since then? I do not believe it has, and know of no one who claims it has. While some progress has been made, the description of the state of the art offered here is still as apt today as Dr. Zigler indicated in testimony in 1971, and if it is true, Congress would be premature to enact such a far-reaching program today.

There is, in short, much disagreement in the field of child development today. At present, the educational approach to child development means that the court will necessarily tend to impose one approach to child development on perhaps millions of children—and it could turn out to be the wrong approach. The court is right in holding that preschool education is not a value-free, objective science. It is a field of controversy involving diverse value judgments about what is best for the child—socially, emotionally, and intellectually. The qualifications required for the teaching of belief in God or sex education. It is an area in which Congress would be well advised to tread cautiously.

The fact is that group day care has been oversold. It has been made to appear to be a safe, indeed desirable, form of child-rearing, and has not yet been demonstrated to be so. S. 3617 is intended to make day care centers eventually available to all children, birth to 14. The distinguished Senator from Arizona (Mr. Bentsen) last year, "I hope that we can come up with a national, pre-school developmental program..." While S. 3617 is not as explicit in this as we do in our public schools," remains the same and both its wording and provisions enable and encourage future expansion on a universal basis. But such an optimistic view of the potential of day care, even the developmental kind, is erroneous at least two counts. First, child specialists have accumulated strong evidence indicating that the institutional environment of a care center may actually be harmful to psychological well-being and development of young children. As Dr. John B. Bowby, a British child care specialist, observed that center care or, indeed, almost any form of care given by different people—lack of sufficient personnel in day care centers results in a situation where a young adult cannot form the vital, continuous and close relationships which are necessary for his cognitive and other development. In day care centers, the over-earned child almost never receives sufficient stimulation, especially verbal, necessary for his cognitive and other development. In day care centers, the child's development is actually retarded—physically, intellectually, and socially—and that symptoms of physical and mental illness may appear. Such evidence is disquieting, but skeptics may question the reliability and meaningfulness of the evidence, and whether the symptoms of illness may not easily be overcome. The retrospective and follow-up studies make it clear that such optimism is unjustified and that some children are gravely damaged for life. This is a somber conclusion which must now be regarded as established.

In summary, the great deal of research and investigation into these issues has shed valuable light on the processes of child development and the circumstances and effects of care in day care centers. All such studies have tended to confirm Bowby's basic hypotheses, with several qualifications. Maternal deprivation can mean the absence of the real mother. Maternal deprivation also refers to the absence of the emotional relationship and sensory involvement which the mother provides. The effects of institutional care are not always as severe or irreversible as he had thought.

Now, how do these findings relate to the question of the desirability of day care centers which this bill encourages? First, we must realize that day care centers are institutions and offer institutional care. Second, the essential factor of institutional care is not the nature of the facilities, but rather the institutionalization of the human relation that is the most possible. The highly formal and homogenized nature of the care, much the same as that in a full-time institution, is widespread among child specialists that center care should be avoided, if possible, for children under the age of 3.

The Federal Government's interagency care requirements state that: "...the center care..." three years of age unless the child care facilities approximates the mothering in the family home. Centers usually do not approximate the mothering in the family home. The Child Welfare League of America recommends that a family day care home or some other variation of family envi­ronments for the care of children under three years of age. The Child Welfare League of America recommends that a family day care home or some other variation of family environments for the care of children under three years of age. The Child Welfare League of America recommends that a family day care home or some other variation of family environments for the care of children under three years of age. The Child Welfare League of America recommends that a family day care home or some other variation of family environments for the care of children under three years of age. 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It is easy to see from this that the nursery routine is "useful to the nursing staff, and why they oppose change—even apparently simple and obviously necessary change. Subsequently, the nurse to a frustrating experience, either because she cannot give sufficient time to her favorite child—from whom, moreover, she is eventually discharged—because she finds herself faced with indifference or hostility which makes her feel guilt and risks giving her misgivings about her capacity for motherhood." Meers points out that the greatest potential for harm to children exists when the babies will adapt to anything. The price of accommodation to noise, confusion and different types of handling in day care centers is that babies retreat involuntarily into passivity. They respond by apathy, they stop crying and retreat within themselves. For example, I’ve seen one nursery in Budapest where hungry infants under the age of six months would not be able to obtain a smile here and a look there, an inability which makes a child lose self-confidence, and It also avoids any painful separation at the end.

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The Department of Health, Education and Welfare is currently involved in a variety of experimental child care programs designed to evaluate the different kinds of approaches and to train the professionals who are being used. Final results will begin to accumulate after 1973, when the experiments are completed. The very important and significant question will then be whether the long range effects of the different approaches can be completed in 1976.

If, rather than mounting the large scale of the more experimental, if we still report from this bill, we instead expand a systematic program of research and experimentation into various approaches to center care and environment, we would have a different basis for developing effective techniques for circumventing the impact of the potentially traumatic conditions arising in day care centers, and perhaps develop more desirable alternatives.

In the absence of such concrete knowledge, I ask you whether the implementation of a large-scale day care program, with its attendant risks, should be permitted.

Realizing that day care centers are a reality and, in some cases, a necessity for children who are currently handicapped, abandoned, abused, neglected, or otherwise receiving harmful care, we must insure that centers have high standards, not only for facilities which give certain minimums, but also for secondary importance—especially for quality of staff and programs. The Child Welfare League of America sets itself a goal with which we can all readily agree in the formulation of the differentially oriented centers in its standards for day care service. Most important, of course, is the number of staff and their training and attitudes. The CWLA recommends, when there is no superior alternative available, that infants be cared for in groups of not more than four, with one adult per two children. To provide a consistent, consistent care from one person with whom the child can interact...

Just as in discovering qualified and appropriate staff personnel is a difficult task. Staff members are thus expected to understand the developmental processes and needs of children and to be trained in the methods of transmitting the appropriate skills and assisting children in discovering themselves and the world around them. They must be of a temperament that can understand and guide continuous and individualized care to each of their charges.

Good care in short, should try to approximate the protection and attention of a good, average mother.

Good care, then, necessarily costs a lot of money; the operating cost of good developments and new security of work. The CWLA recommends, when there is no superior alternative available, that infants be cared for in groups of not more than four, with one adult per two children. To provide a consistent, consistent care from one person with whom the child can interact...

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Good care in short, should try to approximate the protection and attention of a good, average mother.

The effect of the legislation before Congress, according to the proponents, will be the elimination of the serious risk not only of putting the children of working mothers, mothers, women's liberation programs, and the like, into the hands of people who may be less capable of and less interested in giving them good care than many of those who now look after them.

Mr. Meers has some pertinent comments regarding personnel problems:

"We sometimes assume that recruiting, staffing and training of day care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or day care centers) is lower than that of babysitters or day care centers. It is probable that, if theProgram."

Mr. President, I submit that it will be nearly impossible to achieve and maintain the high quality care required to prevent damage. We are told, for example, that the day care facilities are swelled significantly by a large increase in Federal funds for that purpose. The reasons for this are essentially those described by Mr. Meers: high cost, lack of trained and capable human resources. The high cost per child for good care is related in particular to the number of staff. The large increase in demand for staff which would result from a major Government program, would force up the costs of staffing significantly. Gwen Morgan, day care consultant to the State of Massachusetts, says that—

"Many day-care operators think they can pay the staff low wages, because most States only require the director of a day care center to have full credentials in the field of early childhood development. As the industry grows, there will be a lot of personnel with inadequate knowledge, and third, lack of trained and capable human resources. The high cost per child for good care is related in particular to the number of staff. The large increase in demand for staff which would result from a major Government program, would force up the costs of staffing significantly. Gwen Morgan, day care consultant to the State of Massachusetts, says that—

The Soviet experience has great relevance to our own situation. If we greatly expand day care facilities, as is proposed, not only may we have to make do with less staff than is required for good care, but we will be forced to hire people who are both inadequately trained and who lack the warmth and the empathy necessary for the successful development of children. We also have to consider the serious risk not only of putting the children of working mothers and others into dehumanized and potentially harmful institutions.
Mr. President, I want to say that I had marvelous cooperation with the sponsors of the bill, the Senator from Wisconsin and the Senator from Minnesota. I agreed I would not ask for a quorum and I have not on this amendment but rather that I would submit it for a voice vote, which I am prepared to do at this time.

Mr. BUCKLEY. Mr. President, the first amendment is an amendment which is not printed, which I send to the desk. This amendment would make clear that nothing in this Act shall be construed to authorize the creation or maintenance of child advocacy programs unless specifically authorized by statute.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:
"On page 76, line 11, before "Repeal" insert the following additional paragraph (c):
"(c) Nothing in this Act shall be construed to authorize the creation or maintenance of Child Advocacy programs, nor shall any funds appropriated under the authority of this Act be used for the creation or maintenance of Child Advocacy programs unless specifically authorized by statute."

Mr. BUCKLEY. Mr. President, I believe that the amendment offered by the Senator from Wisconsin and the Senator from Minnesota is pertinent to the amendment which I have agreed to certain modifications which I am pleased to present. And I have agreed to certain modifications which I ask be incorporated in amendment No. 1246, namely, on line 5, strike out the word "three" and insert the word "two"; on line 8, strike out the word "three" and insert the word "two"; on page 2, line 3, insert after the word "fall"
"on line 5, strike out the word "three" and insert the word "two"; and on page 8, line 2, insert "to the extent possible" after the word "receive."

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

The amendment, as modified, is as follows:
"Mr. BUCKLEY, for himself, and Mr. TOWES proposes an amendment:
"On page 59, line 3, after the date "1968", insert the following: "Provided, however, that the ratio of caregivers to children under two shall not be more than one to two, such care to be provided for groups of not more than four."

"On page 75, line 8, after the word "served," insert the following and renumber the succeeding paragraphs:
"(a) Children under the age of two shall not be placed in group care facilities unless it is deemed necessary and unless other suitable alternatives are unavailable. In any case where care is not being provided for such children, the ratio of caregivers to children under the age of two shall not be more than one to two, such care to be provided for in groups of not more than four."

"The amendment before us would perpetuate the regulation that has prevailed for the past several years. Without that amendment, the responsibility shifts to the States."

Mr. President, I believe that the concern of the States and State officials for children, for their health and safety, for their education and their nurture, is greater than that of the Federal Government.

That is true for many reasons. The State is closer to the children in the schools and the other problems.

Now, so long as we have Federal regulation, the objective of the States will be to do more than is necessary to comply with the order to keep the money from being shut off.

I do not think that the great State of Massachusetts or the great State of New York, or my own State, or any other State, will be part of a program of running substandard child health care centers.

Mr. MONDALE. If the Senator will yield for a moment, he mentioned earlier that, in his judgment, he would prefer this amendment to be laid over to vote on tomorrow. If that is the Senator's intention, I am prepared to ask the leadership whether, perhaps, we could agree on a time agreement to vote tomorrow. That is the reason why I interrupt the Senator at this point.

Mr. CURTIS. Very well.

Mr. MONDALE. Because I should like to make some other plans. Perhaps the Sergeant at Arms could ask Senators BYRD or LONG to come into the Chamber.

Mr. CURTIS. I think it would be helpful so that we would know what time we are expected to come in tomorrow. From my understanding the completion of this bill will take quite a little time. There are a number of provisions adopted by the Finance Committee that many of us believe should have further attention, and there might very well be major amendments offered. It will do no particular harm to let this particular amendment go over.

Mr. President, in the absence of the presence of the distinguished chairman of the committee in the Chamber at this time, I suggest the absence of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MONDALE. Mr. President, I ask unanimous consent that the vote on the pending amendment take place at 12 noon tomorrow.

Mr. JAVITS. Before that request is acted on, may I ask the Senator to include in the request the fact that a quorum call may be called for before a vote is taken.

Mr. MONDALE. I ask unanimous consent that the vote occur following the calling of a quorum.

Mr. JAVITS. I do not think it is necessary to mandate it, but just to have it clear.

Mr. MONDALE. I would be glad to modify my request accordingly, I make the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. MONDALE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I am pleased to join Senator MONDALE, Senator BUCKLEY, Senator RIMCOFF, Senator CRANSTON, Senator HOLLINGS, Senator Packer, and Senator STAFFORD in this amendment to H.R. 3153, the "Social Security Amendments of 1973."

The purpose of our amendment is to insure that child care programs to be conducted under the new social services title of the Social Security Act meet existing minimum established Federal standards.

As Senators know, under the committee bill, the States and localities would henceforth be given considerable flexibility in formulating and conducting child care and other social services programs in such matters as eligibility, duration of programs and other basic elements.

We believe, however, that the area of comprehensive child care programs—

affecting as it does our greatest resource—should be made and the flexibility of States and localities should be subject to some Federal direction.

Under our amendment, the programs would have to meet the existing Federal "Interagency day care standards" which deal with such matters as the case of "out of the home" care as student—teacher ratios, parental involvement, educational activities, and health and nutritional standards; with respect to "in-home" care standards would have to be consistent with national standard setting organizations, such as the Child Welfare League.

The committee bill essentially leaves this matter completely up to the States; the HEW regulations, which this new authority would replace, merely provide general guidelines that the Secretary to promulgate standards as to out of the home care; with respect to "in home" care, the States would have considerable leeway.

Mr. President, these same interagency standards, S. 2528, the social services amendments which I sponsored, along with Senator MONDALE and 34 others and with the support of the National Governors Conference—the Governors themselves.

The committee, while adopting the basic notion that bill in its rewrite of the social services law, chose not to take that element.

But Congress has already on numerous occasions adopted them as a matter of legislative intent.

These standards, which were promulgated originally in 1968, were actually placed in the law just last September when they were made applicable to the Head Start program although the Economic Opportunity Act Amendments of 1972, which became law on September 19, 1972.

Previously, on June 21, 1972, these standards were adopted by the Senate as a part of S. 3817, the "Comprehensive Headstart, Child Development, and Family Services Act."

The standards are already applicable to a number of other federally funded day care programs, including programs under the Manpower Development and Training Act and the Elementary and Secondary Education Act.

Generally speaking, they were applicable to social services programs prior to the regulations.

Mr. President, it is not difficult to imagine the "horror stories" that may result if the States and localities are permitted to provide child care of any variety, without Federal standards, for the stock of existing facilities. Already, in the case of child care programs not subject to Federal standards, there have been some very horrendous situations; for example, as indicated in a 1972 report entitled "Windows on Day Care" by Mary Dublin Keyserling, a report based on findings of the National Council of Jewish Women, the following description, from a case study was set forth:

This is an abominable center. It was very crowded, the charge was several untrained high school girls. No adults present. No decent toys. Rat holes clearly visible. To keep discipline, the children were not allowed to eat. The main custodial center couldn't be more deplorable.

This center should be closed. It was absolutely filthy . . . broken windows . . . 2 children, aged 10 and 12, in charge. The kitchen was very dirty . . . Very poor basement dark room. All ages together. Rigid control and discipline. Run-down, unhygienic. In a sad case of inhuman, dehumanizing of kids by an owner who makes plenty of money.

The risk of repeating these circumstances through the country in the absence of standards is increased by the fact that social services are to be under severe cost regulations as a result of the $5.2 billion ceiling generally applicable and the $1.9 billion ceiling for this fiscal year under the committee bill, compared with estimates nationwide of $4.5 billion just 2 years ago.

We cannot take the chance that States may sacrifice quality for quantity.

Mr. President, in the future it would have thought that by now there would be complete bipartisan agreement on the need for having quality child care.

President Nixon, in commenting on child care provisions contained in his Family Assistance Act in 1969, said:

"The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that should be provided should be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for a new generation."

The White House Conference on Children, conducted in December 1970 and attended by experts from all sections of the United States, voted that child care was the No. 1 priority for children, urged high standards for the programs, and then stated:

"The question is not whether America "shoehorns" day care, but whether the day care which we do have, and will have, will be good—good for the child, good for the family, and good for the nation."

The American Parents Committee, Inc., headed by George J. Hecht, a recognized leader in matters affecting children, stated in its February 1, 1973, "Legislative Goals on Behalf of Children:"

The general principle that APC will work for is: all care provided children, whether supervised or not, in centers or day care, shall meet the 1968 requirements, regardless of the place where such care is given or the auspices under which such care is given.

A wide variety of organizations concerned about children and families—including the American Academy of Pediatrics, the Child Welfare League of America, the National PTA, the UAW, the American Association of University Women, the National Council of Jewish Women, the National Association for the Education of Young Children, the Black Child Development Institute, and the National Child Day-Care Association—are supporting this amendment.

Mr. President, it will undoubtedly be argued by some that to have these requirements will force "astronomical" costs in child care.

The threat has been made repeatedly in previous considerations of this very issue. But HEW estimates that these standards cost approximately $400 per year for after school care and $1,600 for full day care—hardly extravagant.

But what if it does raise costs? Can we afford here that would want the standards to be otherwise? As my colleague Senator Brooks said so forcefully during the debate a little over a year ago on H.R. 1:

"What are we talking about? We are not talking about cars and airplanes and all those things that have been mentioned. We are talking about children, and we are talking about children in the most formative years of their lives, the preschool years.

Even those who would put things purely in cost effective terms would agree that the investment in child care is the best investment that can be made."

Mr. President, it might be noted that in some cases the standards might operate as a minimum as well as a maximum, thus preventing a "gold plated" approach to the very same standards.

The American Academy of Pediatrics, in a report based on findings of the National Conference of Child Development, the Child Welfare League of America, the American Association of University Women, and the American Academy of Pediatrics, the Child Welfare League of America, the American Association of University Women, and the National Child Day-Care Association—

I believe it is fair to say that this concern is what has prompted my colleague, Senator BUCKLEY, to take such a con-
structive role in this effort joining with us, as he has before.

Dr. Edward Zigler, former head of the Office of Child Development, a selfless public servant concerned with children, and now at Yale, sized up the situation well in an appearance before Senator Mondale's subcommittee on Monday, September 24, 1973, in stating:

The point of this story is that, while this may not be the time for large new initiatives, it is certainly time for decision-makers to examine policies and programs important to families so that we might at least correct those policies which are, at one extreme, thoughtless and uneconomical, and at the other, the goon at as a co-conspirator in the abuse of children.

Mr. President, the situation requiring this amendment arises, in my judgment, because of our deep interest in the future of the child as a person and as a working citizen, and a very strong effort to avoid the concept of custodial care or a kind of storing bodies of small children away from their parents and right about everything except this item. He has been statesmanlike, considerate, understanding, and right about everything except this item.

Mr. President, for sometime we on the Committee on Finance have had a different attitude about the child care problem from that of the Department of Health and Public Welfare. It has always been a tradition in the Committee on Finance that when we think of recommending something, we think in terms of what it will cost, and we usually think in terms of what we will find the money to pay for it. Other committees do not have the same burden, and it has sometimes been amusing to me. I have sat on the Committee on Foreign Relations and voted on a foreign aid bill and have felt that we had been so generous that we had given away our good judgment and I wondered if the Department of Health, Education and Welfare might recommend. But now, as an exception, the Senator from Minnesota (Mr. MONDALE) has worked very diligently on this bill and has made an excellent contribution in the Nation's interest. I applaud his position on everything except this item. He has been statesmanlike, considerate, understanding, and right about everything except this item.

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Mr. LONG. Mr. President, I regret that I find myself in a difference of opinion with my good friend, the distinguished Senator from Minnesota (Mr. MONDALE). He has worked very diligently on this bill and has made an excellent contribution in the Nation's interest. I applaud his position on everything except this item. He has been statesmanlike, considerate, understanding, and right about everything except this item.

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into bad habits, keeping bad company, and being in a bad environment—just what all of us seek to avoid.

Why should we remove large numbers of children from the day care centers? It is for what? 

The Senator said he spoke to virtually everyone who had any credentials or background in the day care area. I do not agree. I wish to quote, for example, from the common report last year on H.R. 1. I wish to quote from the testimony of Prof. Carl Bereiter, who has devoted his career to the education of young children. In a paper presented at Johns Hopkins he said:

It appears that the main thing wrong with the care is that there is not enough of it. The main reason there is not enough of it is that it costs too much. At the same time, those who are professionally dedicated to advancing day care seem to be pressing continually to make it more costly by setting certification requirements for day care workers and by insisting that day care should be educational by high-quality institutionalized babysitting.

Producing a measurable educational effect in young children is far from easy; it requires a curriculum teaching as does education in older children. I cannot imagine day care centers on a mass basis carrying out educational activities of the kind needed to produce measurable effect. If they cannot do so, then it will prove in the long run a tactical blunder to keep insisting that day care must be educational. Sooner or later those who pay for it will begin demanding to see evidence that educational benefits are being produced, and the evidence will not come forth.

It would seem to me much wiser to seek no more from day care than the sort of high-quality custodial care that a child would receive in a well-run home, and to seek ways to achieve this level of care at a cost that would make it reasonable to provide it to all those who need it. One should not have to justify a program of this kind. One should have to justify a hot lunch program that way.

Mr. President, we could have some disagreement and differences of opinion about how much it would cost to comply with the State's standard. It appears to me that it would cost $2,400 per child per year—as much money as the average welfare family of four may receive in the States of the Nation today.

But even if we take the word of the Senator from Minnesota (Mr. Mondale) that it would cost $1,600 a year to provide the care, it is still, for just one child, about $200 a year more than the State of Louisiana is able to provide for a family of four. That is the standard that would be imposed on Louisiana, and that standard is not the same as it would be for a child that it would cost for a family of four in the home. Louisiana simply could not afford to put children in day care centers with that standard. Nor could many other States.

As far as the law in Louisiana, requires, for children of ages 3 to 4, 1 attendant for every 14 children. It might be suggested that perhaps we should have a standard of 10 children per day care worker. That would mean we would have to get one-third more day care workers. But the Senator wants us to provide three times as many attendants in each day care center than the law in Louisiana provides for now, if he could. The law is 4 to 1. It would have to be frozen into law. What he is seeking here, as far as the States are concerned, is so impractical that they have not been able to comply with it. So the matter has been the subject of deliberate avoidance or lidc, and the law has been being complied with, because it is a regulation with which the States are unable to comply.

The authority I have cited is not the only one who feels the same way. Here is a quotation from Gwen Morgan, child care consultant for the State of Massachusetts, a very enlightened State of the Union, explaining exactly the same thing with regard to this problem.

I ask unanimous consent that that statement, as well as explanatory material, appear at this point in the Record. Without objection, the material was ordered to be printed in the Record, as follows:

PROBLEM OF WRITING STAFF-CHILD RATIOS INTO LAW

We would all agree that there should be enough people on the staff to care for the children in a day care center to take care of the children. The Federal Interagency Day Care Requirements define what "enough" is in a very precise way: for each child in a day care center to be cared for by adult staff the children must not be greater than 5 to 1, for 4 to 6 year-olds no greater than 7 to 1, and 6 to 14 year-olds no greater than 10 to 1. Presumably, all of these ratios should be kept at 10 to 1 in writing requirements. Yet very few experts as called upon would be willing to say that these ratios would be necessary in all situations. Gwen Morgan, Child Care Consultant to the State of Massachusetts, has pointed out some of the problems of using this kind of arbitrary standard. She says:

"Traditional approaches have been to use an arbitrary figure for the staff-child ratio for an age group to account a number of factors which would affect the staff-child ratio upward or downward in writing requirements. For example, the number of children in the program might be; "

Mr. LONG. Mr. President, I ask unanimous consent to place in the RECORD at this point a statement of the major features of the Federal Interagency day care requirements.

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

MAJOR FEATURES OF FEDERAL INTER-AGENCY DAY CARE REQUIREMENTS

1. State and local licensing:
   All facilities must be licensed under applicable State and local licensing laws; Federal regulations are in addition to State and local requirements.

2. Staffing requirements:
   a. Child care center:
      Not more than 5 children age 3 to 4 per adult; not more than 7 children age 4 to 6 per adult; not more than 10 children age 6 through 14 per adult.
   b. Home child care:
      Generally, not more than 6 children per adult.

3. Staff qualifications:
   a. All staff must meet applicable licensing requirements; all staff must receive continuous in-service training in child development; nonprofessional staff must be given career progression opportunities.

4. Safety:
   Meets State and local requirements.

5. Health:

Mr. LONG. Mr. President, I ask unanimous consent to place in the Record a chart demonstrating that, with regard to the minimum staffing requirements of State laws, very few States in the Union have been able to comply with those standards.

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

**CHILD CARE CENTERS; MINIMUM STAFFING REQUIREMENTS, BY AGE OF CHILDREN, UNDER STATE LICENSING REGULATIONS**

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<thead>
<tr>
<th>Maximum number of children per staff member</th>
<th>Minimum number of adults on premises</th>
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<td>under 2</td>
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<td>Wyoming</td>
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1 Includes only persons providing child care; when there is a mixture of ages, the ratio for the youngest child is generally applicable.
2 Children under age 3 must be in separate facilities.
3 When the number of children exceeds 10, during peak hours of the day, child care adults may not be accepted.
4 Ages 2 to 3 generally may not be accepted.
5 Age 4 is under 4.
6 Ages 5 to 7 generally may not be accepted.
7 Ages 4 to 6 are under 10.
8 Ages 7 to 9 generally may not be accepted.
9 Ages 8 to 10 generally may not be accepted.
10 Ages 9 to 11 generally may not be accepted.
11 Ages 10 to 12 generally may not be accepted.
12 Ages 11 to 13 generally may not be accepted.
13 Ages 12 to 14 generally may not be accepted.
14 Ages 13 to 15 generally may not be accepted.
15 Ages 14 to 15 generally may not be accepted.
16 Ages 15 to 16 generally may not be accepted.
17 Ages 16 to 17 generally may not be accepted.
18 Ages 17 to 18 generally may not be accepted.
19 Ages 18 to 19 generally may not be accepted.
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24 Ages 23 to 24 generally may not be accepted.
25 Ages 24 to 25 generally may not be accepted.
26 Ages 25 to 26 generally may not be accepted.
27 Ages 26 to 27 generally may not be accepted.
28 Ages 27 to 28 generally may not be accepted.
29 Ages 28 to 29 generally may not be accepted.
30 Ages 29 to 30 generally may not be accepted.
31 Ages 30 to 31 generally may not be accepted.
32 Ages 31 to 32 generally may not be accepted.

Mr. LONG. Mr. President, I point out that the best thing that can be said for the Senator's amendment is that it at least in two categories the Senator would rely upon State laws. With regard to State and local licensing, he would follow State laws, and with regard to safety requirements, he would follow State laws. At least, that extent we are in agreement.

All I am saying is that I would be happy to agree with the Senator if he would merely say the States would have to comply with State laws. But to set a standard that, according to my best information on that, I am not complying with, if that many, is really more than I think we have a right to expect.

Mr. President, what has been accomplished so far in the effort to reach the millennium in one quick jump in the day care area has been utter frustration. Those who wanted a big new program found at a bill to the President. It was vetoed.

There were not enough votes to override the veto. We on the Finance Committee proposed a Federal day care corporation and to make $800 million available to do as much as could be done under proper conditions of day care, adding to that what was already available. The Senator and those who agreed with his position voted to strike from that bill the Federal child care corporation because it did not contain these kinds of standards. So the result was nothing—not one red, copper cent being added for day care. Instead of getting another $800 million for the benefit of little children, in H.R. 1, we got zero, which was a rather unfortunate result for those of us who wanted to move forward with the bettering and improving of conditions for children.

I would submit that as to the amendment that the Senator from Minnesota sponsored and that which he recommended to the committee, saying that the States should be accorded the freedom to set their own social services programs, and do as much as they could with the amount of money available, with a minimum of Federal interference of that character, he was right when he submitted it, he was right when he urged it, and he was right when they voted for it. The only point on which the Senator was in error was the matter which I know is closest to his heart, when he said that in everything except day care the States should have the privilege of spending the money as they deemed advisable. But in this area it is very obvious that the outside hand of the Federal Government will reach in and dictate a standard that cannot be followed, and with which the States have been unable to comply. It is to me, an unfortunate thing for those of us who favor day care, and want to do as much as we can for it, to find ourselves repeatedly frustrated by the effort to insist on something that costs so much that it results in nothing happening, and in the Senate being unable to provide larger amounts of funds for the purpose, leaving to the States and to those who have the responsibility, the power, the capability, and the freedom to do just as much as they can for as many people as they are able to help with the amount of money we are able to make available.

I hope very much that when this amendment is voted on tomorrow, the Senate will not see fit to try to make an exception in the day care area which it does not make in any of the other areas of social services; that it will not try to impose a Federal standard here. I hope so particularly in view of the fact that this is one area where the Federal stand-
and, which the States have been unable to comply with, would be one which the States would not be able to comply with using the funds available at present for that purpose.

I submit that these impossible types of standards have been passed by the Senate on other occasions. Whenever that happened, the Senate was in the wrong. I am not speaking today of any group of individuals or corporations not suffering because the tax code makes it possible for them to escape taxation on investment or income that they should pay. I am speaking not of the persons who can afford, rather than to impose a standard which cannot be met and which can only be met with frustration on the part of those opposed, who realize it is a practical problem, and that we can only do as much as we can with the money we are able to extract from the taxpayers for this purpose.

THE MINIMUM TAX

Mr. KENNEDY. Mr. President, at an appropriate time, I intend to call up, on behalf of Senator NELSON and myself, a tax reform amendment to H.R. 3153, to improve the minimum tax in the Internal Revenue Code. The minimum tax was the imaginative measure adopted by Congress in 1969 as a means of insuring that wealthy individuals and corporations did not escape their fair share of taxes through excessive use of tax loopholes. Unfortunately, however, because of certain stippling amendments adopted as part of those opposed, it results in suffering by the ordinary American taxpayer.

Mr. President, I ask unanimous consent at this time a table showing the amount of deductions taken in 1972 for State and local gasoline taxes for various income tax brackets.

Income tax deductions taken for State and local gasoline taxes

<table>
<thead>
<tr>
<th>Amount of deduction—in millions</th>
<th>Income tax bracket</th>
</tr>
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<tbody>
<tr>
<td>$0–$3,000</td>
<td>1</td>
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<tr>
<td>$3,000–$6,000</td>
<td>1</td>
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<tr>
<td>$6,000–$7,000</td>
<td>27</td>
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<tr>
<td>$7,000–$10,000</td>
<td>83</td>
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<tr>
<td>$10,000–$15,000</td>
<td>165</td>
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<tr>
<td>$15,000–$20,000</td>
<td>117</td>
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<tr>
<td>$20,000–$50,000</td>
<td>147</td>
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<tr>
<td>$50,000–$100,000</td>
<td>19</td>
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<tr>
<td>$100,000–over</td>
<td>6</td>
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Mr. NELSON. Mr. President, this table shows that individuals with taxable income of $20,000 or less receive the benefit of $419 million of the $589 million deduction for State and local gasoline tax. This amount to 71 percent of the total amount deducted.

The committee proposal would therefore add substantially to the tax burden of low- and average-income taxpayers. It is much more equitable to raise additional funds by taxing the excessive amount or who reduces his tax contribution to an insignificant amount should be required to include such excess in his tax base. The purpose of this amendment is not to reduce the amount of the tax subsidies except in those cases in which taxpayers take undue advantage of such subsidies through excessive manipulation of the tax laws.

It is generally agreed, however, that the minimum tax has not achieved its stated purpose that every wealthy individual and corporation should pay at least a minimum tax on his preference income. In 1970, the first year when the minimum tax was in effect, 106 individuals with adjusted gross incomes exceeding $200,000 still paid no Federal income tax. Incredibly, three taxpayers with adjusted gross incomes of more than $1 million each paid no income tax at all. In 1971, 276 taxpayers with incomes over $100,000 paid no Federal income tax at all.

The effective tax rate in 1970 for individuals who paid the minimum tax on their preferred income was 4 percent rather than the statutory rate of 90 percent. From 1972, the Secretary of the Treasury estimated that $163 million in minimum tax on total preference income of $6.2 billion for an overall effective tax rate of 2.63 percent and 98,000 individuals reported tax preferences but only 24,000 of them actually paid a minimum tax on their preference income for an effective rate of 4.13 percent.

In 1970, 6,000 corporations paid $280 million in minimum tax on preference income of $4.1 billion for an effective rate of 6.7 percent; 75,000 corporations, however, paid no minimum tax on their income of $1.6 billion for an overall effective minimum tax rate of 4.8 percent.

When the minimum tax was enacted, it was estimated that it would raise $590 million in calendar year 1970, $600 million in 1972, and $635 million in the long run. Actual revenue gains were below these estimates. In 1970, it raised only $117 million from individuals and $280 million from corporations. In 1971, it raised only $163 million from individuals.

It can be argued that the minimum tax failed to raise estimated revenues because of the volatile nature of capital gains. While unquestionably the minimum tax on individuals falls most...
heavily on capital gains and therefore its revenue would be affected by the volatile nature of capital gains; this does not mitigate the fact that the deduction for income taxes paid obviously reduce the effectiveness and the revenue generated from the tax. For example, in 1970, for individuals the aggregate figure of total regular taxes that could have been deducted before payment of the minimum tax was $2,629,467,000.

Although there were several different minimum tax proposals submitted to Congress, the one finally adopted was that of the Senate Finance Committee which applied a flat 5-percent tax rate on all preference income in excess of $30,000. The Finance Committee bill was amended on the Senate floor by an amendment offered by Senator MILLER of Iowa to raise the rate from 5 percent to 10 percent and to allow a deduction of other Federal taxes paid. A year later, in December 1970, a further floor amendment by Senator MILLER was passed under which the minimum tax exclusion was broadened to incorporate a 7-year carryover of regular income tax liability to the extent not initially utilized to offset tax preferences. It is this deduction of other Federal taxes paid that this amendment would eliminate.

I completely support proper and orderly legislative process but it should be noted that provisions for deduction for income tax paid, which this amendment seeks to remove, were themselves not subject to the normal legislative procedure. No hearings were held, no witnesses were heard, no staff investigation made or committee report filed on these amendments. The amendments allowing for the deduction of Federal income taxes paid and for the 7-year carryover were never considered by any tax-writing committee, but were added by amendments on the Senate floor with little debate as to their merit or effect.

Senator MILLER'S first amendment was offered December 10, 1969, to the Tax Reform Act of 1969.

Senator MILLER'S principal arguments were that his amendment, by raising the statutory rate from 5 percent to 10 percent, would be more equitable and that it would raise more revenue. As Senator MILLER stated at that time:

Mr. President, I think the proposition before the Senate is very simple. Are we going to be satisfied with the application of the pending bill to those taxpayers who have amassed certain items of income which are not included in their regular tax base. The minimum tax addresses itself not to individuals who have escaped taxes, but to large sources of preference income. Even with the most rigorous enforcement of the minimum tax there will still be wealthy individuals who would escape taxes. Furthermore, concentration on the few wealthy individuals who pay no taxes at all diverts attention to a much graver problem of a scandalously low tax rate for many wealthy individuals on their preferred income. For example, in 1971, 98,000 individuals reported tax preferences totaling $6.2 billion but the effective tax on preferred income was 3.83 percent. These excluded items stand apart from, and in addition to, the items normally taxed. The reason the taxpayer is subjected to the minimum tax is that his effective tax is too low in relation to his real income due to the amount he escapes in tax deductions, and without the credit for the tax that he pays on his regular income defeats the purpose of the minimum tax. The tax on "regular" income is simply unrelated to the tax on excluded items of tax preference. It is illogical to establish a tax on the preference, at a rate of 10%, and then allow a deduction for taxes paid on regular income.

The proposed amendment does not in any way change the structure or composition of the present minimum tax. It does not:

First, change or raise the statutory rate of 10 percent;
The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10:30 a.m. tomorrow.

The motion was agreed to, and at 5:55 p.m. the Senate adjourned until tomorrow, Thursday, November 29, 1973, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 28, 1973:

DEPARTMENT OF DEFENSE

James W. Flower, Plummer, California, to be Under Secretary of the Air Force, vice John L. McLucas, elevated.

IN THE ARMY

The following named person for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3284 and 3311:

To be captain

Schooeter, Barbara A., 563-42-5033.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of captain in the Marine Corps, subject to the qualifications therefor as provided by law:


The following-named (Army enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:


The following-named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law: