The original documents are located in Box 16, folder "Labor - H.E.W. Appropriations" of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Digitized from Box 16 of the Loen and Leppert Files at the Gerald R. Ford Presidential Library

Veto overridden in House 1/27/76 — 310-113
Veto overridden in Senate 1/28/76

(PL 94-206)

GERALD R. FORD LIBRARY

Labor - HEW veto - HR 8069 Vetoed 12/19/75

Possible

	R -24 (+3)	D +5
Sci E/L	Bell (Ca) 4+1	Levitas (Ga) 2+2 PbW; GO
For A SmB	Broomfield (Mich) 5+1	3+2 Mathis (Ga) Ag; House Ad.
Bkg/GO Jt Ed.	Brown (Mich) 5+1	5+1 Milford (TX) Pbliks; Sci Tech
A	Burgener (Ca) 5+1	4+2 Montgomery (Miss) AS/VA
Jud/Sm Bus/House Adm	Butler (Va) 5+1	5+1 Waggoner (La) WM
AS; DC	Daniel, R.W. (Va) 5+1	
A	Edwards (Ala) 5+1	
E/L	Eshleman (Pa) 6+0	
W/M	Frenzel (Minn) 4+1	
Sci IFC	Frey (Fla) 4+1	
Sci PubW	Goldwater (Ca) 5+1	
Bkg; GO	Gradison (Ohio) 5+1	
Ag; PubW	Hagedorn (Minn) 4+1	
AS; House Adm	Holt (Md) 5+1	
For A; Int.	Lagomarsino (Ca) 4+1	
SmB IFC	McCollister (Neb) 4+1	
	Pettis (Ca) 4+1	
MerMar; PbW	Snyder (Ky) 4+1	
AS; Fds; GOP Campaign	Spence (SC) 3+1	
GO Int	Steelman (TX) 4+1	
W/M	Steiger (Wisc) 5+1	
A	Talcott (Ca) 4+1	
AS	Wilson, Bob (Ca) 5+1	
Bkg; VA	Wylie (Ohio) 4+1	

PbW; House Ad.	Cleveland (NH) 5+0	
Bkg; PO	Johnson (Pa) 5+0	
AS/VA	O'Brien (Ill) 5+0	

GERALD R. FORD LIBRARY

Unlikely

	R — 31	D — 11
4+Nvs.	Anderson (Ill)	Bennett 2+1
3+0	Don Clausen	Byron 5+0
4+0	Cochran	Chappell (Fla) 2+1
4+0	Duncan	Downing 3+1
4+0	Fenwick	English 3+1
4+0	Findley	Flynt 2+1
4+0	Fish	Ichord 5+0
4+0	Grassley	Jones 0+1
5+0	Guyer	Mann 4+1
4+0	Hannaschmidt	
3+1 B	Hastings	Roaque 4+1
5+0	Johnson (Pa)	Runnels B. 4+1
5+0	Lent	
4+0	Latt	
4+0	Lujan	
4+0	McEwen	
4+0	McCloskey	
5+0	Moore	
3+1	Quie	
5+0	Zwach	
4+0	Lugar	
4+0	Schulze	
4+0	Sebelius	
4+0 AB	Shriver	
4+0	Skubitz	
4+0	Smith (Neb)	
4+m	Taylor (Mo)	
4+0	Thone	
4+0	Hampler	
5+0	Snyder	
4+0 A	Young (Fla)	

GERALD R. FORD LIBRARY

NO

R - 19

Abdnor
Andrews
Bafalis
Cohen
Conte
Coughlin
Emery
Forsythe
Goodling
Hansha
McDade
McKinney
Moorhead
Myers (Pa)
Pritchard
Regula
Saravin
Stanton, J. W.
Winn

D - 10

Allen
Derrick
Evins
Haley
Krueger
Lloyd
Mills
Mottl
Nichols
Sikes
Stuckey
Taylor (Tex)
Teague
Thornton
Bevill
Breaux

GERALD R. FORD LIBRARY

Probable Sustain — 3 R, 3 D

Archer 7+2
Armstrong 6+2
Ashbrook 7+2
Bauman 7+2
Brown (Ohio) 7+2
Cederberg 7+1
Clancy 7+1
Clawson, Del 7+2
Collins 7+2
Conable 7+2
Conlan 7+2
Crane 7+2
Derwinski 6+1
Devine 7+2
Dickinson 6+2
Hansen 6+2
Hutchinson 7+2
Hyde 5+1
Jarman 6+2
Kasten 5+1
Kelly 6+1
Kemp 7+2
Ketchum 6+1
Latta 6+2
Michel 7+2
Miller (Ohio) 6+2
Myers (Ind) 6+1

Probable cont.

Rhodes 7+1
Rousselot 7+1
Schneebli 7+2
Shuster 7+2
Steiger 5+2
Symms 6+2
Treen 5+2
Wiggins 5+2

Democrats

Daniel, Dan 6+2
McDonald 7+2
Satterfield 7+2

Good Possibility — 1 R + 2 D

Beard 5+1
Brookhill 4+2
Eilberg 5+1
Johnson (Colo) 5+1
Lightfoot 5+2
McEwen 4+2
Martin 5+2
Moorhead (a) 5+1
Robinson 5+2
Vandeveer 5+1
Whitehurst 5+1

Democrats

Burleson 5+2
Landrum 4+2

GERALD R. FORD LIBRARY

Community Services Administration

Michel Compromise

	FY 1975	FY 1976 Budget	Vetoed Bill	Proposed Compromise	Change from Vetoed Bill
Research, Demonstration and Evaluation.	8,800,000	---	13.300,000	---	- 13,300,000
Community Action Agencies. .	330,000,000	295,000,000	330,000,000	295,000,000	- 35,000,000
State Economic Opportunity Offices. . . .	12,000,000	---	12,000,000	12,000,000	---
Senior Opportunities and Services.	10,000,000	---	10,000,000	8,000,000	- 2,000,000
Emergency Energy Conservation.	16,500,000	---	27,500,000	16,500,000	- 11,000,000
Emergency food and medical services.	22,400,000	---	26,200,000	---	- 26,200,000
National Summer Youth Sports Program*.	3,000,000	---	---	---	---
Summer Recreation Program*.	15,300,000	---	---	---	---
Community Economic Development...	61,000,000	39,000,000	46,500,000	39,000,000	- 7,500,000
Program Administration . . .	28,700,000	29,000,000	28,652,000	28,685,000	+ 33,000
Total, CSA	$507,700,000	363,000,000	494,652,000	399,185,000	- 95,467,000
GRAND TOTAL, LABOR-HEW	$40,696,660,000	35,157,909,000	36,073,748,318	35,648,992,000	-424,756,318

*Likely to be funded for FY 1976 in Second Supplemental

GERALD R. FORD LIBRARY

FY 1976 Labor-HEW Appropriation Bill (HR.8069)

Michel Compromise

JAN 2 3 1976

Appropriation/Program	FY 1975	FY 1976 Budget	Vetoed Bill	Proposed Compromise	Change from Vetoed Bill
Health Services					
Maternal and child health:					
Grants to States	266,951,000	193,922,000	295,700,000	266,951,000	-28,749,000
SIDS information dissemination	2,000,000	---	2,500,000	2,250,000	-250,000 *
Quality assurance:					
Medical care standards	5,055,000	4,537,000	5,537,000	5,055,000	-482,000
Emergency medical services	32,125,000	21,700,000	33,625,000	32,125,000	-1,500,000
Other health services	191,417,000	206,623,000	220,331,000	220,331,000	---
Total, Health Services	497,548,000	426,782,000	557,693,000	526,712,000	-30,981,000
Preventive Health Service					
Laboratory improvement	9,573,000	9,989,000	10,601,000	9,989,000	-612,000
Health education	3,027,000	3,013,000	3,513,000	3,163,000	-351,000 *
Occupational health	31,986,000	32,181,000	39,537,000	35,580,000	-3,953,000*
Building and facilities	---	---	1,456,000	1,311,000	-145,000*
Other preventive health	51,413,000	54,420,000	53,868,000	53,868,000	---
Total, preventive health	95,998,000	99,601,000	108,971,000	103,910,000	-5,061,000

GERALD R. FORD LIBRARY

Appropriation/Program	FY 1975	FY 1976 Budget	Vetoed Bill	Proposed Compromise	Change from Vetoed Bill
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute.....	669,198,000	586,837,000	743,564,000	669,198,000	-74,366,000 *
National Heart and Lung Institute.....	303,269,000	271,840,000	349,059,000	314,154,000	-34,905,000 *
National Institute of Dental Research.	44,233,000	38,039,000	45,794,000	44,233,000	-1,561,000
National Institute of Arthritis, Metabolism, and Digestive Diseases..	160,899,000	144,065,000	175,172,000	160,899,000	-14,273,000
National Institute of Neurological and Communicative Disorders and Stroke..	129,011,000	107,055,000	136,546,000	129,011,000	-7,535,000
National Institute of Allergy and Infectious Diseases.....	110,409,000	100,777,000	118,918,000	110,409,000	-8,509,000
National Institute of General Medical Sciences.....	135,423,000	120,779,000	146,461,000	135,423,000	-11,038,000
National Institute of Child Health and Human Development.....	116,679,000	96,547,000	126,889,000	116,679,000	-10,210,000
National Institute on Aging.....	13,905,000	14,428,000	17,526,000	13,905,000	-3,621,000
National Eye Institute.....	39,393,000	34,554,000	45,565,000	41,009,000	-4,556,000 *
National Institute of Environmental Health Sciences.....	31,884,000	29,368,000	35,915,000	32,324,000	3,591,000
Research Resources.....	127,816,000	80,724,000	129,931,000	127,816,000	-2,115,000
John E. Fogarty International Center..	5,406,000	4,540,000	5,705,000	5,406,000	-299,000

GERALD R. FORD LIBRARY

Appropriation/Program	FY 1975	FY 1976 Budget	Vetoed Bill	Proposed Compromise	Change from Vetoed Bill
Natl. Inst. of Health Cont.					
National Library of Medicine.....	28,848,000	28,815,000	29,065,000	28,848,000	-217,000
Building and Facilities.....	3,000,000	3,000,000	54,000,000	41,000,000	-13,000,000**
Office of the Director.....	17,986,000	19,986,000	17,896,000	17,896,000	---
Total, NIH.....	1,937,359,000	1,681,354,000	2,178,006,000	1,988,210,000	-189,796,000
Alcohol, drug abuse and mental health					
General mental health:					
Research.....	92,650,000	80,189,000	92,908,000	92,650,000	-258,000
Management and information.....	20,429,000	20,274,000	22,274,000	20,429,000	-1,845,000
Alcoholism:					
Research.....	11,008,000	9,047,000	11,808,000	11,008,000	-800,000
Project grants and contracts...	64,908,000	45,451,000	68,408,000	64,908,000	-3,500,000
Grants to States.....	52,000,000	45,600,000	55,500,000	52,000,000	-3,500,000
Other ADAMHA.....	378,362,000	275,718,000	328,656,000	328,656,000	---
Total, ADAMHA.....	619,357,000	476,279,000	579,554,000	569,651,000	-9,903,000

** Second phase funds of EHS facility.

GERALD R. FORD LIBRARY

Department of Health, Education, and Welfare
FY 1976 Labor-HEW Appropriation Bill (HR 8069)

Appropriation/Program	FY 1975	FY 1976 Budget	Vetoed Bill	Proposed Compromise	Change from Vetoed Bill
Health resources					
Health planning and resources development	10,000,000	66,000,000	90,000,000	81,000,000	-9,000,000 *
Health manpower:					
Dental health activities	7,842,000	7,842,000	8,442,000	7,842,000	-600,000
Medical facilities construction	---	100,000,000**	74,259,000	66,834,000	-7,425,000
D. C. Medical manpower assistance	1,500,000	---	9,050,000	8,145,000	-905,000
Other, health resources	282,977,000	151,487,000	165,677,000	165,677,000	---
Total, health resources	302,319,000	325,329,000	347,428,000	329,498,000	-17,930,000
Human Development					
Head Start	441,000,000	434,300,000	454,500,000	441,000,000	-13,500,000
Rehabilitation services and facilities:					
Basic State grants	680,000,000	680,000,000	720,309,318	680,000,000	-40,309,318
Training and facilities grants	8,000,000	6,900,000	8,400,000	8,000,000	-400,000
Research	20,000,000	20,000,000	24,000,000	21,600,000	-2,400,000 *
Special programs for Native Americans	32,000,000	32,000,000	33,000,000	32,000,000	-1,000,000
Other, human development	277,702,000	170,382,000	276,649,000	276,649,000	---
Total, HD	1,458,702,000	1,404,682,000	1,516,858,318	1,459,249,000	-57,609,318
WIN	210,000,000	330,000,000	330,000,000	312,000,000	-18,000,000
Other HEW programs not being reduced	23,296,881,000	26,053,809,000	25,869,966,000	25,869,466,000	---
Total, HEW	28,415,164,000	30,797,836,000	31,592,946,318	31,263,696,000	-329,289,318

* Programs where full 10% reduction taken.
** Amended President's budget proposes zero funding.

GERALD R. FORD LIBRARY

LABOR-HEW VETO

29
Leaning NO or undecided

Ketchum
McCloskey
Young, Don
Armstrong
Pressler
Hillis
Shriver
Skubitz
Ruppe
Wylie
McClory
Gude (retiring)
Duncan
Wampler
Hammerschmidt
Moore
Cochran
Gilman
Lent
Walsh
Wydler
Eshleman (retiring)
Heinz (running for Senate)
Myers
McKinney
Rinaldo
Railsback
O'Brien
Fenwick

13
Flat NO's

Sarasin
Fish
Peyser
Biester (Retiring)
Pritchard
Madigan
Winn
McCollister
Buchanan
Harsha
Mosher
Whalen
Esch (running for Senate)

GERALD R. FORD LIBRARY

Possible

R -24 (+3)

Sci E/L	Bell (Ca)	4+1
For A SmB	Broomfield (Mich)	5+1
Bkg/GO Int Ed.	Brown (Mich)	5+1
A	Burgener (Ca)	5+1
Jud/Am Bus/House Adm	Butler (Va)	5+1
AS; DC	Daniel, R. W. (Va)	5+1
A	Edwards (Ala)	5+1
E/L	Eshleman (Pa)	6+0
W/M	Frenzel (Minn)	4+1
Sci IFC	Frey (Fla)	4+1
Sci PubW	Goldwater (Ca)	5+1
Bkg; GO	Gradison (Ohio)	5+1
Ag; PubW	Hagedorn (Minn)	4+1
AS; House Adm	Holt (Md)	5+1
For A; Int	Lagomarsino (Ca)	4+1
SmB IFC	McCollister (Neb)	4+1
	Pettis (Ca)	4+1
MerMar; PbW	Snyder (Ky)	4+1
AS; Fds; GOP Campaign	Spence (SC)	3+1
GO Int	Steelman (Tx)	4+1
W/M	Steiger (Wisc)	5+1
A	Talcott (Ca)	4+1
AS	Wilson, Bob (Ca)	5+1
Bkg; VA	Wylie (Ohio)	4+1

PbW; House Ad	Cleveland (NH)	5+0
Bkg; PO	Johnson (Pa)	5+0
AS/VA	O'Brien (Ill)	5+0

D +5

	Levitas (Ga)	2+2 PbW; GO
	Mathis (Ga)	3+2 Ag; House Ad.
	Milford (Tx)	5+1 PbWks; Sci Tech
	Montgomery (Miss)	4+2 AS/VA
	Waggoner (La)	5+1 WM

GERALD R. FORD LIBRARY

Unlikely

	R – 31	D – 11
4+NV	Anderson (Ill)	Bennett 2+1
3+0	Don Clausen	Byron 5+0
4+0	Cochran	Chappell (Fla) 2+1
4+0	Duncan	Downing 3+1
4+0	Fenwick	English 3+1
4+0	Findley	Flynt 2+1
4+0	Fish	Ichord 5+0
4+0	Grassley	Jones 0+1
5+0	Gayer	Mann 4+1
4+0	Hammerschmidt	
3+1 B	Hastings	Poage 4+1
5+0	Johnson (Pa)	Runnels B. 4+1
5+0	Lent	
4+0	Latt	
4+0	Lujan	
4+0	McEwy	
4+0	McCloskey	
5+0	Moore	
3+1	Quie	
5+0	Quillen	
4+0	Regula	
4+0	Schulze	
4+0	Sebelius	
4+0 AB	Shriver	
4+0	Skubitz	
4+0	Smith (Neb)	
4+w	Taylor (Mo)	
4+0	Thone	
4+0	Hampler	
5+0	Snyder	
4+0 A	Young (Fla)	

GERALD R. FORD LIBRARY

ND

R - 19

Abdnor
Andrews
Bafalis
Cohen
Conte
Coughlin
Emery
Forsythe
Goodling
Hansha
McDade
McKinney
Moorhead
Myers (Pa)
Pritchard
Regula
Saravin
Stanton, J. W.
Winn

D - 16

Allen
Derrick
Evins
Haley
Kruczyn
Lloyd
Mills
Mottl
Nichols
Sikes
Stuckey
Taylor (Tex)
Teague
Thornton
Bevill
Breaux

GERALD R. FORD LIBRARY

Probable 35R
Sustain 3D

Archer 7+2
Armstrong 6+2
Ashbrook 7+2
Bauman 7+2
Brown (Ohio) 7+2
Cederberg 7+1
Clancy 7+1
Clawson, Del 7+2
Collins 7+2
Conable 7+2
Conlan 7+2
Crane 7+2
Derwinski 6+1
Devine 7+2
Dickinson 6+2
Hansen 6+2
Hutchinson 7+2
Hyde 5+1
Ireland 6+2
Kasten 5+1
Kelly 6+1
Kemp 7+2
Ketchum 6+1
Latta 6+2
Michel 7+2
Miller (Ohio) 6+2
Myers (Ind) 6+1

Probable
cont.

Rhodes 7+1
Rousselot 7+1
Schneebli 7+2
Shuster 7+2
Steiger 5+2
Symms 6+2
Treen 5+2
Wiggins 5+2

Democrats

Daniel, Dan 6+2
McDonald 7+2
Satterfield 7+2

Good
Possibility
11R +2D

Beard 5+1
Brasbill 4+2
Eckerton 5+1
Johnson (Colo) 5+1
Lagomarsino 5+2
McEwen 4+2
Martin 5+2
Moorhead (Ca) 5+1
Robinson 5+2
Vandervaat 5+1
Whitehurst 5+1

Democrats

Burleson 5+2
Landrum 4+2

GERALD R. FORD LIBRARY

Labor-HEW Veto - Vote to sustain

REPUBLICAN WHIP—ROBERT H. MICHEL

Tally Sheet

94th Congress

Western and Plains (Talcott)

	Yes	No	Und.	N/R
California				
Bell o/T				
Burgener				
Clausen				
Clawson L				
Goldwater				
Hinshaw				
VCL Ketchum See Michel				
Lagomarsino (ARW)		?		
McCloskey				
Moorhead				
Rousselot				
Talcott				
Wiggins				
Wilson				
Pettis				
Alaska		?		
CL Young 893-1790				
Arizona				
CL Conlan				
Rhodes				
Steiger				
Colorado				
Armstrong (ARW)				
Johnson leaning no				
Idaho				
Hansen				
Symms				
New Mexico	?			
Lujan				
Washington				
Pritchard				
Kansas				
Sebelius				
Shriver				
Skubitz				
Winn med. schools in dist.				
Nebraska				
VL McCollister				
Smith	?			
Thone (ARW)	?			
North Dakota				
Andrews	?			
Oklahoma				
Jarman				
South Dakota				
Abdnor				
Pressler				
Total	18	5	10	4
Total pages 1 and 2	62	26	38	19

Midwestern States (Myers)

	Yes	No	Und.	N/R
Indiana				
Hillis				
Myers				
Iowa				
Grassley				
Michigan				
Broomfield				
Brown				
Cederberg				
Esch				
Hutchinson				
Ruppe back at camp				
Vander Jagt				
Minnesota				
Frenzel (ARW)				
Hagedorn				
Quie				
Wisconsin				
Kasten				
Steiger				
Ohio				
Ashbrook				
Brown (ARW)				
Clancy				
Devine				
Gradison				
Guyer				
CL Harsha				
Kindness				
Latta				
Miller				
Mosher				
Regula ok of comp.				
Stanton				
VCL Whalen Tex. lost at comp.				
Wylie				
Illinois				
Anderson				
Crane				
Derwinski				
Erlenborn				
Findley (ARW)				
Hyde				
Madigan				
VCL McClory do test lose problem.				
Michel				
O'Brien				
VCL Railsback leaning no				
Total	23	8	4	6

GERALD R. FORD LIBRARY

REPUBLICAN WHIP—ROBERT H. MICHEL

Tally Sheet **94th Congress**

Border and Southern (Young)

	Yes	No	Und.	N/R
Maryland				
Gude leaning no				
Holt " "				
Bauman				
Missouri				
Taylor (ARW) OK if comp.				
Kentucky				
Carter				
VL Snyder				
Tennessee				
Beard				
TL Duncan				
VL Quillen				
Florida				
TL Bafalis				
TL Burke				
Frey				
Kelly				
TL Young				
North Carolina				
Broyhill				
Martin				
South Carolina				
TL Spence				
Virginia				
Butler OK				
CL Daniel [illegible]				
Robinson				
CL Wampler look at comp				
Whitehurst (ARW)				
Alabama				
VL Buchanan				
Dickinson				
Edwards				
Arkansas				
TL Hammerschmidt				
Louisiana				
TL* Moore				
Treen				
Mississippi				
TL Cochran				
Lott				
Texas				
Archer				
Collins				
Steelman				
Total	16	5	10	2

New England and Mid-Atlantic (McDade)

	Yes	No	Und.	N/R
Connecticut committed but				
CL McKinney will look at comp.				
CL Sarasin announced override				
Delaware will see if he can be				
CL duPont of some help.				
Maine				
CL Cohen look at comp.				
VL Emery OK if comp.				
Massachusetts look at - leaning no				
CL Conte (ARW) compromise				
CL Heckler look at comp.				
New Hampshire				
CL Cleveland				
New Jersey				
TL Fenwick				
TL Forsythe				
TL Rinaldo				
Vermont look at comp				
CL Jeffords leaning no				
New York				
Conable				
VL Fish				
CL Gilman out too far look at comp				
~~Hastings~~				
CL Horton				
Kemp				
Lent				
McEwen				
CL Mitchell (ARW) lo best				
VL Peyser				
TL Walsh				
CL Wydler				
Pennsylvania				
CL Biester Locked for				
Coughlin look at it				
Eshleman				
Goodling look at comp				
Heinz in Phila				
Johnson (ARW) leaning yes				
McDade override				
Myers leaning no look at comp				
Schneebeli				
Schulze look at comp.				
Shuster				
Total	4	8	15	7

(Rev. Feb. 1975) 2 47-029-h GPO

* getting pressure to override

GERALD R. FORD LIBRARY

Labor-HEW Veto - Vote to sustain

REPUBLICAN WHIP—ROBERT H. MICHEL

Tally Sheet

94th Congress

Western and Plains (Talcott)

	Yes	No	Und.	N/R
California				
Bell o/T				
Burgener				
Clausen				
Clawson				
Goldwater				
Hinshaw				
Ketchum see Michel				
Lagomarsino (ARW)		?		
McCloskey				
Moorhead				
Rousselot				
Talcott				
Wiggins				
Wilson				
Pettis	?			
Alaska		?		
Young				
Arizona				
Conlan				
Rhodes				
Steiger				
Colorado				
Armstrong (ARW)				
Johnson leaning no				
Idaho				
Hansen				
Symms				
New Mexico	?			
Lujan				
Washington				
Pritchard leaning				
Kansas				
Sebelius				
Shriver				
Skubitz	?			
Winn med. schools in dist.				
Nebraska				
McCollister				
Smith	?			
Thone (ARW)				
North Dakota	?			
Andrews				
Oklahoma				
Jarman				
South Dakota				
Abdnor				
Pressler				
	26			
Total	~~25~~ 24	5	~~43~~ 45	1
Total pages 1 and 2	~~63~~	~~26~~	~~39~~	~~19~~
	+1	84	26	14	2	1

Midwestern States (Myers)

	Yes	No	Und.	N/R
Indiana				
Hillis				
Myers				
Iowa				
Grassley				
Michigan				
Broomfield				
Brown leaning				
Cederberg				
Esch				
Hutchinson				
Ruppe o/T				
Vander Jagt				
Minnesota				
Frenzel (ARW)				
Hagedorn				
Quie				
Wisconsin				
Kasten				
Steiger				
Ohio				
Ashbrook				
Brown (ARW)				
Clancy				
Devine				
Gradison leaning				
Guyer leaning				
Harsha				
Kindness				
Latta				
Miller				
Mosher				
Regula ok of comp.				
Stanton				
Whalen				
Wylie leaning				
Illinois				
Anderson				
Crane				
Derwinski				
Erlenborn				
Findley (ARW)				
Hyde				
Madigan thinks ok'd				
McClory				
Michel				
O'Brien				
Railsback				
Total	29	7	3	3

GERALD R. FORD LIBRARY

REPUBLICAN WHIP—ROBERT H. MICHEL

Tally Sheet — **94th Congress**

Border and Southern (Young)

	Yes	No	Und.	N/R
Maryland				
Gude leaning no				
Holt				
Bauman				
Missouri				
Taylor (ARW) OK if comp.				
Kentucky				
Carter				
Snyder				
Tennessee				
Beard				
Duncan				
Quillen if win				
Florida				
Bafalis				
Burke leaning				
Frey				
Kelly				
Young				
North Carolina				
Broyhill				
Martin				
South Carolina				
Spence wy comp.				
Virginia				
Butler				
Daniel				
Robinson				
Wampler				
Whitehurst (ARW)				
Alabama				
Buchanan				
Dickinson				
Edwards				
Arkansas				
* Hammerschmidt				
Louisiana				
* Moore				
Treen				
Mississippi				
* Cochran reconsider				
Lott				
Texas				
Archer				
Collins				
Steelman				
Total	23	5	5	0

New England and Mid-Atlantic (McDade)

	Yes	No	Und.	N/R
Connecticut				
McKinney				
Sarasin committed				
Delaware				
duPont				
Maine				
Cohen				
Emery OK if comp.				
Massachusetts				
Conte (ARW)				
Heckler leaning no				
New Hampshire				
Cleveland				
New Jersey				
Fenwick leaning				
Forsythe if win				
Rinaldo reconsider				
Vermont				
Jeffords leaning no				
New York				
Conable				
Fish				
Gilman leaning no				
~~Hastings~~				
Horton				
Kemp				
Lent leaning				
McEwen				
Mitchell (ARW)				
Peyser				
Walsh leaning				
Wydler				
Pennsylvania				
* Biester				
Coughlin				
Eshleman				
Goodling				
Heinz				
Johnson (ARW) leaning yes				
McDade				
Myers				
Schneebeli				
Schulze				
Shuster				
Total	5	9	16	2

+2

* getting pressure to override

GERALD R. FORD LIBRARY

Democrats - yea - Motion to recommit conf. report - Labor/HEW 12/4/75

Allen
Bennett
Bevill
Breaux
Burleson, Tex.
Byron
Chappell
Daniel, Dan
Downing, Va.
English
Evins, Tenn.
Flynt
C- Haley - will vote to sustain unless overwhelming vote to override.
Ichord
Jones, Okla.
Krueger
Landrum
Levitas
Lloyd, Tenn.
McDonald
Mann
Mathis
Milford
Mills
Montgomery
Mottl
Nichols
Poage
Runnels
Satterfield
Sikes
Stuckey
A- Taylor, N.C. - Can't promise - voted to pass Conf. Rept. - pro. in dist.
Teague
Thornton
Waggonner

DERRICK

GERALD R. FORD LIBRARY

have until midnight Saturday, December 6, 1975, to file a conference report on House Concurrent Resolution 466, the second concurrent resolution on the budget for fiscal year 1976.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, would the gentleman from Washington (Mr. ADAMS) tell us whether or not he expects this conference report to include the adjusted figures to cover the legislation to aid the city of New York, which we passed this week?

Mr. ADAMS. It will not. In other words, it depends upon what the Committee on Appropriations does because that requires an appropriation. If it does not come within the ceiling, then there would have to be another concurrent resolution.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

CONFERENCE REPORT ON H.R. 8069, DEPARTMENT OF HEW AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1976

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 8069) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 2, 1975.)

Mr. FLOOD (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

(Mr. FLOOD asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, the conference report before us today provides $36,073,748,318 for programs administered by the Departments of Labor, Health, Education, and Welfare, and other related agencies, such as ACTION and the Community Services Administration.

This bill along with the education appropriation bill which, as the Members know, has already been enacted, is the backbone of the Federal Government's domestic assistance programs. They include job training, unemployment assistance, health care, social security, public assistance, the programs for the older Americans, and that is what this appropriation bill is all about.

The bill also includes $8,953,070,000 for the 3-month transition period between fiscal 1976 and the new fiscal year which, as the Members know, begins, under our new setup, in 1977.

This is $14.7 million less than the House bill but that results mainly from changes made by the conferees in the amounts recommended for 1976. The amount recommended by the conferees is $94.1 million over the House bill and $198.8 million below the Senate bill.

So I think the conferees did a pretty good job in upholding the position of the House.

We agreed with most of the Senate decreases from the House bill—and we tried to pare down the Senate increases as much as possible, so that we could present to the House a responsible bill. All right.

Now where does this conference agreement stand in comparison to the President's budget? Well, I will tell you. The House bill was $826.3 million over the budget. The Senate bill was $1.1 billion over the budget. The conference agreement is $915.8 million over the budget. That figure is much, much closer to the House amount than to the Senate amount.

Compared with the budget, it may appear offhand that this bill is excessive and simply too much for the programs, no matter how worthy they may seem to be. But do not forget this, that budget proposed drastic cutbacks from last year in medical research at NIH, Maternal and Child Health Services, mental health, alcohol and drug abuse, vocational rehabilitation, and community services programs. In total the conference agreement is $4.6 billion below fiscal year 1975 appropriations.

Do not get carried away by that. Let me tell the Members what happened. This is simply a net figure, and this is composed of the increases and the decreases throughout the entire bill. The major reason for the apparent decrease from last year results from the fact that very large appropriations were made in 1975 for unemployment compensation. The funds required for unemployment compensation for 1976 are included in the pending supplemental appropriation bill. So, therefore, we have to make proper adjustments for that very simple fact in making any year-to-year comparison of these bills.

But in the interest of time, I would like to summarize the major changes from the bill as passed by the House.

First, and the Members want to hear this, almost two-thirds of the increase that I told them about over the House bill is for health—health programs. The conferees added $40 million for the National Cancer Institute, $20 million for the Heart and Lung Institute, $6 million for the other institutes at NIH, $22 million for mental health and alcohol abuse programs, and $5 million for Public Health Service Hospitals.

For the human development programs the conferees agreed to $16.8 million over the House bill. This is for such programs as Head Start, vocational rehabilitation, Runaway Youth projects, and the native American programs.

For the programs administered by the Community Services Administration—and, heavens knows, the Members are all receiving a stack of mail about the Community Services Administration; that is the former OEO Agency—the conferees recommended total increases of $20.3 million over the House bill. That is for such programs as veterans education and training services, rural housing, the emergency food and medical services, and the emergency energy conservation.

For the Occupational Safety and Health Administration in the Department of Labor, we agreed to $8 million more than the House bill. But in addition the conferees deleted two Senate amendments relating to OSHA. The first amendment would have prohibited OSHA from levying a fine of more than $50 for a nonserious violation of the act during the initial inspection of any establishment employing 15 or fewer people.

The second Senate amendment would have prohibited OSHA from inspecting firms employing 3 persons or less.

The conference agreement deletes several Senate amendments which earmarked specific figures for new positions in the bill for health agencies of HEW. But instead we have included a table in the statement of the managers detailing the distribution of positions for the health programs.

Finally, Mr. Speaker, the conferees were confronted with three amendments adopted on the Senate floor relating to the subject of school busing. This is a very emotional subject and could be debated interminably. The conferees, believe me, spent many, many hours discussing these amendments. We agreed to delete two, the so-called Biden amendments.

On the other amendment, that is the so-called Byrd amendment, we could not agree.

I have felt all along that an annual appropriation bill is not the proper place to deal with this question of busing. This is a subject that should be dealt with in permanent legislation. In fact, there is existing legislation, the Equal Education Opportunities Act, which was enacted a yera ago, which relates specifically to the question of school busing. Any changes in that law should be handled by the proper legislative committee under the regular procedures of the House. I plan to offer a motion to modify the Byrd amendment to make it conform with existing law.

So, Mr. Speaker, I urge adoption of the conference report and of motions I shall offer in connection with the amendments in disagreement.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a detailed tabulation showing the amounts provided in the conference agreement for each appropriation in the bill, together with appropriate comparisons:

LABOR-HEW APPROPRIATION BILL, 1976 (H.R. 8069)—CONFERENCE SUMMARY

	Appropriation, fiscal year 1975	Fiscal year 1976 and transition period: Budget estimates	House	Senate	Conference	Conference compared with—: Enacted 1975	Budget estimates	House bill	Senate bill
TITLE I—DEPARTMENT OF LABOR									
MANPOWER ADMINISTRATION									
Program administration	$67,009,000	$66,438,000	$66,632,000	$66,632,000	$66,632,000	—$377,000	$194,000		
Transiiton period		16,195,000	16,748,000	16,748,000	16,748,000		553,000		
Trust fund transfer	(28,665,000)	(29,366,000)	(29,866,000)	(29,866,000)	(29,866,000)	(1,201,000)	( )	( )	( )
Transition period	( )	(7,377,000)	(7,377,000)	(7,377,000)	(7,377,000)	( )	( )	( )	( )
Comprehensive manpower assistance	2,852,450,000	2,394,400,000	2,388,400,000	2,394,400,000	2,388,400,000	—464,050,000	—6,000,000		—$6,000,000
Transition period		599,000,000	597,500,000	599,000,000	597,500,000		—1,500,000		—1,500,000
Federal unemployment benefits and allowances	2,365,000,000	410,000,000	410,000,000	410,000,000	410,000,000	—1,955,000,000			
Transition period		95,000,000	95,000,000	95,000,000	95,000,000				
Advances to the Unemployment Trust Fund and other funds	5,750,000,000					—5,750,000,000			
Transition period									
Grants to States for unemployment insurance and employment services	64,400,000	74,000,000	81,300,000	82,800,000	81,300,000	16,900,000	7,300,000		—1,500,000
Transition period		18,500,000	20,300,000	20,700,000	20,300,000		1,800,000		—400,000
Trust fund transfer	(1,177,900,000)	(995,000,000)	(1,056,300,000)	(1,054,800,000)	(1,051,300,000)	(—126,600,000)	(56,300,000)	(—$5,000,000)	(—3,500,000)
Transition period	( )	(248,750,000)	(264,100,000)	(263,700,000)	(262,850,000)	( )	(14,100,000)	(—1,250,000)	(—850,000)
Total	11,098,859,000	2,944,888,000	2,946,332,000	2,953,832,000	2,946,332,000	—8,152,527,000	1,494,000		—7,500,000
Transition period		728,695,000	729,548,000	731,448,000	729,548,000		853,000		—1,900,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION									
Salaries and expenses	36,845,000	42,000,000	41,232,000	41,232,000	41,232,000	4,387,000	—768,000		
Transition period		10,047,000	10,047,000	10,047,000	10,047,000				
EMPLOYMENT STANDARDS ADMINISTRATION									
Salaries and expenses	76,116,000	79,715,000	81,560,000	83,643,000	82,410,000	6,294,000	2,695,000	850,000	—1,233,000
Transition period		19,929,000	20,390,000	20,911,000	20,602,000		673,000	212,000	—309,000
Trust fund transfer	( )	(225,000)	(225,000)	(225,000)	(225,000)	(225,000)	( )	( )	( )
Transition period	( )	(56,000)	(56,000)	(56,000)	(56,000)	( )	( )	( )	( )
Special benefits	165,000,000	201,000,000	201,000,000	201,000,000	201,000,000	36,000,000			
Transition period		70,000,000	70,000,000	70,000,000	70,000,000				
Total	241,116,000	280,715,000	282,560,000	284,643,000	283,410,000	42,294,000	2,695,000	850,000	—1,233,000
Transition period		89,929,000	90,390,000	90,911,000	90,602,000		673,000	212,000	—309,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
Salaries and expenses	102,006,000	116,025,000	108,221,000	123,221,000	116,221,000	14,215,000	196,000	8,000,000	—7,000,000
Transition period		20,000,000	27,000,000	28,500,000	28,000,000			2,000,000	—500,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	54,422,000	61,683,000	64,846,000	64,846,000	64,846,000	10,424,000	3,163,000		
Transition period		15,250,000	16,210,000	16,210,000	16,210,000		960,000		
DEPARTMENTAL MANAGEMENT									
Salaries and expenses	30,339,000	33,242,000	32,297,000	32,297,000	32,297,000	1,958,000	—945,000		
Transition period		7,781,000	7,781,000	7,781,000	7,781,000				
Trust fund transfer	(820,000)	(881,000)	(881,000)	(881,000)	(881,000)	(61,000)	( )	( )	( )
Transition period	( )	(221,000)	(221,000)	(221,000)	(221,000)	( )	( )	( )	( )
Special foreign currency program	200,000	200,000	70,000	70,000	70,000	—130,000	—130,000		
Transition period									
Total	30,539,000	33,442,000	32,367,000	32,367,000	32,367,000	1,828,000	—1,075,000		
Transition period		7,781,000	7,781,000	7,781,000	7,781,000				
Total, Department of Labor	11,563,737,000	3,473,703,000	3,475,558,000	3,500,141,000	3,484,408,000	—8,079,379,000	5,705,000	8,850,000	—15,733,000
Transition period		380,702,000	880,976,000	885,897,000	883,188,000		2,486,000	2,212,000	—2,709,000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
HEALTH SERVICES ADMINISTRATION									
Health services	483,226,000	426,782,000	553,685,000	560,302,000	557,693,000	74,467,000	130,911,000	4,008,000	—2,609,000
Transition period		136,656,000	135,501,000	135,126,000	135,126,000		—1,530,000	—375,000	
Trust fund transfer	(5,774,000)	(24,671,000)	(26,671,000)	(26,671,000)	(26,671,000)	(20,897,000)	(2,000,000)	( )	( )
Transition period	( )	(6,521,000)	(7,021,000)	(7,021,000)	(7,021,000)	( )	(500,000)	( )	( )
CENTER FOR DISEASE CONTROL									
Preventive health services	96,045,000	99,601,000	107,115,000	112,471,000	108,971,000	12,926,000	9,370,000	1,856,000	—3,500,000
Transition period		26,828,000	28,032,000	28,032,000	28,032,000		1,204,000		
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	669,503,000	586,837,000	703,564,000	803,564,000	743,564,000	74,061,000	156,727,000	40,000,000	—60,000,000
Transition period		149,700,000	149,700,000	149,700,000	149,700,000				
National Heart and Lung Institute	303,515,000	271,840,000	320,059,000	379,059,000	349,059,000	45,544,000	77,219,000	29,000,000	—30,000,000
Transition period		58,015,000	58,015,000	58,015,000	58,015,000				
National Institute of Dental Research	44,233,000	38,039,000	45,794,000	45,794,000	45,794,000	1,561,000	7,755,000		
Transition period		7,674,000	7,674,000	7,674,000	7,674,000				
National Institute of Arthritis, Metabolism and Digestive Diseases	161,040,000	144,065,000	173,972,000	176,972,000	175,172,000	14,132,000	31,107,000	1,200,000	—1,800,000
Transition period		35,052,000	43,052,000	43,052,000	43,052,000		8,000,000		
National Institute of Neurological and Communicative Disorders and Stroke	129,475,000	107,055,000	136,546,000	136,546,000	136,546,000	7,071,000	29,491,000		
Transition period		27,964,000	32,964,000	32,964,000	32,964,000		5,000,000		
National Institute of Allergy and Infectious Diseases	110,492,000	100,777,000	118,918,000	118,918,000	118,918,000	8,426,000	18,141,000		
Transition period		26,974,000	26,974,000	26,974,000	26,974,000				
National Institute of General Medical Sciences	135,533,000	120,779,000	146,461,000	146,461,000	146,461,000	10,928,000	25,682,000		
Transition period		32,961,000	32,961,000	32,961,000	32,961,000				

GERALD R. FORD LIBRARY

LABOR-HEW APPROPRIATION BILL, 1976 (H.R. 8069)—CONFERENCE SUMMARY—Continued

	Appropriation, fiscal year 1975	Fiscal year 1976 and transition period: Budget estimates	House	Senate	Conference	Conference compared with—: Enacted 1975	Budget estimates	House bill	Senate bill
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued									
EDUCATION, AND WELFARE—Continued									
National Institute of Child Health and Human Development	132,578,000	96,547,000	126,889,000	126,889,000	126,889,000	−5,689,000	−30,342,000		
Transition period		23,566,000	23,566,000	23,566,000	23,566,000				
National Institute on Aging		14,428,000	15,526,000	20,526,000	17,526,000	17,526,000	3,098,000	2,000,000	−3,000,000
Transition period		3,943,000	2,943,000	3,943,000	3,943,000				
National Eye Institute	39,486,000	34,554,000	42,608,000	50,000,000	45,565,000	6,079,000	11,011,000	2,957,000	−4,435,000
Transition period		9,103,000	9,103,000	9,103,000	9,103,000				
National Institute of Environmental Health Sciences	31,896,000	29,368,000	35,915,000	35,915,000	35,915,000	−4,019,000	6,547,000		
Transition period		7,540,000	7,540,000	7,540,000	7,540,000				
Research resources	126,766,000	80,724,000	128,731,000	131,731,000	129,931,000	3,165,000	49,207,000	1,200,000	−1,800,000
Transition period		20,195,000	20,195,000	20,195,000	20,195,000				
John E. Fogarty Center	5,569,000	4,540,000	5,345,000	6,245,000	5,705,000	116,000	1,165,000	360,000	−540,000
Transition period		1,135,000	1,135,000	1,135,000	1,135,000				
National Library of Medicine	28,850,000	28,815,000	28,815,000	29,565,000	29,065,000	215,000	250,000	250,000	−500,000
Transition period		6,572,000	6,572,000	6,572,000	6,572,000				
Buildings and facilities	3,000,000	3,000,000	93,000,000	41,000,000	54,000,000	51,000,000	51,000,000	−39,000,000	13,000,000
Transition period		750,000	750,000	750,000	750,000				
Office of the Director	17,326,000	19,986,000	19,612,000	17,896,000	17,896,000	570,000	−2,090,000	−1,716,000	
Transition period		4,997,000	4,903,000	4,474,000	4,474,000		−523,000	−429,000	
Total	1,939,282,000	1,681,354,000	2,150,755,000	2,267,081,000	2,178,606,000	238,724,000	496,652,000	27,251,000	−89,075,000
Transition period		416,141,000	429,074,000	428,618,000	428,618,000		12,477,000	−429,000	
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION									
Alcohol, drug abuse, and mental health	619,329,000	476,279,000	557,654,000	601,998,000	579,554,000	−39,775,000	103,275,000	21,900,000	−22,444,000
Transition period		116,565,000	84,242,000	84,104,000	84,104,000		−32,461,000	−138,000	
St. Elizabeths Hospital (indefinite)	48,758,000	48,064,000	48,064,000	48,064,000	48,064,000	−694,000			
Transition period		15,500,000	15,500,000	15,500,000	15,500,000				
Buildings and facilities			2,500,000	5,400,000	5,400,000	5,400,000	5,400,000	2,900,000	
Transition period									
Total	668,087,000	524,343,000	608,218,000	655,462,000	633,018,000	−35,069,000	108,675,000	24,800,000	−22,444,000
Transition period		132,065,000	99,742,000	99,604,000	99,604,000		−32,461,000	−138,000	
HEALTH RESOURCES ADMINISTRATION									
Health resources	302,319,000	325,329,000	360,709,000	360,529,000	347,428,000	45,109,000	22,099,000	−13,281,000	−13,101,000
Transition period		81,790,000	78,790,000	78,255,000	78,255,000		−3,535,000	−535,000	
Trust fund transfer	(8,620,000)	(42,000)	(42,000)	(42,000)	(42,000)	(−8,578,000)	( )	( )	( )
Transition period	( )	(11,000)	(11,000)	(11,000)	(11,000)	( )	( )	( )	( )
Medical facilities guarantee and loan fund		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000			
Transition period		7,000,000	7,000,000	7,000,000	7,000,000				
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
Transition period									
Total	306,319,000	339,329,000	374,709,000	374,529,000	361,428,000	55,109,000	22,099,000	−13,281,000	−13,101,000
Transition period		88,790,000	85,790,000	85,255,000	85,255,000		−3,535,000	−535,000	
ASSISTANT SECRETARY FOR HEALTH									
Assistant Secretary for Health	30,992,000	23,288,000	23,142,000	20,842,000	20,842,000	−10,150,000	−2,446,000	−2,300,000	
Transition period		6,302,000	5,785,000	5,210,000	5,210,000		−1,092,000	−575,000	
Trust fund transfer	(27,080,000)	( )	( )	( )	( )	(−27,080,000)	( )	( )	( )
Transition period	( )	( )	( )	( )	( )	( )	( )	( )	( )
Retirement pay and medical benefits for commissioned officers (indefinite)	39,200,000	45,013,000	45,013,000	45,013,000	45,013,000	5,813,000			
Transition period		13,552,000	13,552,000	13,552,000	13,552,000				
Total	70,192,000	68,301,000	68,155,000	65,855,000	65,355,000	−4,337,000	−2,446,000	−2,300,000	
Transition period		19,854,000	19,337,000	18,762,000	18,762,000		−1,092,000	−575,000	
SOCIAL AND REHABILITATION SERVICE									
Public assistance	13,841,227,000	14,999,085,000	15,000,000,000	15,009,400,000	15,003,050,000	1,162,723,000	4,365,000	3,950,000	−5,450,000
Transition period		3,064,682,000	3,965,000,000	3,965,000,000	3,965,000,000		318,000		
Work incentives	210,000,000	330,000,000	330,000,000	330,000,000	330,000,000	120,000,000			
Transition period		80,000,000	80,000,000	80,000,000	80,000,000				
Salaries and expenses	65,822,000	63,361,000	57,878,000	60,878,000	60,378,000	−5,444,000	−2,083,000	2,500,000	−500,000
Transition period		16,265,000	14,470,000	15,219,000	15,219,000		−1,046,000	749,000	
Trust fund transfer	(600,000)	( )	( )	( )	( )	(−600,000)	( )	( )	( )
Transition period	( )	( )	( )	( )	( )	( )	( )	( )	( )
Total	14,117,049,000	15,392,446,000	15,387,878,000	15,400,278,000	15,394,328,000	1,277,279,000	1,882,000	6,450,000	−5,950,000
Transition period		4,060,947,000	4,059,470,000	4,069,219,000	4,060,219,000		−728,000	749,000	
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trust and other funds	3,345,323,800	4,175,255,000	4,123,363,000	4,123,363,000	4,123,363,000	778,040,000	−51,892,000		
Transition period		892,000,000	880,940,000	880,940,000	880,940,000		−11,060,000		
Special benefits for disabled coal miners	957,740,000	999,778,000	999,778,000	999,778,000	999,778,000	42,038,000			
Transition period		234,600,000	234,600,000	234,600,000	234,600,000				
Supplemental security income program	4,857,102,000	5,538,523,000	5,518,523,000	5,518,523,000	5,518,523,000	661,421,000	−20,000,000		
Transition period		1,508,541,000	1,503,541,000	1,503,541,000	1,503,541,000		−5,000,000		
Limitation on salaries and expenses	(2,125,987,000)	(2,373,132,000)	(2,373,133,612)	(2,373,133,612)	(2,373,133,612)	(247,146,612)	(1,612)	( )	( )
Transition period	( )	(620,000,000)	(629,900,403)	(629,900,403)	(629,900,403)	( )	(403)	( )	( )
Limitation on construction	(8,232,000)	(6,300,000)	(6,300,000)	(6,300,000)	(6,300,000)	(−1,932,000)	( )	( )	( )
Transition period	( )	(3,633,000)	(3,633,000)	(3,633,000)	(6,633,000)	( )	( )	( )	( )
Total	9,160,165,000	10,713,556,000	10,641,664,000	10,641,664,000	10,641,664,000	1,481,499,000	−71,892,000		
Transition period		2,635,141,000	2,619,081,000	2,619,081,000	2,619,081,000		−16,060,000		

LABOR-HEW APPROPRIATION BILL, 1976 (H.R. 8069)—CONFERENCE SUMMARY—Continued

	Appropriation, fiscal year 1975	Fiscal year 1976 and transition period: Budget estimates	House	Senate	Conference	Conference compared with—: Enacted 1975	Budget estimates	House bill	Senate bill
TITLE III—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Cont.									
—ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT									
Human development	1,445,595,000	1,404,682,000	1,500,049,000	1,528,758,318	1,516,858,318	71,263,318	112,176,318	16,809,318	−11,900,000
Transition period		348,164,000	371,505,000	371,505,000	371,505,000		23,341,000		
Trust fund transfer	(—)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(—)	(—)	(—)
Transition period	(—)	(150,000)	(150,000)	(150,000)	(150,000)	(—)	(—)	(—)	(—)
DEPARTMENTAL MANAGEMENT									
Office for Civil Rights	22,207,000	25,147,000	24,686,000	24,686,000	24,686,000	2,479,000	−461,000		
Transition period		6,494,000	6,379,000	6,379,000	6,379,000		−115,000		
Trust fund transfer	(1,466,000)	(1,351,000)	(1,351,000)	(1,351,000)	(1,351,000)	(−115,000)	(—)	(—)	(—)
Transition period	(—)	(352,000)	(352,000)	(352,000)	(352,000)	(—)	(—)	(—)	(—)
General departmental management	110,028,000	93,035,000	87,280,000	85,519,000	85,519,000	−24,509,000	−7,516,000	−1,770,000	
Transition period		24,106,000	22,670,000	22,160,000	22,160,000		−1,946,000	−510,000	
Trust fund transfer	(8,255,000)	(12,751,000)	(12,751,000)	(12,751,000)	(12,751,000)	(4,496,000)	(—)	(—)	(—)
Transition period	(—)	(3,284,000)	(3,284,000)	(3,284,000)	(3,284,000)	(—)	(—)	(—)	(—)
Policy research		29,260,000	26,300,000	24,950,000	24,950,000	24,950,000	−4,310,000	−1,350,000	
Transition period		7,315,000	6,575,000	6,575,000	6,575,000		−740,000		
Total	132,235,000	147,442,000	138,275,000	135,155,000	135,155,000	2,920,000	−12,287,000	−3,120,000	
Transition period		37,915,000	35,624,000	35,114,000	35,114,000		−2,801,000	−510,000	
Total, Department of Health, Education, and Welfare	28,418,195,000	30,797,836,000	31,530,503,000	31,741,555,318	31,592,976,318	3,174,781,318	795,140,318	62,473,318	−148,579,000
Transition period		7,002,501,000	7,683,129,000	7,881,316,000	7,881,316,000		−21,185,000	−1,813,000	
TITLE III—RELATED AGENCIES									
Action	100,000,000	101,574,000	101,313,000	105,623,000	103,266,000	3,266,000	1,682,000	1,953,000	−2,357,000
Transition period		21,083,000	21,083,000	25,591,000	21,083,000				−4,508,000
Community Services Administration	507,700,000	363,000,000	474,385,000	526,452,000	494,652,000	−13,048,000	131,652,000	20,267,000	−31,800,000
Transition period		90,750,000	144,975,000	129,746,000	129,746,000		38,996,000	−15,229,000	
Federal Mediation and Conciliation Service	16,245,000	18,250,000	17,704,000	17,904,000	17,904,000	1,659,000	−346,000	200,000	
Transition period		4,800,000	4,426,000	4,476,000	4,476,000		−324,000	50,000	
National Commission on Libraries and Information Science	409,000	502,000	409,000	468,000	468,000	59,000	−34,000	59,000	
Transition period		125,000	102,000	117,000	117,000		−8,000	15,000	
National Labor Relations Board	62,669,000	68,499,000	67,461,000	68,071,000	67,766,000	5,097,000	−733,000	305,000	−305,000
Transition period		17,127,000	16,865,000	17,018,000	16,941,000		−186,000	76,000	−37,000
National Mediation Board	3,236,000	3,105,000	3,405,000	3,405,000	3,405,000	169,000	300,000		
Transition period		775,000	850,000	850,000	850,000		75,000		
Occupational Safety and Health Review Commission	5,512,000	5,675,000	5,638,000	5,638,000	5,638,000	126,000	−37,000		
Transition period		1,418,000	1,418,000	1,418,000	1,418,000				
Railroad Retirement Fund: Payments to Railroad Retirement Trust fund	3,516,000	250,000,000	250,000,000	250,000,000	250,000,000	246,484,000			
Transition period									
Regional Rail Transportation Protective Account		55,100,000	37,600,000	37,600,000	37,600,000	37,600,000	−17,500,000		
Transition account		10,030,000	10,030,000	10,030,000	10,030,000				
Limitation on salaries and expenses	(25,758,000)	(29,703,000)	(28,703,000)	(28,703,000)	(28,703,000)	(2,945,000)	(−1,000,000)	(—)	(—)
Transition period	(—)	(7,430,000)	(7,175,000)	(7,175,000)	(7,175,000)	(—)	(−255,000)	(—)	(—)
Soldiers' and Airmen's Home (trust fund appropriation): Operation and maintenance	15,391,000	15,655,000	15,665,000	15,665,000	15,665,000	274,000			
Transition period		3,905,000	3,905,000	3,905,000	3,905,000				
Total, Related Agencies	714,678,000	881,370,000	973,580,000	1,030,826,000	996,364,000	281,686,000	114,994,000	22,784,000	−34,462,000
Transition period		150,013,000	203,654,000	193,151,000	188,566,000		38,553,000	−15,088,000	−4,585,000
Grand total	40,696,660,000	35,157,909,000	35,979,641,000	36,272,522,318	36,073,748,318	−4,622,911,682	915,839,318	94,107,318	−198,774,000
Transition period		8,933,216,000	8,967,759,000	8,960,364,000	8,953,070,000		19,854,000	−14,689,000	−7,294,000
Consisting of—									
Definite appropriations	40,608,702,000	35,064,832,000	35,886,564,000	36,179,465,318	35,980,671,318	−4,628,030,682	915,839,318	94,107,318	−198,774,000
Transition period		8,904,164,000	8,938,707,000	8,931,313,000	8,924,018,000		19,854,000	−14,689,000	−7,294,000
Indefinite appropriations	87,958,000	93,077,000	93,077,000	93,077,000	93,077,000	5,119,000			
Transition period		29,052,000	29,052,000	29,052,000	29,052,000				

(Mr. FLOOD asked and was given permission to revise and extend his remarks, and include extraneous matter, including tabulations.)

Mr. MICHEL. Mr. Speaker, I yield myself 12 minutes.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I rise in opposition to the conference report.

The report provides Labor-HEW appropriations in the amount of $36,073,748,318. On the surface, this appears to be $4.6 billion under last year's level, but last year's figure includes $7 billion in supplemental unemployment benefits appropriated in June of this year, much of which will be spent this fiscal year. If we thus take out the abnormally high fiscal year 1975 Labor Department allocation, which ended up $8 billion over the fiscal 1976 appropriation for Labor contained in this bill, we get a truer appropriation picture, and we find that this bill is actually about $3.5 billion over last year's level. And this does not include the additional $5.7 billion for Labor-HEW we recently included in the first supplemental appropriation bill.

Most importantly, however, the conference report sets forth a bill that is almost a billion dollars over the budget—$915 million to be exact. If the excesses of the first supplemental are added in, the figure jumps to $1.2 billion, and even that does not include a number of still unauthorized HEW items.

It is ironic that this bill is before us on the same day that we pass a major tax cut bill. How can we, in good conscience, approve tax cuts and then turn right around and pass a budget-busting spending bill. How can we explain such irresponsibility to our constitutents? We reduce revenues on the one hand, and incerase spending on the other. Theoretically, the best of two possible worlds. We please the average taxpaying citizens in the one instance, and the special interests who have been living off the Federal gravy train in the other.

Passage of this bloated conference report represents the easy way out. It enables us to avoid coming to grips with the fact that somewhere along the line we are going to have to make some tough spending decisions. Unless we want to go the route of New York City, we certainly cannot continue with budget deficits of the $70 plus billion magnitude we are facing this year. We have no one around to bail us out. Nor can we hope

GERALD R. FORD LIBRARY

to hold down the fires of inflation with deficits of such magnitude.

H.R. 8069 is clearly veto-bait as it stands. Labor-HEW, as our fastest-growing spending area, is where we must take the bull by the horns if fiscal discipline is ever going to be instituted. The budget presented by the administration in this field may not be justifiable in every instance, but it does recognize the overall picture much better than this bill, and it does rightly recognize that a number of programs have essentially accomplished their intended purposes and thus need not be funded ad-infinitum. As I go through the individual items in this bill, I will be pointing out these other areas where the bill is excessive and where cuts can be made without undercutting needed efforts in the field.

LABOR DEPARTMENT

The total for the Labor Department in the conference report is $3,484,408,000, which is $8,850,000 over the House version, $15,733,000 under the Senate, and $5,705,000 over the budget.

The bulk of the increase over the House bill is in the Occupational Safety and Health Administration, where $4,000,000 was added for 333 additional compliance officers and support personnel, and another $4 million for consultation services. The bill thus provides $9 million for consultation in those States without State plans, an increase of $4 million over last year.

I am concerned over the increase for compliance officers, because Labor still has 134 positions which it has yet to fill. More importantly, we have included language in the conference report which calls on the department to upgrade the skills of inspectors through intensive retraining, even if it results in the reduction of total inspections undertaken. Consequently, it simply does not make sense to add more inspectors at this time. We ought to wait until Labor fills the positions it has and accomplishes the retraining of present personnel before adding new positions.

We also have language in the report which calls for the review and simplification of existing OSHA standards, the elimination of nuisance standards, the redirection of enforcement emphasis into the area of worker health and away from industries with good health and safety records and into industries with poor records. This represents a rather significant overhaul of the program, and it seems logical to see how this develops before adding more inspectors.

I should also point out that with the ready, and perhaps eager, concurrence of the Senate conferees, the conference dropped two Senate floor amendments which would have prohibited OSHA inspection of firms with 3 or fewer employees and would have prohibited initial fines in excess of $50 for firms of 15 or fewer people.

In other areas under Labor, the conferees knocked out a Senate increase over the House of $10 million for increased Employment Service personnel, provided $15 million for expansion of computerized job matching, and eliminated a $6 million Senate increase for national training programs under CETA.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The HEW appropriation is $62,473,318 over the House bill, $148,579,000 under the Senate, but a whopping $796,140,318 over the budget.

Four hundred ninety-six million dollars of the increase over the budget goes for the National Institutes of Health, with another $130 million for health services, $108 million for alcohol, drug abuse, and mental health, and $112 million for human development.

Admittedly, the budget was probably unrealistically low in some of these areas, but we have gone beyond what should be prudent increases. For instance, had we stuck to last year's levels in just the nonmandatory areas, we could have cut the increase over the budget for HEW by some $450 million, or nearly 60 percent. Or even had we granted increases over last year's levels, but limited them to no more than the estimated inflationary rate for fiscal year 1976 of 7 percent, we would have cut nearly $180 million off the increase. Had we followed either criteria, particularly the former, the prospects for having the bill signed into law would be much greater than they are today.

HEALTH SERVICES ADMINISTRATION

In running down the various programs, it should be noted that there were only relatively minor differences between the House and Senate versions in the health services field, but a significant difference of $131 million between the conference report and the budget; $102 million of that $131 million increase over the budget goes for maternal and child health grants to the States.

The budget request of $194 million for these grants was geared to proposed legislation designed to increase the State matching share, and thus came in at some $73 million under last year's level. Since the legislation had not been enacted, our committee originally approved an amount equal to last year, an amount which I think is realistic because, as the chairman indicated on the floor in June, there are a number of other programs which also provide assistance to mothers and children, such as the community health centers, medicaid, the social services program, and the National Institute for Child Health and Human Development. The $29 million by which the final version of the bill exceeds our original bill for this item is thus an amount which we ought to be able to eliminate.

Other increases over the budget include $6.2 million for maternal and child health research and training, $2.5 million for sudden infant death information dissemination, $9.4 million for Public Health hospitals, and $12 million for emergency medical services. The latter was originally intended as a national demonstration program, to be gradually phased out after the demonstrations had been accomplished, but it appears this is another program which may end up being turned into a national service program.

CENTER FOR DISEASE CONTROL

The allocation for the Center for Disease Control is $1.8 million over the House bill and $9.4 million over the Budget; $7.3 million of the increase over the budget goes for occupational health, an increase which the administration indicates is not likely to be spent because it exceeds the Labor Department's capacity to publish final regulations for hazardous substances.

NATIONAL INSTITUTES OF HEALTH

NIH is getting $2,178,006,000 in this bill, an increase of $239 million over last year. This amounts to an 11 percent increase, substantially over the inflationary rate. The amount is $89 million under the Senate figure, but $27 million over the House and a striking $497 million over the budget request.

Nobody can thus say that we are short-changing health research. In fact, I have the feeling we are putting more money into this area than we can effectively utilize. Research, of course, is a tough area in which to determine the value received for the dollar committed, but two-plus billion is a massive commitment for an area where the results are not always readily ascertainable.

The Director of NIH, in testifying before our subcommittee on behalf of the budget request, stated:

> That the total requested is an immense amount of money and to pretend that it is insufficient to sustain a very vigorous and wide-ranging research program, and its ancillary activities, would be disingenous . . . In fact, this so-called "hard times" Budget is 50% greater than the appropriation of $1.2 billion just 5 years ago. Only a part of that large increase has been absorbed by inflation. In other words, I believe that the amount requested in the Budget continues to represent a major investment in biomedical research on a scale that no other country even attempts and in a way that will enable us to maintain a well-balanced program consistent with our present activities.

Considerable concern was, of course, expressed over a reduction in research which may have resulted had we gone along with the budget request, but I think it quite possible that we could reduce or at least stabilize the NIH budget and still increase actual research efforts if we start turning our attention toward weeding out some of the excess involved in the grantsmenship games being played at NIH.

Members may not be aware of the fact that NIH is currently funding nearly 16,000 grants and contracts, two-thirds of which are noncompetitive in nature. They are awarded through a system of peer group review, a method in which there is certainly plenty of opportunity for backscratching, padding of contracts, favoritism, and conflict of interest. This ought to be probed in depth.

The grants allow for overhead, and this used to be limited to 15 percent of the grant. With the ceiling off, it is now an average of 26 percent and rising. It is adjusted per institution, and there have been reports that as much as 60 percent of some grants are now going to overhead. We should look into this, because the difference in dollar terms

between 15 and 26 percent represents around $165 million.

Grants also are being used to pay salaries of researchers in more and more instances, and there are indications that some academic institutions are charging off faculty salaries into the grants, thereby using grant money to finance normal university operations. To the extent that this practice is occurring it ought to be forbidden.

The size of these private research salaries should also be reviewed. Particularly noteworthy in this regard is another statement made by the NIH director before our subcommittee:

> For highly qualified and really competent people in the senior grades, the civil service scale compares unfavorably with salaries paid by leading academic institutions and other non-governmental research organizations to men and women of comparable talent and responsibility.

How much of the research grant money is going into research, and how much is being used to pay artificially high salaries?

I intend to undertake some investigative efforts in these areas in the months ahead and will follow up on this in our hearings next year.

With respect to the specific conference decisions on NIH, the conferees accepted 40 percent of the Senate increases over the House for the various institutes. This results in a budget of $743 million for the Cancer Institute, an increase of $74 million over last year, and a 320 percent increase since fiscal year 1971. There is little if any evidence that such large incremental increases in funding over a very large base produce much progress toward important findings but instead often result in the funding of low-priority projects. In fact, there is an increasing body of scientific opinion which is critical of such rapid increases in cancer funding. This was reflected to a great extent in debate on the Senate floor in connection with an amendment to reduce cancer funding by $100 million.

Many of the same arguments can be made with respect to the Heart and Lung Institute, which was increased in the conference report by $20 million over the House bill, $45 million over last year, and $77 million over the budget.

The conference report appears closer to the House bill than it really is, because it includes a $39 million reduction from the original House allocation of $64 million for the new facility for the National Institute of Environmental Health Sciences. The House amount covered the complete project, while the conference figure represents just the first two phases, so all this reduction does is put off the day of reckoning.

Actually, the need for this facility is questionable in the first place, as I indicated during our original floor debate on the bill. Our committee investigations staff reviewed the need, and found that current space is adequate and that a new facility would be underutilized. If we are intent on constructing a new building, we ought to consider the possibility of including the activity of the National Institute of Safety and Health in this facility, rather than also building a separate new facility for that Institute, as is provided elsewhere in this bill.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

A total of $633,018,000 is included in the bill for the Alcohol, Drug Abuse, and Mental Health Administration. This is $22 million under the Senate version, but $25 million over the House and $109 million over the budget. The conference report ends up $35 million under last year, but that is a misleading figure because an additional $50 million for community mental health centers was included in the supplemental appropriation bill we recently passed in the House, thus bringing the total above last year.

About 65 percent of the increase over the budget is in the area of training and research. The administration has been seeking to phase out the training programs in this field because the supply of manpower has reached current demand, because the earnings potential for most jobs in this field is relatively high, and because funds are available under regular Office of Education programs for student assistance.

The training programs were originally established to stimulate interest in these occupational fields, and they have done so. There have been projections of increased demand for services based on an increased utilization rate, but these are guesses only, and if they should turn out to be correct, students ought to be able to make use of other forms of assistance, such as the guaranteed loan program. With the salaries some of these people are making, there seems no reason why they cannot repay an educational loan during their period of employment.

The budget recommended a small reduction in research because much of the basic mental health related biological/chemical research conducted by ADAMHA is similar to that supported by NIH and other agencies.

Thirty-two million dollars of the total the bill is over the budget for ADAMHA falls under the alcoholism project and formula grant programs. The bill funds these programs at a level even over last year, and comes at a time when we have a committee investigation underway into their operation and effectiveness. There is increasing doubt as to what, if anything, these programs are really accomplishing, and thus, with similar services available under the medicaid and social services programs, now certainly does not appear to be the time to increase their level of funding.

HEALTH RESOURCES ADMINISTRATION

For the Health Resources Administration, we include $347,428,000, a decrease of about $13 million under both the House and Senate versions, but $22 million over the budget and $45 million over last year.

The decrease below both the Senate and House bills was achieved in essence by going along with the Senate reduction of $25.7 million for health facilities construction—the old Hill-Burton program—but at the same time accepting only $4 million of a Senate increase of nearly $20 million for the new health planning program.

The reduction for health facilities construction is also a decrease from the budget request, which means that the rest of the items are $48 million over the budget. Half of that increase is for the health planning program, but it is highly questionable whether the program can be geared up in time to enable all the money to be spent. Other increases over the budget include $10 million for health professions and nursing student loans and $9 million for District of Columbia medical facilities.

SOCIAL AND REHABILITATION SERVICE

The Social and Rehabilitation Service allocation comes in at close to the budget level, and particularly noteworthy in this area is the inclusion in the conference report of moneys to begin operation of the new child support enforcement program, which is designed to locate absent parents. Large sums of money are lost to the taxpayer each year because one or both parents flee to avoid their parental responsibility, and this program will hopefully enable us to begin recouping some of this money.

SOCIAL SECURITY ADMINISTRATION

The report provides $72 million less for the Social Security Administration than the budget request, but $39.9 million of this represents a refusal to appropriate money for standard level user charges. Another $12 million represents a request to cover estimated underfinancing of 1974 costs for hospital insurance for the uninsured, an amount which has been liquidated out of 1974 funds and thus is no longer needed, and $20 million represents a reduction from the estimated 8.7 to 8 percent of the SSI July cost of living increase.

HUMAN DEVELOPMENT

The conference report provides $1,516,858,318 for the various programs under human development, $11.9 million under the Senate version, but $16.8 million over the House, $112 million over the budget, and $71 million over last year.

The allocation for Headstart is $20.2 million over the budget and $13.5 million over last year. The key point to remember, however, is that the fiscal year 1975 appropriation was not enacted until June 12, with the result being that virtually all of the $34 million added as a cost-of-living increase will be spent during the current fiscal year. Taking this into account, then, the budget request actually represents about a 15 percent increase over last year's spending level, thus making the increases included in this bill far less justifiable.

The sum of $125 million is included for the nutrition program for the elderly, an increase of $25.4 million over the budget. Language is also included in the bill which specifies an operating level of $187.5 million. Last year, Congress mandated an operating level of $150 million, but because of the leadtime required to establish new projects, the program is just now reaching that level. Consequently, it might not be possible to reach an operating level of $187.5 million this year, particularly if an adequate review is to

GERALD R. FORD LIBRARY

be given the projects. The budget request provided for a $150 million level, which represents a 50 percent increase over last year's beginning level.

The bill contains $40 million more than the budget request for State grants under the vocational rehabilitation program, bringing the total to $720 million. It should be noted that funds for vocational rehabilitation services are also made available through the social security program. Some $158 million are expected to be made available in this regard in fiscal year 1976, an increase of $24 million over last year.

Another $18 million over the budget is included for the vocational rehabilitation innovation and expansion grant program. The administration wanted to discontinue the program because it in essence duplicates what the States can do under the State grant program.

COMMUNITY SERVICES ADMINISTRATION

Among the related agencies the Community Services Administration is the biggest problem area. The conference report provides $494,652,000 for CSA, $31.8 million under the Senate version, but $20.3 million over the House and $131.7 million over the budget. The report is also $95 million over our original committee bill.

Of the increase over the budget, $35 million is included to fund the community action agencies at the fiscal year 1975 dollar level.

That level, of course, was based on 80 percent Federal funding for each agency, with a 20 percent local match.

The law, however, reduces the Federal level to 70 percent in the current year, so providing funding at the same amount as for the 80–20 match can only mean one of two things: That we intend a substantial increase in overall program resources, with non-Federal sources providing the increase to carry out the new matching requirement, or that we intend for the Director of CSA to grant a wholesale, across-the-board waiver to permit the local share to remain at 20 percent. If the latter is the case, it appears to me we are asking the Director to violate the intent of the law.

The purpose of the reduced matching share is to bring about greater local involvement and commitment in these agencies, and this is never going to occur as long as Federal moneys remain available. The Director has the power to waive the increased local share in individual cases, but certainly such waivers are not to be granted across the board, but only in the most dire of circumstances when CAA's are simply unable to raise local money despite a wholehearted, full-faith effort.

It is true, of course, that the House recently passed a bill increasing the Federal percentage back to 80 percent, but this bill will never become law. We are thus obliged to appropriate money on the basis of what the law is, not what we would like it to be, and if the Director properly exercises his waiver power in accordance with the intent of the law, he will not come close to spending the extra money we are allocating.

The sum of $13.3 million is included for the research and demonstration program, all of it over the budget. These functions were transferred to other agencies in 1974 in an effort to eliminate duplication, but now we are apparently moving back in the other direction and are using this program as a catch-all to accommodate various special interests. Included within the program are moneys for the basic skills demonstration program which is more properly a function of the Office of Education and is being pursued over there, for veterans' education and training, a program to assist down and out Vietnam veterans currently being undertaken with Community Action Agency moneys, and where it should continue to be located or over in the Veterans' Administration, and for rural housing, which is also a CAA program and should continue to be funded there if a separate CSA effort is needed.

Another unbudgeted item under CSA is the emergency energy conservation program, for which $27.5 million is contained in the bill. We have passed a bill in the House placing responsibility for the program under the Federal Energy Administration, and it seems logical that we await the outcome of this effort before building up a program in CSA. CSA is currently operating a winterization program at a level of $33 million, using last year's supplemental appropriation of $16.5 million and fiscal year 1976 continuing resolution authority in this amount. The additional amount is not likely to be available in time to have an impact this year, so why appropriate it now?

The sum of $26.6 million is also being appropriated for the emergency food and medical services program, also all over the budget. This program is little more than a recruitment effort for the food stamp program. In my view, I simply cannot see how we can justify spending taxpayer dollars in an effort to stimulate the expenditure of even more taxpayer dollars, particularly for a program as loosely structured as the present food stamp program.

Another $12 million over the budget is included for State economic opportunity offices and $10 million for the senior opportunities and services program.

SUMMARY

All in all then, this conference report is too far over the budget to be good for either the economy or the pocketbooks of our constituents. I am having inserted at the end of my remarks a table which itemizes the allocations in the bill and graphically points up the excesses and where they occur.

The increases I have cited represent ample reason for turning down this conference report. I urge that we do so.

The tables follow:

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
LABOR DEPARTMENT					
Manpower Administration:					
Program administration	$66,632,000	−$377,000	−$194,000		
Trust fund transfer	(29,866,000)	(+1,201,000)			
Comprehensive manpower assistance	2,388,400,000	−464,050,000	−6,000,000		−$6,000,000
Temporary employment assistance		(−2,500,000,000)			
Community service employment for older Americans		(−42,000,000)			
Federal unemployment benefits and allowances	410,000,000	−1,955,000,000			
Advances to the Unemployment Trust Fund and other funds		−5,750,000,000			
Grants to States for unemployment insurance and employment services	81,300,000	+16,900,000	+7,000,000		−1,500,000
Trust fund transfer	(1,051,300,000)	(+126,600,000)	(+56,300,000)	(−35,000,000)	(−3,500,000)
Total	2,946,332,000	−8,152,527,000	+1,494,000		−7,500,000
Labor-Management Services Administration	41,232,000	+4,387,000	−768,000		
Employment Standards Administration:					
Salaries & expenses	82,410,000	+6,294,000	2,695,000	850,000	−1,233,000
Special benefits	201,000,000	+36,000,000			
Total	283,410,000	+42,294,000	2,695,000	850,000	−1,233,000
Occupational Safety and Health Administration	116,221,000	+14,215,000	196,000	8,000,000	−7,000,000
Bureau of Labor Statistics	64,846,000	+10,434,000	3,163,000		
Departmental Management:					
Salaries & expenses	32,297,000	1,958,000	−945,000		
Special foreign currency program	70,000	−130,000	−130,000		
Total	32,367,000	+1,828,000	−1,075,000		
Total, Labor	3,484,408,000	−8,079,379,000	+5,705,000	+8,850,000	−15,744,000
Transition period	883,188,000		+2,486,000	+2,212,000	−2,709,000

GERALD R. FORD LIBRARY

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Health Services Administration:					
Comprehensive health grants to States	(**)				
Community health centers	(**)				
Maternal and child health:					
Grants to States	297,700,000	+28,749,000	+101,788,000		
Research and training	23,708,000	−2,209,000	+6,208,000	+2,208,000	−2,209,000
SIDS information dissemination	2,500,000	+500,000	+2,500,000	+300,000	−500,000
Family planning	(**)				
Migrant health	(**)				
Health maintenance organizations	18,612,000	+11,452,000			
National health service corps	(**)				
Medical care standards	5,537,000	+482,000	+1,000,000	−1,000,000	+1,000,000
Professional standards review organizations	47,645,000	+11,441,000	−2,500,000	−2,500,000	+2,500,000
Public Health Service hospitals and clinics	126,468,000	+8,017,000	+4,000,000	+5,000,000	−1,900,000
Emergency medical services	33,625,000	+1,500,000	+11,925,000	+1,500,000	−1,500,000
Buildings and facilities		−1,300,000			
Program direction	30,569,000	−3,183,000	+1,000,000	−3,500,000	
Total, Health Services	557,693,000	+74,467,000	+130,911,000	+4,008,000	−2,609,000
Center for Disease Control:					
Venereal diseases	(**)				
Immunization	(**)				
Rat control	(**)				
Lead-based paint	(**)				
Laboratory improvement	10,601,000	+1,928,000	+612,000		
Health education	3,513,000	+486,000	+500,000	+500,000	−500,000
Disease surveillance	43,429,000	+1,178,000			
Occupational health	39,533,000	+7,547,000	+7,352,000	+1,000,000	−3,000,000
Program direction	10,439,000	+1,278,000	−550,000		
Buildings and facilities	1,456,000	+1,456,000	+1,456,000	+356,000	
Total, CDC	108,971,000	+12,926,000	+9,370,000	+1,856,000	−3,500,000
National Institutes of Health:					
National Cancer Institute	743,564,000	+74,061,000	+156,727,000	+40,000,000	−60,000,000
National Heart and Lung Institute	349,059,000	+45,544,000	+77,219,000	+20,000,000	−30,000,000
National Institute of Dental Research	45,794,000	+1,561,000	+7,755,000		
National Institute of Arthritis, Metabolism and Digestive Diseases	175,172,000	+14,132,000	+31,107,000	+1,200,000	−1,800,000
National Institute of Neurological Diseases and Stroke	136,546,000	+7,071,000	+29,491,000		
National Institute of Allergy and Infectious Diseases	118,918,000	+8,426,000	+18,141,000		
National Institute of General Medical Sciences	146,461,000	+10,928,000	+25,682,000		
National Institute of Child Health and Human Development	126,889,000	−5,689,000	+30,342,000		
National Institute on Aging	17,526,000	+17,526,000	+3,098,000	+2,000,000	−3,000,000
National Eye Institute	45,565,000	+6,079,000	+11,011,000	+2,957,000	−4,435,000
National Institute of Environmental Health Sciences	35,915,000	+4,019,000	+6,547,000		
Research resources	129,931,000	+3,165,000	+49,207,000	+1,200,000	−1,800,000
John E. Fogarty Center	5,705,000	+116,000	+1,165,000	+360,000	−540,000
National Library of Medicine	29,065,000	+215,000	+250,000	+250,000	−500,000
Buildings and facilities	54,000,000	+51,000,000	+51,000,000	−39,000,000	+13,000,000
Office of the Director	17,896,000	+570,000	−2,000,000	−1,716,000	
Total	2,178,006,000	+238,724,000	+496,652,000	+27,251,000	−89,075,000
Alcohol, Drug Abuse and Mental Health Administration:					
General mental health:					
Research	92,000,000	+236,000	+12,719,000		
Training	70,266,000	−5,727,000	+40,000,000	+40,000,000	−5,727,000
Construction of CMH centers	(**)				
Staffing of centers	135,363,000	−35,426,000			
Mental health of children	26,844,000	−1,264,000	+2,064,000	+2,064,000	
Management and information	22,274,000	+1,845,000	+2,000,000		
Subtotal	347,655,000	−40,314,000	+56,783,000	+12,064,000	−5,727,000
Drug abuse:					
Research	34,000,000	−63,000	+2,398,000		−63,000
Training	9,893,000	−3,954,000	+7,000,000		−3,954,000
Project grants and contracts	12,925,000		+1,089,000	+1,089,000	
Grants to States	(**)				
Management and information	14,294,000	−798,000			
Subtotal	71,022,000	−4,825,000	+10,487,000	+1,089,000	−4,017,000
Alcoholism:					
Research	11,808,000	+800,000	+2,761,000	+800,000	−1,200,000
Training	6,567,000	−279,000	+500,000	+500,000	−500,000
Project grants and contracts	68,408,000	+3,500,000	+22,957,000	+3,500,000	−5,500,000
Grants to States	55,500,000	+3,500,000	+9,900,000	+3,500,000	−4,500,000
Management and information	8,143,000	−2,185,000	+1,000,000	+1,000,000	−1,000,000
Subtotal	150,426,000	+5,336,000	+137,118,000	+9,300,000	−12,700,000
Program direction	10,451,000		−1,113,000	−553,000	
St. Elizabeths Hospital	48,064,000	−694,000			
Buildings and facilities	5,400,000	+5,400,000	+5,400,000	+2,900,000	
Total	633,018,000	−35,069,000	+108,675,000	+24,800,000	+22,444,000
Health Resources Administration:					
National health statistics	25,636,000	+3,639,000			+3,639,000
Health planning and resources development	90,000,000	+80,000,000	+24,000,000	+4,000,000	−15,740,000
Health services research and evaluation	26,000,000	−2,659,000			+2,600,000
Health manpower:					
Health professions:					
Institutional assistance	(**)				
Student assistance:					
Loans	24,000,000	−12,000,000	+4,000,000	+4,000,000	−8,000,000
General scholarships	3,500,000	−9,400,000			
National health service scholarships	(**)				
Loan repayments	6,000,000	+3,000,000			
Dental health activities	8,442,000	+600,000	+600,000	+600,000	−600,000
Subtotal, Health professions	41,942,000	−11,800,000	+4,600,000	−4,600,000	−8,600,000

FORD LIBRARY

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued					
Nursing:					
Institutional assistance	(**)				
Student assistance:					
Loans	15,000,000	−7,800,000	+6,000,000	+6,000,000	
General scholarships	4,000,000	−2,000,000			
Traineeships	(**)				
Loan repayments	2,500,000	+2,400,000			
Educational research grants and contracts	(**)				
Subtotal, Nursing	21,500,000	−8,600,000	+6,000,000	+6,000,000	
Public health	(**)				
Allied health	(**)				
Special educational programs	(**)				
District of Columbia medical manpower assistance	9,050,000	+1,550,000	+9,050,000		
Subtotal, Health manpower	72,492,000	−18,900,000	+19,600,000	+10,600,000	−3,500,000
Health facilities construction:					
Medical facilities	74,260,000	+74,260,000	−25,740,000	−25,740,000	
Health teaching facilities	(**)				
Interest subsidies	3,000,000	+3,000,000			
Special medical facilities (District of Columbia)	7,575,000	−14,425,000	+7,575,000		
Subtotal, health facilities construction	84,834,000	+60,834,000	−18,166,000	−25,740,000	
Program management	48,507,000	+1,544,000	−3,386,000	−2,141,000	
Medical facilities guarantee and loan fund	7,000,000	+7,000,000			
Payment of sales insufficiencies	4,000,000				
Total, HRA	361,428,000	+55,109,000	+22,099,000	−13,281,000	−13,101,000
Assistant Secretary for Health	20,842,000	−10,150,000	−2,446,000	−2,300,000	
Retirement pay and medical benefits for commissioned officers	45,013,000	+5,813,000			
Total	65,855,000	−4,337,000	−2,446,000	−2,300,000	
Social and Rehabilitation Service:					
Public assistance	15,003,950,000	+1,162,723,000	+4,865,000	+3,959,000	−5,450,000
Work incentives	330,000,000	+120,000,000			
Salaries and expenses	60,878,000	−5,444,000	−2,983,000	+2,500,000	−500,000
Total	15,894,328,000	+1,277,279,000	+1,882,000	+6,450,000	−5,950,000
Social Security Administration:					
Payments to social security trust and other funds	4,123,363,000	+778,040,000	−51,892,000		
Special benefits for disabled coal miners	234,600,000				
Supplemental security income program	5,518,523,000	+661,421,000	−20,000,000		
Limitation on salaries and expenses	(2,373,133,612)	(+247,146,612)	(+1,612)	( )	( )
Limitation on construction	(6,300,000)	(−1,932,000)	( )	( )	( )
Total	10,641,664,000	+1,481,499,000	−71,892,000		
Assistant Secretary for Human Development:					
Human Development:					
Child development:					
Head Start	454,500,000	+13,500,000	+20,200,000	+4,500,000	−1,500,000
Research, demonstration and evaluation	15,700,000				
Child abuse	18,928,000	+4,214,000			
Youth development	7,000,000	−3,000,000	+2,000,000	+2,000,000	−3,000,000
Aging programs:					
Community services	(**)				
Nutrition	125,000,000		+25,400,000		
Research, demonstrations and manpower	(**)				
Federal Council on Aging	(**)				
Rehabilitation Services and Facilities:					
Basic State grants	720,309,318	+40,309,318	+40,309,318	+40,309,318	
Service projects:					
Innovation and expansion	18,000,000	−5,000,000	+18,000,000	+3,000,000	−5,000,000
Deaf-blind center	2,100,000	+100,000			
Special studies and evaluation	4,900,000	−1,045,000	+500,000	+500,000	
Training and facilities grants	8,400,000	+400,000	+1,500,000	+1,500,000	−1,400,000
Research	24,000,000	+4,000,000	+4,000,000	+4,000,000	
Training	22,200,000				
Grants for the developmentally disabled:					
State grants	(**)				
Service projects	18,500,000				
University affiliated facilities	(**)				
Special programs for Native Americans	33,000,000	+1,000,000	+1,000,000	+1,000,000	−1,000,000
Salaries and expenses	44,921,000	+3,678,000	−733,000		
Total, OHD	1,516,858,318	+71,263,318	+112,176,318	+16,809,318	−11,900,000
RELATED AGENCIES					
Action	103,266,000	+3,266,000	+1,692,000	+1,953,000	−2,357,000
Community Services Administration:					
Research and Demonstration	13,300,000	+4,500,000	+13,300,000	+4,500,000	−8,000,000
Community Action Agencies	330,000,000		+35,000,000		
State Economic Opportunity Offices	12,000,000		+12,000,000		
Senior Opportunities and Services	10,000,000		+10,000,000		
Emergency Energy Conservation	27,500,000	+11,000,000	+27,500,000	+11,000,000	−11,000,000
Emergency Food and Medical Services	26,200,000	+3,800,000	+26,200,000	+3,800,000	−3,800,000
Community Economic Development	46,500,000	−14,500,000	+7,500,000		
Migrant and Seasonal Farmworker Programs					−10,000,000
Program Administration	28,652,000	−48,000	−358,000	−33,000	
Total, CSA	494,652,000	−13,048,000	+131,652,000	+20,267,000	−31,800,000
Federal Mediation and Conciliation Service	17,904,000	+1,659,000	−346,000	+200,000	
National Commission on Libraries and Information Science	468,000	+59,000	−34,000	+59,000	
National Labor Relations Board	67,766,000	+5,097,000	−733,000	+305,000	−305,000
National Mediation Board	3,405,000	+169,000	+300,000		
Occupational Safety and Health Review Commission	5,638,000	+126,000	−37,000		
Railroad Retirement Board:					
Payments to Railroad Retirement Trust Fund	250,000,000	+246,484,000			
Regional Rail Transportation Protective Account	37,600,000	+37,600,000	−17,500,000		
Limitation on salaries and expenses	(28,703,000)	(+2,945,000)	(−1,000,000)	( )	( )

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
RELATED AGENCIES—Continued					
Soldiers' and Airmen's Home	15,665,000	+274,000			
Total, related agencies	996,364,000	+281,686,000	+114,994,000	+22,784,000	−34,462,000
Transition period	188,566,000		+38,553,000	−15,088,000	−4,585,000
Grand Total	36,073,748,318	−4,622,911,682	915,830,318	94,107,318	−198,774,000
Transition period	8,953,070,000		19,854,000	−14,689,000	−7,294,000

**Not considered due to lack of authorizing legislation.

Mr. FLOOD. Mr. Speaker, I have no further requests for time.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BAUMAN).

(Mr. BAUMAN asked and was given permission to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, the distinguished gentleman from Pennsylvania, when presenting this conference report originally, alluded to the fact that there is anti-busing language contained in section 209 which was added in the other body, the so-called Byrd amendment. The gentleman from Pennsylvania advises us, as he has in the past, that it is his opinion that an appropriation bill is not the vehicle on which to accomplish legislative action on the issue of busing.

Unfortunately, the party to which the gentleman from Pennsylvania belongs voted overwhelmingly only within the last few weeks in their caucus to forbid action by the majority party to bring an anti-busing Constitutional amendment to the floor. Also within the last few weeks, at a party caucus in Louisville, thousands of people, many of them traditionally adhering to the gentleman's party, demonstrated their opposition to busing. They were speaking for millions of Americans all across the country who, in every poll I have seen, have shown their opposition to this massive social engineering at the hands of bureaucrats and against the will of the Congress as expressed in many instances, and against the will of the people themselves.

We do not have any other legislative vehicle with which to express our opinions, and we are here to represent the people. The amendment that the gentleman from Pennsylvania will be offering in answer to the amendment of the other body on this issue is a considerable backdown from the strong position that the other body took. We have a right, here in the House, to try and sustain that position. It would be the intention of the gentleman from Maryland, at the appropriate time, to seek a rollcall and try to defeat any motion, so that the antibusing language would remain as the other body adopted.

Mr. Speaker, I can only say that this is another instance, another chance, for the Members of the House of Representatives, if they truly believe in the representative capacity to which they were assigned, to speak for the people of this country. I would hope, when we do have a rollcall on this issue, that the Members will indicate the strong position of the people they are representing and vote to oppose busing.

Mr. MINISH. Mr. Speaker, I rise in support of the conference report on Labor-HEW appropriations for fiscal 1976.

The conferees, led by the able gentleman from Pennsylvania (Mr. FLOOD) have labored long and hard to produce a compromise measure involving numerous important and complicated programs.

I would like to focus a small, but exceedingly important, aspect of this legislation. As one who has devoted much effort to the improvement of the Federal Government's anticancer effort, I want to commend the conferees for including $744 million for the National Cancer Institute in this legislation.

It should be noted that the amount in the pending measure for cancer research is $40 million more than the original House bill, $53 million more than last year's spending level, and an incredible $158 million more than the administration's totally inadequate budget request.

Cancer, Mr. Speaker, is the second greatest cause of death in the United States and it is surely the most terrifying disease facing us today. Furthermore, recent alarming reports indicate that people died of cancer at a higher rate in the first seven months of 1975 than at any time since the government began gathering nationwide mortality data 42 years ago. The cancer death rate is especially high in industrial Northeastern States like New Jersey.

Overall, it is estimated that 655,000 Americans will be afflicted with cancer this year and over 320,000 will die.

The Federal anticancer effort is one area that must not be permitted to fall victim to shortsighted budgetary restriction. The effort we began with the enactment of the National Cancer Act of 1971 must be permitted to expand until we have finally conquered this most dreaded of all diseases.

Mr. AMBRO. Mr. Speaker, I rise in opposition to the amendment proposed by the distinguished gentleman from Pennsylvania (Mr. FLOOD) to modify the so-called Byrd amendment to the Labor-HEW appropriations bill. I oppose Mr. FLOOD's amendment, not because I am in favor of busing for the purpose of achieving school integration, but for just the opposite reason. I am strongly opposed to busing to achieve racial balance, because I feel that it has not been an effective tool, and indeed, it has been a destructive procedure. Busing has been responsible for civil disobedience, riots, street confrontations, and violence. Its effects in achieving racial balance are spotty, and the benefits of the busing doctrine are more and more being reconsidered by both blacks and whites.

Because of the destructiveness and the divisiveness of this issue, I support the concept contained in the Byrd amendment that no Federal funds should be used for transportation beyond the school nearest the student's home. The amendment now being offered by the gentleman from Pennsylvania would change and dilute this prohibition to conform to existing law prohibiting busing the nearest, or the next nearest school to the student's home. In a gesture of opposition to busing, I intend to vote against this amendment even though I understand the argument that the only remedy to court-ordered busing is a constitutional amendment. This vote is highly symbolic and while the vote on this amendment can be misunderstood, I would hope this statement leaves no doubt as to my strong feeling against busing.

Ms. ABZUG. Mr. Speaker, the Byrd and Flood amendments are another attempt to impede the struggle for equal educational opportunities by prohibiting the use of HEW funds for the transportation of students to a school nearest or next nearest their home. While the language of the House amendment permits busing to the school next nearest a student's home, its intent is still the same. These provisions interfere not only with the achievement of integration in our public schools, but also will undermine our Federal courts.

HEW, as well as the courts, are aware of the limitations of busing as a tool for promoting school integration and equality of education, but it is still an acceptable means and should be used where necessary. Other means of achieving school integration and equality of education should be pursued, but so long as housing and other forms of segregation persist, the burden remains on our schools to socialize and educate children that all people, regardless of race, are equal and entitled to equal educational opportunities. These amendments are nothing more than thinly disguised efforts to perpetuate school segregation.

Clothing a restriction on busing in the guise of fuel conservation is spurious and an abuse of the legislative process. Although approximately 40 percent of the Nation's schoolchildren are bused, a mere 1 to 2 percent are bused for reasons of desegregation. No objections were raised to the busing of schoolchildren until it became a tool for desegregation. Most of

the children bused for reasons other than desegregation live in rural areas and travel many miles to the nearest school. There is no evidence that these children suffer any harmful effects from busing. In contrast to this, the small number of children bused for integration, travel only short distances from schools in nearby communities. The amount of fuel conserved and tax dollars saved from these proposals would be miniscule compared to the severe costs incurred by the young children who will be barred from achieving a quality education.

I know that there are many problems in the busing of young children. I come from a community that was involved for many years in the struggle of busing and integrations of schools, in New York City as well as Westchester. However, I have also learned from my experiences that those who fight busing are also those who are fighting integration of our schools, the integration of our neighborhoods and the integration of our society.

Yet we need an educationally integrated society which will fulfill the needs of all of its people for food, housing, and jobs. We must open up the educational process so that we can provide for all children the expectation of an equal education and equal access to the tools for a decent future and a decent life.

It has been more than 20 years since the Supreme Court ruled that separate facilities for different races were inherently unequal. Passage of this amendment would be a great setback for the enforcement of that decision and for all those students who looked to our National Government to insure their right to equal educational opportunities.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the conference report on the bill H.R. 8069 to the committee of conference.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 156, nays 265, not voting 13, as follows:

[Roll No. 742]

YEAS—156

Abdnor	Frenzel	Mottl
Allen	Frey	Myers, Ind.
Andrews, N. Dak.	Goldwater	Myers, Pa.
Archer	Goodling	Nichols
Armstrong	Gradison	Pettis
Ashbrook	Grassley	Poage
Bafalis	Guyer	Pritchard
Bauman	Hagedorn	Quie
Beard, Tenn.	Haley	Quillen
Bell	Hammer-schmidt	Regula
Bennett	Hansen	Rhodes
Bevill	Harsha	Robinson
Breaux	Hastings	Rousselot
Broomfield	Holt	Runnels
Brown, Mich.	Hutchinson	Ruppe
Brown, Ohio	Hyde	Sarasin
Broyhill	Ichord	Satterfield
Burgener	Jarman	Schneebeli
Burleson, Tex.	Johnson, Colo.	Schulze
Butler	Johnson, Pa.	Sebelius
Byron	Jones, Okla.	Shriver
Cederberg	Kasten	Shuster
Chappell	Kelly	Sikes
Clancy	Kemp	Skubitz
Clausen, Don H.	Ketchum	Smith, Nebr.
Clawson, Del	Kindness	Snyder
Cochran	Krueger	Spence
Cohen	Lagomarsino	Stanton, J. William
Collins, Tex.	Landrum	Steelman
Conable	Latta	Steiger, Ariz.
Conlan	Lent	Steiger, Wis.
Conte	Levitas	Stuckey
Coughlin	Lloyd, Tenn.	Symms
Crane	Lott	Talcott
Daniel, Dan	Lujan	Taylor, Mo.
Daniel, R. W.	McClory	Taylor, N.C.
Derrick	McCloskey	Teague
Derwinski	McCollister	Thone
Devine	McDade	Thornton
Dickinson	McDonald	Treen
Downing, Va.	McEwen	Vander Jagt
Duncan, Tenn.	McKinney	Waggonner
Edwards, Ala.	Mann	Wampler
Emery	Martin	Whitehurst
English	Mathis	Wiggins
Erlenborn	Michel	Wilson, Bob
Eshleman	Milford	Winn
Evins, Tenn.	Miller, Ohio	Wydler
Fenwick	Mills	Wylie
Findley	Montgomery	Young, Fla.
Fish	Moore	
Flynt	Moorhead, Calif.	
Forsythe	Mosher	

NAYS—265

Abzug	Chisholm	Gilman
Adams	Clay	Ginn
Addabbo	Cleveland	Gonzalez
Alexander	Collins, Ill.	Green
Ambro	Conyers	Gude
Anderson, Calif.	Corman	Hall
Andrews, N.C.	Cornell	Hamilton
Annunzio	Cotter	Hanley
Ashley	D'Amours	Hannaford
Aspin	Daniels, N.J.	Harkin
AuCoin	Danielson	Harrington
Badillo	Davis	Harris
Baldus	de la Garza	Hawkins
Barrett	Delaney	Hayes, Ind.
Baucus	Dellums	Hays, Ohio
Beard, R.I.	Dent	Hechler, W. Va.
Bedell	Diggs	Heckler, Mass.
Bergland	Dingell	Hefner
Biaggi	Dodd	Heinz
Biester	Downey, N.Y.	Henderson
Bingham	Drinan	Hicks
Blanchard	Duncan, Oreg.	Hightower
Blouin	du Pont	Hillis
Boggs	Early	Holland
Boland	Eckhardt	Holtzman
Bolling	Edgar	Horton
Bonker	Edwards, Calif.	Howard
Bowen	Eilberg	Howe
Brademas	Esch	Hubbard
Breckinridge	Evans, Colo.	Hughes
Brinkley	Evans, Ind.	Jacobs
Brodhead	Fary	Jeffords
Brooks	Fascell	Jenrette
Brown, Calif.	Fisher	Johnson, Calif.
Buchanan	Fithian	Jones, Ala.
Burke, Calif.	Flood	Jones, N.C.
Burke, Mass.	Florio	Jones, Tenn.
Burlison, Mo.	Flowers	Jordan
Burton, John	Foley	Karth
Burton, Phillip	Ford, Mich.	Kastenmeier
Carney	Ford, Tenn.	Kazen
Carr	Fountain	Keys
Carter	Fuqua	Koch
Casey	Giaimo	Krebs
	Gibbons	LaFalce
Leggett	Oberstar	Scheuer
Lehman	Obey	Schroeder
Litton	O'Brien	Seiberling
Lloyd, Calif.	O'Hara	Sharp
Long, La.	O'Neill	Shipley
Long, Md.	Ottinger	Simon
McCormack	Patman, Tex.	Sisk
McFall	Patten, N.J.	Slack
McHugh	Patterson, Calif.	Smith, Iowa
McKay	Pattison, N.Y.	Solarz
Macdonald	Pepper	Spellman
Madden	Perkins	Staggers
Madigan	Peyser	Stark
Maguire	Pickle	Steed
Mahon	Pike	Stephens
Matsunaga	Pressler	Stratton
Mazzoli	Preyer	Studds
Meeds	Price	Sullivan
Melcher	Railsback	Symington
Metcalfe	Randall	Thompson
Meyner	Rangel	Traxler
Mezvinsky	Rees	Tsongas
Mikva	Reuss	Van Deerlin
Miller, Calif.	Richmond	Vander Veen
Mineta	Riegle	Vanik
Minish	Rinaldo	Vigorito
Mink	Risenhoover	Walsh
Mitchell, Md.	Roberts	Waxman
Mitchell, N.Y.	Rodino	Weaver
Moakley	Roe	Whalen
Moffett	Rogers	White
Mollohan	Roncalio	Whitten
Moorhead, Pa.	Rooney	Wilson, C. H.
Morgan	Rose	Wilson, Tex.
Moss	Rosenthal	Wirth
Murphy, Ill.	Rostenkowski	Wolff
Murphy, N.Y.	Roush	Wright
Murtha	Roybal	Yates
Natcher	Russo	Yatron
Neal	Ryan	Young, Alaska
Nedzi	St Germain	Young, Ga.
Nix	Santini	Young, Tex.
Nolan	Sarbanes	Zablocki
Nowak		Zeferetti

NOT VOTING—13

Anderson, Ill.	Hinshaw	Udall
Burke, Fla.	Hungate	Ullman
Fraser	Passman	
Gaydos	Stanton, James V.	
Hébert	Stokes	
Helstoski		

The Clerk announced the following pairs:

Mr. Hébert with Mr. Stokes.
Mr. Passman with Mr. James V. Stanton.
Mr. Gaydos with Mr. Helstoski.
Mr. Fraser with Mr. Anderson of Illinois.
Mr. Hungate with Mr. Burke of Florida.
Mr. Udall with Mr. Ullman.

Messrs. PICKLE and PHILLIP BURTON and Mrs. SCHROEDER changed their vote from "yea" to "nay".

Messrs. LANDRUM, DERWINSKI, and DERRICK and Mrs. LLOYD of Tennessee changed their vote from "nay" to "yea".

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 91, not voting 22, as follows:

[Roll No. 743]

YEAS—321

Abdnor	Aspin	Blanchard
Abzug	AuCoin	Blouin
Adams	Badillo	Boggs
Addabbo	Bafalis	Boland
Alexander	Baldus	Bolling
Allen	Barrett	Bonker
Ambro	Baucus	Bowen
Anderson, Calif.	Beard, R.I.	Breaux
Andrews, N.C.	Bedell	Breckinridge
Andrews, N. Dak.	Bergland	Brinkley
Annunzio	Bevill	Brodhead
Ashley	Biaggi	Brooks
	Biester	Brown, Calif.
	Bingham	Buchanan

Burke, Calif.	Hicks	Pepper
Burke, Mass.	Hightower	Perkins
Burlison, Mo.	Hillis	Peyser
Burton, John	Holland	Pickle
Burton, Phillip	Holtzman	Pike
Byron	Horton	Pressler
Carney	Howard	Preyer
Carr	Howe	Price
Carter	Hubbard	Pritchard
Casey	Hughes	Quillen
Chisholm	Ichord	Railsback
Clausen, Don H.	Jacobs	Randall
Clay	Jeffords	Rangel
Cleveland	Jenrette	Rees
Cochran	Johnson, Calif.	Regula
Cohen	Johnson, Pa.	Reuss
Collins, Ill.	Jones, Ala.	Riegle
Conte	Jones, N.C.	Rinaldo
Conyers	Jones, Tenn.	Risenhoover
Corman	Jordan	Rodino
Cornell	Kastenmeier	Roe
Cotter	Kazen	Rogers
Coughlin	Keys	Roncalio
D'Amours	Koch	Rooney
Daniels, N.J.	Krebs	Rose
Danielson	Krueger	Rosenthal
Davis	LaFalce	Rostenkowski
de la Garza	Leggett	Roush
Delaney	Lehman	Roybal
Dellums	Lent	Ruppe
Dent	Litton	Russo
Diggs	Lloyd, Calif.	Ryan
Dingell	Lloyd, Tenn.	St Germain
Dodd	Long, La.	Santini
Downey, N.Y.	Long, Md.	Sarasin
Drinan	Lott	Sarbanes
Duncan, Oreg.	Lujan	Scheuer
Duncan, Tenn.	McClory	Schroeder
du Pont	McCloskey	Schulze
Early	McCormack	Sebelius
Eckhardt	McDade	Seiberling
Edgar	McFall	Sharp
Edwards, Calif.	McHugh	Shipley
Eilberg	McKay	Shriver
Emery	McKinney	Sikes
Esch	Macdonald	Simon
Eshleman	Madden	Sisk
Evans, Colo.	Madigan	Skubitz
Evans, Ind.	Maguire	Slack
Evins, Tenn.	Mahon	Smith, Iowa
Fary	Matsunaga	Smith, Nebr.
Fascell	Mazzoli	Solarz
Fenwick	Meeds	Spellman
Findley	Melcher	Staggers
Fish	Metcalfe	Stanton, J. William
Fisher	Meyner	Stark
Fithian	Mezvinsky	Steed
Flood	Mikva	Stephens
Florio	Miller, Calif.	Stratton
Flowers	Mills	Studds
Foley	Mineta	Sullivan
Ford, Mich.	Minish	Symington
Ford, Tenn.	Mink	Taylor, N.C.
Forsythe	Mitchell, Md.	Teague
Fountain	Mitchell, N.Y.	Thompson
Fuqua	Moakley	Thone
Giaimo	Moffett	Tsongas
Gibbons	Mollohan	Van Deerlin
Gilman	Moore	Vander Veen
Ginn	Moorhead, Pa.	Vanik
Gonzalez	Morgan	Vigorito
Goodling	Mosher	Walsh
Grassley	Moss	Wampler
Green	Mottl	Waxman
Gude	Murphy, Ill.	Weaver
Guyer	Murphy, N.Y.	Whalen
Haley	Murtha	White
Hall	Myers, Pa.	Whitten
Hamilton	Natcher	Wilson, C. H.
Hammer-schmidt	Neal	Wilson, Tex.
Hanley	Nedzi	Winn
Hannaford	Nichols	Wolff
Harkin	Nix	Wright
Harrington	Nolan	Wydler
Harris	Nowak	Yates
Harsha	Oberstar	Yatron
Hawkins	Obey	Young, Alaska
Hayes, Ind.	O'Brien	Young, Fla.
Hays, Ohio	O'Hara	Young, Ga.
Hechler, W. Va.	O'Neill	Young, Tex.
Heckler, Mass.	Ottinger	Zablocki
Hefner	Patman, Tex.	Zeferetti
Heinz	Patten, N.J.	
Henderson	Patterson, Calif.	
	Pattison, N.Y.	

NAYS—91

Archer	Bennett	Burleson, Tex.
Armstrong	Broomfield	Butler
Ashbrook	Brown, Mich.	Cederberg
Bauman	Brown, Ohio	Clancy
Beard, Tenn.	Broyhill	Clawson, Del
Bell	Burgener	Collins, Tex.
Conable	Jones, Okla.	Quie
Conlan	Kasten	Rhodes
Crane	Kelly	Roberts
Daniel, Dan	Kemp	Robinson
Daniel, R. W.	Ketchum	Rousselot
Derrick	Kindness	Runnels
Derwinski	Lagomarsino	Satterfield
Devine	Landrum	Schneebeli
Dickinson	Latta	Shuster
Downing, Va.	Levitas	Snyder
Edwards, Ala.	McCollister	Spence
English	McDonald	Steelman
Erlenborn	McEwen	Steiger, Ariz.
Flynt	Mann	Steiger, Wis.
Frenzel	Martin	Stuckey
Frey	Mathis	Symms
Goldwater	Michel	Talcott
Gradison	Milford	Thornton
Hagedorn	Miller, Ohio	Treen
Hansen	Montgomery	Vander Jagt
Hastings	Moorhead, Calif.	Waggonner
Hutchinson	Myers, Ind.	Whitehurst
Hyde	Pettis	Wiggins
Jarman	Poage	Wilson, Bob
Johnson, Colo.		

NOT VOTING—22

Anderson, Ill.	Hinshaw	Stokes
Brademas	Holt	Taylor, Mo.
Burke, Fla.	Hungate	Traxler
Chappell	Karth	Udall
Fraser	Passman	Ullman
Gaydos	Richmond	Wirth
Hébert	Stanton, James V.	Wylie
Helstoski		

The Clerk announced the following pairs:

Mr. Brademas with Mr. Hébert.
Mr. Udall with Mr. Passman.
Mr. Karth with Mr. Chappell.
Mr. Helstoski with Mr. Taylor of Missouri.
Mr. Stokes with Mrs. Holt.
Mr. James V. Stanton with Mr. Burke of Florida.
Mr. Gaydos with Mr. Anderson of Illinois.
Mr. Fraser with Mr. Hungate.
Mr. Ullman with Mr. Hinshaw.
Mr. Richmond with Mr. Wirth.
Mr. Traxler with Mr. Wylie.

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: page 5, line 17, strike "$1,056,300,000" and insert "$1,054,800,000,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$1,051,300,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 6, line 22, strike "$264,100,000" and insert "$263,700,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$262,850,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 18, line 5, insert: "including $1,880,000 herein authorized to be expended for salaries and related costs of ninety-four new positions, and $25,000,000 for construction and renovation which shall remain available until expended."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "including $25,000,000 for construction and renovation which shall remain available until expended."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 26, line 8, strike "$360,709,000" and insert "$360,529,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$347,428,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 63: Page 37, line 3, insert: "*Provided further*, That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 64: Page 38, line 19, insert: "*Provided further*, That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein.

The motion was agreed to.

GERALD R. FORD LIBRARY

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 39, line 24, insert: "of which $720,000,000 shall be for activities under section 110(a) of the Rehabilitation Act of 1973, $309,318 shall be for section 110(b) of such Act, and for carrying out sections 301 and 304(b)(3) of such Act, $2,900,000, to remain available until expended:".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numered 66 and concur therein with an amendment, as follows: In lieu of the sum of $2,900,000 named in said amendment, insert "$1,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 67: Page 40, line 12, insert: "*Provided further*, That the level of operations for the nutrition services for the elderly program shall be $200,000,000 per annum:".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein with an amendment, as follows: In lieu of the sum of $200,000,000 named in said amendment, insert "$187,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71, page 43, line 21, strike:

SEC. 205. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

And insert:

SEC. 205. None of the funds contained in this title shall be available for additional permanent positions in the Washington area if the total authorized positions in the Washington area is allowed to exceed the proportion existing at the close of fiscal year 1966.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 72: Page 47, line 4, insert:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

POINT OF ORDER

Mr. CONTE. Mr. Speaker, I raise a point of order on the amendment. This is legislation on an appropriation bill, and I would like to be heard on the point of order.

The SPEAKER. The gentleman from Massachusetts may be heard on his point of order.

Mr. CONTE. Mr. Speaker, I rise in support of a point of order against Senate amendment No. 72 to the Labor-HEW Appropriations Act of 1976.

At this point, I should like to direct the Chair to rule 21, section 2 of the House regarding the prohibition of legislation in an appropriations bill. The pertinent language states:

Nor shall any provisions in any such bill or amendment thereto changing existing law be in order.

Clearly, the purpose of this rule prohibiting legislation in an appropriations bill is to prohibit the overt alteration of fundamental law. This is the case where an amendment is concealed by the subterfuge of a limitation on spending.

While the Senate amendment No. 72 might appear to only act as a limitation on spending, it will actually change basic law as I will now set out.

Section 215(a), title II of the Equal Educational Opportunities Act of 1974 provides the following language, which limits the specific distance a student may be transported in a schoolbusing program:

No court, department or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would *require the transportation of any student to a school other than the school closest to his place of residence* which provides the appropriate grade level and type of education for such student. (Emphasis added.)

Notice that the distance a student can be transported is limited to the "school closest or next closest to his place of residence." I should now address myself to the language of the Senate amendment here in question:

None of the funds contained in this act shall be used to *require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home*, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964. (Emphasis added.)

As is readily apparent, where the Equal Educational Opportunities Act of 1974 (Public Law 93-380) limits busing to either the student's immediate or adjacent school district, the Senate amendment further limits the transportation to the students immediate district. I am sure the Chair can see this apparent attempt to change the effect of section 215 (a) of Public Law 93-380.

I should like to note that while this is a Senate amendment and may be consistent with the rules of that House—it is not controlling. It is clear that since this is an appropriations bill and naturally originates in the House, it is the House rules which are controlling and I cite rule 20 on this point:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point.

For these reasons, Mr. Speaker, I contend that this amendment carries the standard of a simple limitation in an appropriations bill, but in reality is a prima facie case of legislation in an appropriations bill, which on its face changes existing law.

Therefore, I urge that this point of order be sustained.

Thank you, Mr. Speaker.

The SPEAKER. The Chair is ready to rule.

The Chair overrules the point of order raised by the gentleman from Massachusetts (Mr. CONTE) because when that stage is reached that an amendment is in disagreement between the two Houses, the rule—clause 1 of rule XX—cited by the gentleman from Massachusetts no longer applies and the amendment may be disposed of in the House. The Senate amendment is reported back in disagreement and not as part of the conference report, therefore clause 2 of rule XX is not applicable and the Senate amendment may be considered by the House.

Mr. BAUMAN. Mr. Speaker, I believe the gentleman from Pennsylvania (Mr. FLOOD) has offered or will offer a motion, and I have a preferential motion at the desk.

The SPEAKER. The Clerk will first report the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker I offer a preferential motion.

The Clerk read as follows:

Mr. BAUMAN moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

Mr. SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. BAUMAN. Mr. Speaker, may I inquire, who has the right to the time under the motion?

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) has 30 minutes, and the gentleman from Illinois (Mr. MICHEL) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion.

Mr. FLOOD. Mr. Speaker, my amendment is a very sincere attempt to resolve the dilemma which confronts us, of course, on this Senate amendment No. 72,

the so-called Byrd amendment. Trying to resolve an issue like schoolbusing is like trying to walk a tightrope. As the Members know, I have tried that, too.

The conferees on the Labor-HEW appropriation bill were faced with three antibusing amendments. Let us recall that. They were adopted on the floor of the Senate some by a rather narrow margin, by the way.

These amendments were debated by the conferees, believe me, for many hours and many days.

The conferees finally agreed to delete two amendments, the so-called Biden amendments, but could not agree on the remaining one, that is, the Byrd amendment.

One of the main reasons for not resolving this amendment is that it is a direct change in the existing law, and this is an appropriation bill.

The Byrd amendment would prohibit the use of funds in this bill to require, directly or indirectly, the busing of students beyond the school nearest to the student's home.

Mr. Speaker, what my amendment does, very simply, is to add three words to the text of the Byrd amendment, and the effect would be to prohibit HEW from requiring busing beyond the nearest or next nearest school, which is the existing law.

My amendment recognizes that there is already permanent legislation on this subject of schoolbusing. It is on the books. It was specifically dealt with by the proper legislative committees, and the Members will remember it. That was over a year ago. We can all recall that. That was in connection with the extension of authorization for elementary and secondary education. The result was the enactment of the Equal Educational Opportunities Act of 1974. Section 215(A) of that act states:

> No court, department, or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence. . . .

Mr. Speaker, no matter how we feel about school busing, we should not change the existing law by tacking an amendment onto an annual appropriation bill. On a major question such as this we should follow the normal legislative procedure of this body. If a change in the basic law is required, we should deal with it directly, but not indirectly through floor amendments to an annual appropriation bill.

Mr. Speaker, let me tell the Members that my main concern right here now is to enact this Labor-Health, Education, and Welfare appropriation bill. The Members will agree with me. Everybody will agree. This has been delayed now too, too, too long. This Labor-Health, Education, and Welfare bill has been delayed too long.

Incidentally, in case the Members have not realized, this bill provides over $36 billion for Labor-Health, Education, and Welfare—there it is—and the other related agencies.

Mr. Speaker, this is an appropriation bill, this is not a busing bill.

If we accept the amendment that I offered—now hear this—if we accept that amendment then one cannot be labeled as antibusing, and one cannot be labeled as probusing, one way or another. They will be an advocate of the orderly legislative procedure. We will focus the attention where it belongs today: What are the principle purposes of this appropriation bill that we all know about? Right? Let us face it. This appropriation bill—now, hear this—this appropriation bill is $915 million over the President's budget, for the things that the Members want. Did you hear that?

Now I have not heard anything about this one way or another, but this bill is in danger of being vetoed. Most of the Members have supported this bill and everything in it. Do you want this bill enacted into law? You do, do you not? I am sure you do. I am concerned that if the Members do not agree with my amendment, if we saddle this bill with a controversial school busing provision, the bill may never be enacted. Imagine that? Imagine this bill not being enacted? You know what that will mean to you and to your people. It is all in this bill. It is a bill for labor, health, education, and welfare. This touches directly every man, woman, and child in your districts, without exception.

I beg you, do not endanger the passage of this bill and do vote for my amendment.

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

Mr. FLOOD. I yield to the gentleman from Tennessee.

Mr. ALLEN. Would the distinguished gentleman from Pennsylvania also yield for a question?

Mr. FLOOD. Yes, for the gentleman's first appearance on the floor, I do, yes.

Mr. ALLEN. I am CLIFFORD ALLEN of Nashville, Davidson County, Tenn. I represent an area known as the metropolitan government of Nashville and Davidson County.

Some 4 years ago the Federal courts, and by that I mean the Federal District Court and the U.S. District Court of Appeals of Cincinnati, and the Supreme Court of the United States, ordered a busing plan that was drawn by HEW. The most reliable figures that we have is that this is costing us an additional $3 million a year.

If this bill is permitted to pass as proposed by the conference committee would it not mean—and I want to make this clear—would it not mean that we would be denied any Federal funds at all?

Mr. FLOOD. No.

Mr. ALLEN. For carrying out this amendment? I am speaking of the Byrd amendment.

Mr. FLOOD. I understand.

Mr. ALLEN. Because the busing, of course, that is restricted in this, is to the next nearest school.

Mr. FLOOD. I know the problem. The answer is no.

Mr. ALLEN. Would the gentleman from Pennsylvania's amendment change that?

Mr. FLOOD. No.

Mr. ALLEN. Would the amendment offered by the distinguished gentleman from Pennsylvania permit the use of Federal funds?

Mr. FLOOD. Yes. The answer is no to the first part and yes to that part.

Mr. ALLEN. I thank the gentleman. That was what I wanted to know.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise in support of the Flood amendment to Senate amendment No. 72 in the Labor-HEW Appropriation Act of 1976 (H.R. 8069) conference report.

It is clear that the Byrd amendment, as it has been labeled, was designed to prohibit virtually all programs involving busing to achieve a racial balance. It is clear that the amendment also changes existing law as well. I should like to direct my colleagues attention to section 215(a) of the Equal Educational Opportunities Act of 1974 (Public Law 93–380):

> SEC. 215(a). No court, department or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

Notice that this section effectively limits busing of students to "the school closest or next closest to his place of residence." The Byrd amendment as it is now would further limit this language by providing that a student can only be bused to the school nearest his home. While Public Law 93–380 limits busing to either the immediate or adjacent school district, the Byrd amendment limits busing to the student's immediate school district.

The Flood amendment which adds the words "or next nearest" modifies the Byrd amendment so as to place it in harmony with section 215(a) of Public Law 93–380. The pertinent section of the Byrd amendment would then read to limit busing to a school "nearest or next nearest the students home." Notice that this language is so similar to Public Law 93–380 which provides that busing will be limited to "the school closest or next closest to his place of residence."

It is most important that this language be inserted to insure consistency with existing legislation.

An appropriations bill is not a suitable vehicle to accomplish this end. The amendment has the appearance of a limitation on spending, but in reality is legislation. The Department of HEW is in the midst of various court proceedings to enforce Public Law 93–380 as it now applies. Adoption of the Byrd amendment without the Flood amendment would obviate all the preliminary, temporary, and permanent injunctions which have already been found necessary in these cases.

We must realize the importance of getting this bill out. We have been held up too long in conference over this one amendment. Vital labor and health services across the country are forced to

GERALD R. FORD LIBRARY

operate on fiscal year 1975 appropriations levels in the continuing resolution.

The bill before us is almost $1 billion above the budget. If the bill should suffer a veto, it will take that much longer to finally get to those it is designed to reach. I sat as a conferee on this bill. The Byrd amendment is only one of three busing amendments. Fortunately, the Senate receded on amendments numbered 71 and 73, which are known as Biden amendments 1 and 2. It was virtually an impass—the Senate would insist on their amendments and the House would refuse to recede and concur—justifiably so, I might add. Finally, the conferees feel sure that the Senate will accept the Byrd amendment with the Flood language inserted. We must rise to this opportunity to get the bill through. Adding the Flood language will satisfy the Senate and the House, as well as create a consistency with existing case law and precedent. Fellow Members, those reasons alone justify the adoption of the Flood language. This bill is long overdue. It is for this reason that a waiver on the 3-day rule was granted so that the conference report could be on the floor so soon. This bill has provisions that directly affect every American. The vital services provided in this bill must not be held up any longer. Vital research programs at the National Institutes of Health have already suffered incalculable setbacks.

The various departments of employment security in the States which provides such an essential service in these times of high unemployment are waiting for passage of this bill in order to adjust their programs to accommodate the needs in their areas. These programs and other essential services have been prejudiced because of a busing amendment. Our priorities are in chaos. Acceptance of the Flood language will end this unnecessary delay.

Mr. Speaker, as responsible legislators, we must realize the importance of accepting the Flood language—"or next nearest" to create harmony with existing law, to provide a "just" compromise with the Senate, and to pass this long overdue bill, which is essential to every American.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I might consume before I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. Speaker, I might say if Members will read the RECORD, particularly that made over in the other body when they were considering this particular HEW appropriation bill, they will find it rather distressing that so little time was given to the $36 billion that is involved here while better than a week was spent on the amendment which we are addressing ourselves to here this afternoon.

I can concur in particular with what my chairman says, that discussing such a complex issue of busing within the 1-hour period granted under the rules on a motion in disagreement is inadequate, but earlier this day we were limited to 10 minutes on some very complex tax questions, and that did not seem to bother this House.

There is no question but that this is a burning emotional issue around the country.

The question is divisible. Any Member can demand a division of this question when we get to voting, and it is really simply a question here of whether or not we want to adopt the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD), which is somewhat softer than the Byrd amendment, or whether we vote that motion down and we simply concur, we recede and concur not with an amendment, but we recede and concur. That is really the parliamentary situation in which we find ourselves this afternoon. If one is for a stronger, tighter antibusing amendment, then he would opt for the Byrd amendment.

If one is for something that is simply a reaffirmation of what we have today, then one would support the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD).

Before yielding to the gentleman from Maryland I simply want to say I did not sign the conference report, not because of this issue but rather on the figures that were involved.

Mr. SNYDER. Mr. Speaker, will the gentleman yiled?

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

Mr. SNYDER. Mr. Speaker, there has been considerable discussion about the urgency of getting this through and getting all this money available for these grants and programs. If we accept the language offered by the gentleman from Pennsylvania, which changes what the Senate has in their bill, does not the Senate have to take up again the language, whereas if we take the recede-and-concur in the motion offered by the gentleman from Maryland it is all over?

Mr. MICHEL. There is no question about that. The Senate would have to act again on the issue if we agree to the amendment.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, may I say to my friend, we will not have to go back to conference. The Senate will have to act but we would not have to go back to conference.

Mr. SNYDER. But the Senate would not have to act with the Bauman amendment.

Mr. FLOOD. But it would not be necessarily a long, drawn-out process in the Senate.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. BAUMAN).

(Mr. BAUMAN asked and was given permission to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, first let us dispose of one bugaboo which has been raised repeatedly by the gentleman from Pennsylvania.

We just passed a continuing resolution on appropriations earlier today and we have one in force right now. There would be no funding held up for any of the purposes contained in this bill because the funds would be continued at the present level. Further the money for education is not in this bill because as I understand it we passed an entirely separate authorization bill for education this year. So the education funds in this bill are at a minimum.

I direct the attention of the Members of the House to the bill, on page 41, which does contain the total funding for the Office of Civil Rights in HEW, and in that is all the money HEW employs in any respect to enforce busing. This funds the HEW bureaucrats who write the plans for forced busing which they then impose on local officials for their submission. These are the funds used to take cases into the courts for forcing busing on the local officials and on the parents and on the children who live in our districts.

Now, the gentleman keeps saying that this is an improper legislative vehicle to solve this issue. This House has been denied by the vote of the majority caucus the chance of voting on any legislative cure to the busing problem we face in this country. Only within the last 2 weeks by a majority of almost 2 to 1 they refused to address an issue that every poll shows Americans are highly disturbed about. In my own district I can testify that no group is more disturbed than the black parents who have their children in kindergarten and the primary grades bused long distances away from their homes.

The gentleman from Pennsylvania (Mr. FLOOD) said if we vote for the gentleman's pending motion, although my motion comes first, we cannot be labeled antibusing or probusing. That is exactly right. The gentleman's amendment is a complete political copout on one of the most serious problems facing the country today. If his amendment prevails no corrective action will be taken. Instead we will be attempting to fool the people.

Orderly procedure requires us to vote on my pending motion to recede and concur. My motion requires us to recede from the weak language of the conference report and concur in the stronger language of the other body. The language of the other body, as the gentleman from Illinois has stated, adopted after a week's debate, has already been approved by the other body. That language plainly says there shall be no funds used for busing to a school other than the school which is nearest to the student's home.

The fundamental issue is the right to have a child go to the school nearest to its home, whether by walking or busing or any other means. That right is one that has been vindicated over the years. Professor Coleman and others who originally advocated busing now say they were wrong, that all those glittering arguments have turned to dust. Instead, educational standards have not gone up, racial tensions have been increased, families have been broken up, white flight has occurred from the inner cities, tax bases have been decreased; all this accomplished by this experiment in social engineering, which even the original advocates admit has failed completely.

So I ask the House to vote for my motion to recede and concur and insist on the strongest possible language against busing. Then we will, indeed, be addressing ourselves to the problems of the peo-

ple of America as their Representatives in Congress, sworn to represent these people and to consider their problems.

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

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

Mr. SEIBERLING. Mr. Speaker, the gentleman made the statement that the decision in the majority caucus was going to prevent this House from taking any action on busing. That is not correct. The caucus simply voted not to compel the Committee on the Judiciary to report out any constitutional amendment which it offered.

Mr. BAUMAN. Based on the gentleman's remarks, I hope that the gentleman will forthwith propose an antibusing bill at the next meeting of the Committee on the Judiciary.

Mr. SEIBERLING. I certainly will not. The gentleman has just offered a motion on busing, thereby disproving the very statement the gentleman just made.

Mr. BAUMAN. The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

Mr. Speaker, I move the previous question on the motion.

Mr. FLOOD. Mr. Speaker, I demand the question be divided.

Mr. BAUMAN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Pennsylvania has the floor and the Chair is trying to let the gentleman be heard.

Mr. FLOOD. Mr. Speaker, I demand a division.

Mr. BAUMAN. Mr. Speaker, I have not yielded. My time has not expired.

The SPEAKER. The gentleman has time for debate only.

Mr. BAUMAN. No; Mr. Speaker, it was not yielded for debate only.

The SPEAKER. The gentleman from Maryland has 15 seconds.

Mr. BAUMAN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

Mr. BAUMAN. Mr. Speaker, I was yielded to. There was no limitation on for what purpose.

The SPEAKER. The gentleman was yielded 5 minutes. He can use it for debate only. The gentleman's time has expired.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I demand a division of the question.

Mr. MICHEL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The question will be divided.

Mr. MICHEL. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

POINT OF ORDER

Mr. MICHEL. Mr. Speaker, the gentleman from Illinois was given to understand that the time was to be divided equally. There was no indication on the part of the gentleman from Illinois that he had concluded giving what time he wanted to allocate to Members for general debate.

The gentleman from Illinois still has a request pending.

The SPEAKER. The gentleman has 30 minutes for debate only. He can yield more time.

Mr. MICHEL. I am still entitled, if I understand it, to the balance of the time to which I have been originally allocated. The gentleman from Illinois has 17 minutes remaining.

The SPEAKER. That is correct, but the question has been divided.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, when must a request for division be made?

The SPEAKER. Any time the motion is pending and before the question is put the question may be divided, and it is already divided.

Mr. FLOOD. Mr. Speaker, if the question has been divided, then I have a preferential motion.

The SPEAKER. The gentleman from Illinois has 15 minutes remaining, and the gentleman's motion may come later.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may require, and yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like to ask a question of my chairman, the gentleman from Pennsylvania (Mr. FLOOD): Is it the interpretation of the gentleman from Pennsylvania that no matter what happens here, or what amendment is adopted, whether the Byrd amendment or an amendment as amended by the gentleman from Pennsylvania, that this makes no difference at all; that we are bound in regard to the busing issue, by the 1954 case, Brown against Board of Education of Topeka, Kans., and these amendments makes no difference at all? We have got to amend the Constitution if we want to change the busing issue and the busing problem in this country? Is that the gentleman's interpretation? We discussed that in conference day after day.

Mr. FLOOD. None of this action taken today is binding upon the courts, of course.

Mr. CONTE. Of course not, and once there is a court order on busing, that is it?

Mr. FLOOD. Certainly.

Mr. MICHEL. I will simply say in conclusion, Mr. Speaker, that the other body spent considerable time debating this particular issue, much more than on the money figures themselves. It was a vote of 51 to 46, or something like that. I think the House is deserving of having an opportunity to express itself in the same fashion and let the chips fall where they may.

This is a regular, quite legitimate way for Members to express themselves. If it has been concluded pretty much by those in command in the majority that there will be no opportunity to vote on a constitutional amendment, on the issue of busing, then this is the only way left open for Members of this House to express themselves on the subject. We either get a shot at amending the authorizing legislation or in the absence of that opportunity have to speak as we will on this appropriation bill.

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

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I would just like to observe for the edification of the Members that the tactic that we see here of demanding a division of the question is patently designed, although it certainly is in order, to prevent a direct vote or a clear vote for the strongest possible antibusing language, which is the Byrd amendment contained in the bill.

I assume the gentleman from Pennsylvania, by demanding a division of the question, will first get a vote on whether to recede. At that point, he will be able to offer an amendment watering down the antibusing provision. I am going to vote for the motion to recede because the House should recede from its weaker position. I want the stronger position of the other body to be upheld, but when it comes to the amendment of the gentleman from Pennsylvania I would urge a "no" vote against any substitute he offers, and ultimately I will offer a motion to concur in the language of the other body. That is the only way we can assure that this bill will contain the strongest possible antibusing provision.

Mr. MICHEL. Mr. Speaker, I have no further requests for time.

Mr. FLOOD. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is, Will the House recede from its disagreement to the amendment of the Senate No. 72?

The House receded from its disagreement to Senate amendment No. 72.

PREFERENTIAL MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a preferential motion.

The Clerk read the preferential motion as follows:

Mr. FLOOD moves that the House concur in the amendment of the Senate numbered 72 with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

The SPEAKER. The question is on the preferential motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

GERALD R. FORD LIBRARY

The vote was taken by electronic device, and there were—yeas 133, nays 259, answered "present" 15, not voting 27, as follows:

[Roll No. 744]

YEAS—133

Adams	Ford, Tenn.	Myers, Pa.
Addabbo	Frenzel	Nix
Allen	Giaimo	Nolan
Andrews, N.C.	Gilman	Oberstar
Ashley	Green	Obey
Aspin	Gude	O'Brien
AuCoin	Hall	O'Neill
Badillo	Hamilton	Patterson, Calif.
Baldus	Hannaford	Pattison, N.Y.
Barrett	Hawkins	Perkins
Baucus	Hayes, Ind.	Preyer
Beard, R.I.	Hechler, W. Va.	Price
Bedell	Heinz	Pritchard
Bergland	Hicks	Quie
Biester	Horton	Railsback
Bingham	Howard	Rees
Blouin	Jacobs	Rodino
Bolling	Jeffords	Roncalio
Bonker	Jenrette	Rose
Brademas	Johnson, Calif.	Rosenthal
Breckinridge	Johnson, Colo.	Roush
Brown, Calif.	Jordan	Roybal
Brown, Mich.	Kastenmeier	Ryan
Brown, Ohio	Keys	St Germain
Chisholm	Koch	Schroeder
Cohen	McCloskey	Seiberling
Conte	McCormack	Sharp
Corman	McFall	Simon
Cornell	McHugh	Smith, Iowa
de la Garza	McKinney	Solarz
Derrick	Maguire	Staggers
Dodd	Matsunaga	Steiger, Wis.
Drinan	Mazzoli	Studds
Duncan, Oreg.	Meeds	Symington
Eckhardt	Melcher	Thompson
Edgar	Meyner	Tsongas
Emery	Mezvinsky	Ullman
Erlenborn	Miller, Calif.	Van Deerlin
Evans, Colo.	Mineta	Vander Veen
Fenwick	Mink	Weaver
Findley	Moffett	Wiggins
Fish	Moorhead, Pa.	Wilson, Tex.
Fisher	Morgan	Wirth
Flood	Moss	
Foley	Murphy, N.Y.	

NAYS—259

Abdnor	Conyers	Hays, Ohio
Abzug	Coughlin	Heckler, Mass.
Alexander	Crane	Hefner
Ambro	D'Amours	Henderson
Anderson, Calif.	Daniel, Dan	Hightower
Andrews, N. Dak.	Daniel, R. W.	Hillis
Annunzio	Daniels, N.J.	Holland
Archer	Danielson	Holt
Armstrong	Davis	Holtzman
Ashbrook	Delaney	Howe
Bafalis	Derwinski	Hubbard
Bauman	Devine	Hughes
Beard, Tenn.	Dickinson	Hutchinson
Bell	Dingell	Hyde
Bennett	Downey, N.Y.	Ichord
Bevill	Downing, Va.	Jarman
Biaggi	Duncan, Tenn.	Johnson, Pa.
Blanchard	du Pont	Jones, Ala.
Boland	Early	Jones, N.C.
Bowen	Edwards, Ala.	Jones, Okla.
Breaux	Eilberg	Jones, Tenn.
Brinkley	English	Kasten
Brodhead	Esch	Kazen
Brooks	Evans, Ind.	Kelly
Broomfield	Evins, Tenn.	Kemp
Broyhill	Fary	Ketchum
Buchanan	Fascell	Kindness
Burgener	Fithian	Krebs
Burke, Mass.	Florio	Krueger
Burleson, Tex.	Flowers	Lagomarsino
Burlison, Mo.	Flynt	Landrum
Butler	Ford, Mich.	Latta
Byron	Forsythe	Lehman
Carney	Fountain	Lent
Carr	Frey	Levitas
Carter	Gibbons	Litton
Casey	Ginn	Lloyd, Calif.
Cederberg	Goldwater	Lloyd, Tenn.
Chappell	Goodling	Long, La.
Clancy	Gradison	Long, Md.
Clausen, Don H.	Grassley	Lott
Clawson, Del	Guyer	Lujan
Cleveland	Hagedorn	McClory
Cochran	Haley	McCollister
Collins, Ill.	Hammer-schmidt	McDade
Collins, Tex.	Hanley	McDonald
Conable	Hansen	McEwen
Conlan	Harris	McKay
	Harsha	Macdonald
	Hastings	Madden
		Madigan
	Mahon	Randall
	Mann	Rangel
	Martin	Regula
	Mathis	Rhodes
	Michel	Riegle
	Mikva	Rinaldo
	Milford	Risenhoover
	Miller, Ohio	Roberts
	Mills	Robinson
	Mitchell, N.Y.	Roe
	Moakley	Rogers
	Mollohan	Rooney
	Montgomery	Rostenkowski
	Moore	Rousselot
	Moorhead, Calif.	Runnels
	Mottl	Russo
	Murphy, Ill.	Santini
	Murtha	Sarasin
	Myers, Ind.	Sarbanes
	Natcher	Satterfield
	Neal	Scheuer
	Nedzi	Schneebeli
	Nichols	Schulze
	Nowak	Sebelius
	O'Hara	Shipley
	Ottinger	Shriver
	Passman	Shuster
	Patman, Tex.	Sikes
	Patten, N.J.	Sisk
	Pepper	Skubitz
	Pettis	Slack
	Peyser	Smith, Nebr.
	Pickle	Snyder
	Pike	Spellman
	Poage	Spence
	Pressler	Stanton, J. William
	Quillen	Steed
		Steelman
		Steiger, Ariz.
		Stephens
		Stratton
		Stuckey
		Sullivan
		Talcott
		Taylor, Mo.
		Taylor, N.C.
		Teague
		Thone
		Thornton
		Traxler
		Treen
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Walsh
		Wampler
		Whalen
		White
		Whitehurst
		Whitten
		Wilson, Bob
		Winn
		Wolff
		Wright
		Wydler
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Tex.
		Zablocki
		Zeferetti

ANSWERED "PRESENT"—15

Burke, Calif.	Diggs	Mosher
Burton, John	Edwards, Calif.	Reuss
Burton, Phillip	Gonzalez	Waxman
Clay	Harrington	Wilson, C.H.
Dellums	Mitchell, Md.	Young, Ga.

NOT VOTING—27

Anderson, Ill.	Hébert	Ruppe
Boggs	Helstoski	Stanton, James V.
Burke, Fla.	Hinshaw	Stark
Cotter	Hungate	Stokes
Dent	Karth	Symms
Eshleman	LaFalce	Udall
Fraser	Leggett	Wylie
Fuqua	Metcalfe	
Gaydos	Minish	
Harkin	Richmond	

The Clerk announced the following pairs:

Mr. Fuqua with Mr. Hébert.
Mrs. Boggs with Mr. Helstoski.
Mr. James V. Stanton with Mr. Stark.
Mr. Symms with Mr. Stokes.
Mr. Eshleman with Mr. Dent.
Mr. Leggett with Mr. Hungate.
Mr. Gaydos with Mr. Harkin.
Mr. Anderson of Illinois with Mr. Cotter.
Mr. Burke of Florida with Mr. Fraser.
Mr. Karth with Mr. Metcalfe.
Mr. Udall with Mr. LaFalce.
Mr. Minish with Mr. Richmond.
Mr. Ruppe with Mr. Wylie.

Messrs. RANGEL, EVANS of Indiana, CARNEY, YATES, Ms. HOLTZMAN, Messrs. FARY, MIKVA, Mrs. COLLINS of Illinois, Messrs. ROSTENKOWSKI, FLORIO, SANTINI, and GOODLING changed their vote from "yea" to "nay."

Mr. MELCHER, Mr. WEAVER, and Mr. ANDREWS of North Carolina changed their vote from "nay" to "yea."

Messrs. CHARLES H. WILSON of California, OTTINGER, EDWARDS of California, PHILLIP BURTON, GONZALEZ, and WAXMAN changed their vote from "yea" to "present."

Mr. OTTINGER changed his vote from "present" to "nay."

So the preferential motion to the Senate amendment numbered 72 was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Will the House concur in the Senate amendment?

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

RECORDED VOTE

Mr. SEIBERLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 146, answered "present" 1, not voting 27, as follows:

[Roll No. 745]

AYES—260

Abdnor	Fountain	Montgomery
Alexander	Frey	Moore
Ambro	Giaimo	Moorhead, Calif.
Anderson, Calif.	Gibbons	Mottl
Andrews, N.C.	Ginn	Murtha
Andrews, N. Dak.	Goldwater	Myers, Ind.
Annunzio	Goodling	Myers, Pa.
Archer	Gradison	Natcher
Armstrong	Grassley	Neal
Ashbrook	Guyer	Nedzi
Bafalis	Hagedorn	Nichols
Bauman	Haley	Nowak
Beard, R.I.	Hall	O'Hara
Beard, Tenn.	Hamilton	Passman
Bell	Hammer-schmidt	Patten, N.J.
Bennett	Hanley	Patterson, Calif.
Bevill	Hansen	Pettis
Biaggi	Harris	Pickle
Blanchard	Harsha	Poage
Boland	Hastings	Pressler
Bowen	Hayes, Ind.	Preyer
Breaux	Hays, Ohio	Pritchard
Brinkley	Heckler, Mass.	Quillen
Brodhead	Hefner	Randall
Brooks	Heinz	Regula
Broomfield	Henderson	Rhodes
Broyhill	Hightower	Riegle
Buchanan	Hillis	Rinaldo
Burgener	Holland	Risenhoover
Burke, Mass.	Holt	Roberts
Burleson, Tex.	Howe	Robinson
Burlison, Mo.	Hubbard	Roe
Butler	Hughes	Rogers
Byron	Hutchinson	Rooney
Carr	Hyde	Rose
Carter	Ichord	Roush
Casey	Jarman	Rousselot
Cederberg	Jenrette	Runnels
Chappell	Johnson, Pa.	Russo
Clancy	Jones, Ala.	Ryan
Clausen, Don H.	Jones, N.C.	Santini
Clawson, Del	Jones, Okla.	Sarasin
Cleveland	Jones, Tenn.	Sarbanes
Cochran	Kasten	Satterfield
Collins, Tex.	Kazen	Scheuer
Conable	Kelly	Schneebeli
Conlan	Kemp	Schulze
Coughlin	Ketchum	Sebelius
Crane	Kindness	Sharp
D'Amours	Krebs	Shipley
Daniel, Dan	Krueger	Shriver
Daniel, R. W.	Lagomarsino	Shuster
Daniels, N.J.	Landrum	Sikes
Danielson	Lent	Skubitz
Davis	Levitas	Slack
de la Garza	Litton	Smith, Nebr.
Delaney	Lloyd, Calif.	Snyder
Derrick	Lloyd, Tenn.	Spellman
Derwinski	Long, La.	Spence
Devine	Long, Md.	Stanton, J. William
Dickinson	Lott	Steed
Dingell	Lujan	Steelman
Downing, Va.	McCollister	Steiger, Ariz.
Duncan, Tenn.	McDade	Stephens
du Pont	McDonald	Stratton
Early	McEwen	Stuckey
Edgar	McKay	Sullivan
Edwards, Ala.	Macdonald	Talcott
Eilberg	Madigan	Taylor, Mo.
English	Mahon	Taylor, N.C.
Esch	Mann	Teague
Evans, Ind.	Martin	Thone
Evins, Tenn.	Mathis	Thornton
Fish	Mazzoli	Traxler
Fithian	Meyner	Treen
Florio	Michel	Vander Jagt
Flowers	Milford	Vanik
Flynt	Miller, Ohio	Vigorito
Ford, Mich.	Mills	Waggonner
Forsythe	Minish	Walsh
	Mitchell, N.Y.	Wampler
	Moakley	
	Mollohan	

White	Wirth	Young, Alaska
Whitehurst	Wolff	Young, Fla.
Wilson, Bob	Wright	Young, Tex.
Wilson, Tex.	Wydler	Zablocki
Winn	Yatron	Zeferetti

NOES—146

Abzug	Findley	Murphy, Ill.
Adams	Fisher	Murphy, N.Y.
Addabbo	Flood	Nix
Allen	Foley	Nolan
Anderson, Ill.	Ford, Tenn.	Oberstar
Ashley	Fraser	Obey
Aspin	Frenzel	O'Brien
AuCoin	Gilman	O'Neill
Badillo	Gonzalez	Ottinger
Baldus	Green	Patman, Tex.
Barrett	Gude	Pattison, N.Y.
Baucus	Hannaford	Pepper
Bedell	Harrington	Perkins
Bergland	Hawkins	Pike
Biester	Hechler, W. Va.	Price
Bingham	Hicks	Quie
Blouin	Holtzman	Railsback
Bolling	Horton	Rangel
Bonker	Howard	Rees
Brademas	Jacobs	Reuss
Breckinridge	Jeffords	Richmond
Brown, Calif.	Johnson, Calif.	Rodino
Brown, Ohio	Johnson, Colo.	Roncalio
Burke, Calif.	Jordan	Rosenthal
Burton, John	Kastenmeier	Rostenkowski
Burton, Phillip	Keys	Roybal
Carney	Koch	St Germain
Chisholm	Lehman	Schroeder
Clay	McClory	Seiberling
Cohen	McCormack	Simon
Collins, Ill.	McFall	Smith, Iowa
Conte	McHugh	Solarz
Conyers	McKinney	Staggers
Corman	Madden	Steiger, Wis.
Cornell	Maguire	Studds
Dellums	Matsunaga	Symington
Diggs	Meeds	Thompson
Dodd	Melcher	Tsongas
Downey, N.Y.	Mezvinsky	Ullman
Drinan	Mikva	Van Deerlin
Duncan, Oreg.	Miller, Calif.	Vander Veen
Eckhardt	Mineta	Waxman
Edwards, Calif.	Mink	Weaver
Emery	Mitchell, Md.	Whalen
Erlenborn	Moffett	Wiggins
Evans, Colo.	Moorhead, Pa.	Wilson, C. H.
Fary	Morgan	Yates
Fascell	Mosher	Young, Ga.
Fenwick	Moss	

ANSWERED "PRESENT"—1

Sisk

NOT VOTING—27

Boggs	Hinshaw	Stanton,
Burke, Fla.	Hungate	James V.
Cotter	Karth	Stark
Dent	LaFalce	Stokes
Eshleman	Latta	Symms
Fuqua	Leggett	Udall
Gaydos	McCloskey	Whitten
Harkin	Metcalfe	Wylie
Hébert	Peyser	
Helstoski	Ruppe	

The Clerk announced the following pairs:

On this vote:

Mr. Sisk for, with Mr. Stark against.
Mr. Hébert for, with Mr. Dent against.
Mr. Whitten for, with Mr. Stokes against.
Mr. Peyser for, with Mr. Helstoski against.
Mr. Hungate for, with Mr. Metcalfe against.
Mr. Cotter for, with Mr. Leggett against.
Mr. Fuqua for, with Mr. James V. Stanton against.

Until further notice:

Mr. LaFalce with Mr. McCloskey.
Mrs. Boggs with Mr. Burke, of Florida.
Mr. Gaydos with Mr. Harkin.
Mr. Eshelman with Mr. Karth.
Mr. Udall with Mr. Symms.
Mr. Ruppe with Mr. Latta.

Messrs. BARRETT and NIX changed their votes from "yea" to "nay."

Mr. HALL and Mrs. SULLIVAN changed their votes from "nay" to "yea."

Mr. GONZALEZ changed his vote from "present" to "nay."

Mr. SISK. Mr. Speaker, I have a live pair with the gentleman from California (Mr. STARK). If he had been present he would have voted "nay." I withdraw my vote and vote "present."

So the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 76: Page 47, line 23, insert: *Provided*, That the appropriation for "Community service program" contained in title I, chapter VI of Public Law 94–32 (Second Supplemental Appropriations Act, 1975) is amended by striking out "September 30, 1975" and inserting in lieu thereof "December 31, 1975".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That the appropriation for "Community service program" contained in title I, chapter VI of Public Law 94–32 (Second Supplemental Appropriations Act, 1975) is amended by striking out "September 30, 1975" and inserting in lieu thereof "June 30, 1976"

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 84: Page 54, line 5, strike out:

SEC. 407. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointment shall not exceed the fiscal year 1973 level: *Provided*, That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually.

And insert:

SEC. 407. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein except as provided in section 204 of Public Law 93–554.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 85: Page 55, line 13, insert: "; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 in the current fiscal year and $625 in the period July 1, 1976, through September 30, 1976, from funds available for 'Salaries and expenses, Federal Mediation and Conciliation Service'."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 85 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON SENATE JOINT RESOLUTION 121, PROVIDING FOR QUARTERLY ADJUSTMENTS IN THE SUPPORT PRICE FOR MILK

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 121) to provide for quarterly adjustments in the support price for milk, with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. JONES of Tennessee, VIGORITO, BOWEN, NOLAN, BALDUS, KREBS, MCHUGH, BERGLAND, WAMPLER, JEFFORDS, and KELLY.

SUBPENAS IN THE CASE OF COMMON CAUSE, ET AL. AGAINST BLAILAR, ET AL.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 903) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 903

Whereas, in the case of Common Cause et al. against Blailar, et al. (Civil Action 1887–73) pending in the United States District Court for the District of Columbia, several subpenas were served upon various employees of the House of Representatives during the 93rd Congress, 2nd session; and

Whereas, in response to the said subpenas the House of Representatives of the 94th Congress, 1st session, adopted H. Res. 85 on January 23, 1975, which resolution authorized the Speaker to retain counsel to represent the interest of the House and of the subpenaed employees of the House; and

Whereas, in the same case a subpena duces tecum was issued upon the application of Kenneth J. Guido, attorney for the plaintiffs, and served upon Mr. Jay Starling, Director, Republican Research Committee, on August 26, 1975, and laid before the House on September 23, 1975, which subpena directed him to appear as a witness before the said court and to bring with him certain papers in the possession and under the control of the United States House of Representatives; now therefore be it

Resolved, That by the privileges of this House no evidence of a documentary charac-

have until midnight Saturday, December 6, 1975, to file a conference report on House Concurrent Resolution 466, the second concurrent resolution on the budget for fiscal year 1976.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, would the gentleman from Washington (Mr. ADAMS) tell us whether or not he expects this conference report to include the adjusted figures to cover the legislation to aid the city of New York, which we passed this week?

Mr. ADAMS. It will not. In other words, it depends upon what the Committee on Appropriations does because that requires an appropriation. If it does not come within the ceiling, then there would have to be another concurrent resolution.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

CONFERENCE REPORT ON H.R. 8069, DEPARTMENT OF HEW AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1976

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 8069) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 2, 1975.)

Mr. FLOOD (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

(Mr. FLOOD asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, the conference report before us today provides $36,073,748,318 for programs administered by the Departments of Labor, Health, Education, and Welfare, and other related agencies, such as ACTION and the Community Services Administration.

This bill along with the education appropriation bill which, as the Members know, has already been enacted, is the backbone of the Federal Government's domestic assistance programs. They include job training, unemployment assistance, health care, social security, public assistance, the programs for the older Americans, and that is what this appropriation bill is all about.

The bill also includes $8,953,070,000 for the 3-month transition period between fiscal 1976 and the new fiscal year which, as the Members know, begins, under our new setup, in 1977.

This is $14.7 million less than the House bill but that results mainly from changes made by the conferees in the amounts recommended for 1976. The amount recommended by the conferees is $94.1 million over the House bill and $198.8 million below the Senate bill.

So I think the conferees did a pretty good job in upholding the position of the House.

We agreed with most of the Senate decreases from the House bill—and we tried to pare down the Senate increases as much as possible, so that we could present to the House a responsible bill. All right.

Now where does this conference agreement stand in comparison to the President's budget? Well, I will tell you. The House bill was $826.3 million over the budget. The Senate bill was $1.1 billion over the budget. The conference agreement is $915.8 million over the budget. That figure is much, much closer to the House amount than to the Senate amount.

Compared with the budget, it may appear offhand that this bill is excessive and simply too much for the programs, no matter how worthy they may seem to be. But do not forget this, that budget proposed drastic cutbacks from last year in medical research at NIH, Maternal and Child Health Services, mental health, alcohol and drug abuse, vocational rehabilitation, and community services programs. In total the conference agreement is $4.6 billion below fiscal year 1975 appropriations.

Do not get carried away by that. Let me tell the Members what happened. This is simply a net figure, and this is composed of the increases and the decreases throughout the entire bill. The major reason for the apparent decrease from last year results from the fact that very large appropriations were made in 1975 for unemployment compensation. The funds required for unemployment compensation for 1976 are included in the pending supplemental appropriation bill. So, therefore, we have to make proper adjustments for that very simple fact in making any year-to-year comparison of these bills.

But in the interest of time, I would like to summarize the major changes from the bill as passed by the House.

First, and the Members want to hear this, almost two-thirds of the increase that I told them about over the House bill is for health—health programs. The conferees added $40 million for the National Cancer Institute, $20 million for the Heart and Lung Institute, $6 million for the other institutes at NIH, $22 million for mental health and alcohol abuse programs, and $5 million for Public Health Service Hospitals.

For the human development programs the conferees agreed to $16.8 million over the House bill. This is for such programs as Head Start, vocational rehabilitation, Runaway Youth projects, and the native American programs.

For the programs administered by the Community Services Administration—and, heavens knows, the Members are all receiving a stack of mail about the Community Services Administration; that is the former OEO Agency—the conferees recommended total increases of $20.3 million over the House bill. That is for such programs as veterans education and training services, rural housing, the emergency food and medical services, and the emergency energy conservation.

For the Occupational Safety and Health Administration in the Department of Labor, we agreed to $8 million more than the House bill. But in addition the conferees deleted two Senate amendments relating to OSHA. The first amendment would have prohibited OSHA from levying a fine of more than $50 for a nonserious violation of the act during the initial inspection of any establishment employing 15 or fewer people.

The second Senate amendment would have prohibited OSHA from inspecting firms employing 3 persons or less.

The conference agreement deletes several Senate amendments which earmarked specific figures for new positions in the bill for health agencies of HEW. But instead we have included a table in the statement of the managers detailing the distribution of positions for the health programs.

Finally, Mr. Speaker, the conferees were confronted with three amendments adopted on the Senate floor relating to the subject of school busing. This is a very emotional subject and could be debated interminably. The conferees, believe me, spent many, many hours discussing these amendments. We agreed to delete two, the so-called Biden amendments.

On the other amendment, that is the so-called Byrd amendment, we could not agree.

I have felt all along that an annual appropriation bill is not the proper place to deal with this question of busing. This is a subject that should be dealt with in permanent legislation. In fact, there is existing legislation, the Equal Education Opportunities Act, which was enacted a yera ago, which relates specifically to the question of school busing. Any changes in that law should be handled by the proper legislative committee under the regular procedures of the House. I plan to offer a motion to modify the Byrd amendment to make it conform with existing law.

So, Mr. Speaker, I urge adoption of the conference report and of motions I shall offer in connection with the amendments in disagreement.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a detailed tabulation showing the amounts provided in the conference agreement for each appropriation in the bill, together with appropriate comparisons:

LABOR-HEW APPROPRIATION BILL, 1976 (H.R. 8069)—CONFERENCE SUMMARY

	Appropriation, fiscal year 1975	Fiscal year 1976 and transition period				Conference compared with—			
		Budget estimates	House	Senate	Conference	Enacted 1975	Budget estimates	House bill	Senate bill
TITLE I—DEPARTMENT OF LABOR									
MANPOWER ADMINISTRATION									
Program administration	$67,009,000	$66,438,000	$66,632,000	$66,632,000	$66,632,000	−$377,000	$194,000		
Transiiton period		16,195,000	16,748,000	16,748,000	16,748,000		553,000		
Trust fund transfer	(28,665,000)	(29,366,000	(29,866,000)	(29,866,000)	(29,866,000)	(1,201,000)	( )	( )	( )
Transition period	( )	(7,377,000)	(7,377,000)	(7,377,000)	(7,377,000)	( )	( )	( )	( )
Comprehensive manpower assistance	2,852,450,000	2,394,400,000	2,388,400,000	2,394,400,000	2,388,400,000	−464,050,000	−6,000,000		−$6,000,000
Transition period		599,000,000	597,500,000	599,000,000	597,500,000		−1,500,000		−1,500,000
Federal unemployment benefits and allowances	2,365,000,000	410,000,000	410,000,000	410,000,000	410,000,000	−1,955,000,000			
Transition period		95,000,000	95,000,000	95,000,000	95,000,000				
Advances to the Unemployment Trust Fund and other funds	5,750,000,000					−5,750,000,000			
Transition period									
Grants to States for unemployment insurance and employment services	64,400,000	74,000,000	81,300,000	82,800,000	81,300,000	16,900,000	7,300,000		−1,500,000
Transition period		18,500,000	20,300,000	20,700,000	20,300,000		1,800,000		−400,000
Trust fund transfer	(1,177,900,000)	(995,000,000)	(1,056,300,000)	(1,054,800,000)	(1,051,300,000)	(−126,600,000)	(56,300,000)	(−$5,000,000)	(−3,500,000)
Transition period	( )	(248,750,000)	(264,100,000)	(263,700,000)	(262,850,000)	( )	(14,100,000)	(−1,250,000)	(−850,000)
Total	11,098,859,000	2,944,888,000	2,946,332,000	2,953,832,000	2,946,332,000	−8,152,527,000	1,494,000		−7,500,000
Transition period		728,695,000	729,548,000	731,448,000	729,548,000		853,000		−1,900,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION									
Salaries and expenses	36,845,000	42,000,000	41,232,000	41,232,000	41,232,000	4,387,000	−768,000		
Transition period		10,047,000	10,047,000	10,047,000	10,047,000				
EMPLOYMENT STANDARDS ADMINISTRATION									
Salaries and expenses	76,116,000	79,715,000	81,560,000	83,643,000	82,410,000	6,294,000	2,695,000	850,000	−1,233,000
Transition period		19,929,000	20,390,000	20,911,000	20,602,000		673,000	212,000	−309,000
Trust fund transfer	( )	(225,000)	(225,000)	(225,000)	(225,000)	(225,000)	( )	( )	( )
Transition period	( )	(56,000)	(56,000)	(56,000)	(56,000)	( )	( )	( )	( )
Special benefits	165,000,000	201,000,000	201,000,000	201,000,000	201,000,000	36,000,000			
Transition period		70,000,000	70,000,000	70,000,000	70,000,000				
Total	241,116,000	280,715,000	282,560,000	284,643,000	283,410,000	42,294,000	2,695,000	850,000	−1,233,000
Transition period		89,929,000	90,390,000	90,911,000	90,602,000		673,000	212,000	−309,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
Salaries and expenses	102,006,000	116,025,000	108,221,000	123,221,000	116,221,000	14,215,000	196,000	8,000,000	−7,000,000
Transition period		20,000,000	27,000,000	29,500,000	29,000,000			2,000,000	−500,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	54,422,000	61,683,000	64,846,000	64,846,000	64,846,000	10,424,000	3,163,000		
Transition period		15,250,000	16,210,000	16,210,000	16,210,000		960,000		
DEPARTMENTAL MANAGEMENT									
Salaries and expenses	30,339,000	33,242,000	32,297,000	32,297,000	32,297,000	1,958,000	−945,000		
Transition period		7,781,000	7,781,000	7,781,000	7,781,000				
Trust fund transfer	(820,000)	(881,000)	(881,000)	(881,000)	(881,000)	(61,000)	( )	( )	( )
Transition period	( )	(221,000)	(221,000)	(221,000)	(221,000)	( )	( )	( )	( )
Special foreign currency program	200,000	200,000	70,000	70,000	70,000	−130,000	−130,000		
Transition period									
Total	30,539,000	33,442,000	32,367,000	32,367,000	32,367,000	1,828,000	−1,075,000		
Transition period		7,781,000	7,781,000	7,781,000	7,781,000				
Total, Department of Labor	11,563,737,000	3,473,703,000	3,475,558,000	3,500,141,000	3,484,408,000	−8,079,379,000	5,705,000	8,850,000	−15,733,000
Transition period		380,702,000	880,976,000	885,897,000	883,188,000		2,486,000	2,212,000	−2,709,000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
HEALTH SERVICES ADMINISTRATION									
Health services	483,226,000	426,782,000	553,685,000	560,302,000	557,693,000	74,457,000	130,911,000	4,008,000	−2,609,000
Transition period		136,656,000	135,501,000	135,126,000	135,126,000		−1,530,000	−375,000	
Trust fund transfer	(5,774,000)	(24,671,000)	(26,671,000)	(26,671,000)	(26,671,000)	(20,897,000)	(2,000,000)	( )	( )
Transition period	( )	(6,521,000)	(7,021,000)	(7,021,000)	(7,021,000)	( )	(500,000)	( )	( )
CENTER FOR DISEASE CONTROL									
Preventive health services	96,045,000	99,601,000	107,115,000	112,471,000	108,971,000	12,926,000	9,370,000	1,856,000	−3,500,000
Transition period		26,828,000	28,032,000	28,032,000	28,032,000		1,204,000		
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	669,503,000	586,837,000	703,564,000	803,564,000	743,564,000	74,061,000	156,727,000	40,000,000	−60,000,000
Transition period		149,700,000	149,700,000	149,700,000	149,700,000				
National Heart and Lung Institute	303,515,000	271,840,000	320,059,000	379,059,000	349,059,000	45,544,000	77,219,000	20,000,000	−30,000,000
Transition period		58,015,000	58,015,000	58,015,000	58,015,000				
National Institute of Dental Research	44,233,000	38,039,000	45,794,000	45,794,000	45,794,000	1,561,000	7,755,000		
Transition period		7,674,000	7,674,000	7,674,000	7,674,000				
National Institute of Arthritis, Metabolism and Digestive Diseases	161,040,000	144,065,000	173,972,000	176,972,000	175,172,000	14,132,000	31,107,000	1,200,000	−1,800,000
Transition period		35,052,000	43,052,000	43,052,000	43,052,000		−8,000,000		
National Institute of Neurological and Communicative Disorders and Stroke	129,475,000	107,055,000	136,546,000	136,546,000	136,546,000	7,071,000	29,491,000		
Transition period		27,964,000	32,964,000	32,964,000	32,964,000		5,000,000		
National Institute of Allergy and Infectious Diseases	110,492,000	100,777,000	118,918,000	118,918,000	118,918,000	8,426,000	18,141,000		
Transition period		26,974,000	26,974,000	26,974,000	26,974,000				
National Institute of General Medical Sciences	135,533,000	120,779,000	146,461,000	146,461,000	146,461,000	10,928,000	25,682,000		
Transition period		32,961,000	32,961,000	32,961,000	32,961,000				

GERALD R. FORD LIBRARY

LABOR-HEW APPROPRIATION BILL, 1976 (H.R. 8069)—CONFERENCE SUMMARY—Continued

	Appropriation, fiscal year 1975	Fiscal year 1976 and transition period: Budget estimates	House	Senate	Conference	Conference compared with—: Enacted 1975	Budget estimates	House bill	Senate bill
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued									
EDUCATION, AND WELFARE—Continued									
National Institute of Child Health and Human Development	132,578,000	96,547,000	126,889,000	126,889,000	126,889,000	−5,689,000	30,342,000		
Transition period		23,566,000	23,566,000	23,566,000	23,566,000				
National Institute on Aging		14,428,000	15,526,000	20,526,000	17,526,000	17,526,000	3,098,000	2,000,000	−3,000,000
Transition period		3,943,000	2,943,000	3,943,000	3,943,000				
National Eye Institute	39,486,000	34,554,000	42,608,000	50,000,000	45,565,000	6,079,000	11,011,000	2,957,000	−4,435,000
Transition period		9,103,000	9,103,000	9,103,000	9,103,000				
National Institute of Environmental Health Sciences	31,896,000	29,368,000	35,915,000	35,915,000	35,915,000	−4,019,000	6,547,000		
Transition period		7,540,000	7,540,000	7,540,000	7,540,000				
Research resources	126,766,000	80,724,000	128,731,000	131,731,000	129,931,000	3,165,000	49,207,000	1,200,000	−1,800,000
Transition period		20,195,000	20,195,000	20,195,000	20,195,000				
John E. Fogarty Center	5,569,000	4,540,000	5,345,000	6,245,000	5,705,000	116,000	1,165,000	360,000	−540,000
Transition period		1,135,000	1,135,000	1,135,000	1,135,000				
National Library of Medicine	28,850,000	28,815,000	28,815,000	29,565,000	29,065,000	215,000	250,000	250,000	−500,000
Transition period		6,572,000	6,572,000	6,572,000	6,572,000				
Buildings and facilities	3,000,000	3,000,000	93,000,000	41,000,000	54,000,000	51,000,000	51,000,000	−39,000,000	13,000,000
Transition period		750,000	750,000	750,000	750,000				
Office of the Director	17,326,000	19,986,000	19,612,000	17,896,000	17,896,000	570,000	−2,000,000	−1,716,000	
Transition period		4,997,000	4,903,000	4,474,000	4,474,000		−523,000	−429,000	
Total	1,939,282,000	1,681,354,000	2,150,755,000	2,267,081,000	2,178,006,000	238,724,000	496,652,000	27,251,000	−89,075,000
Transition period		416,141,000	429,074,000	428,618,000	428,618,000		12,477,000	−429,000	
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION									
Alcohol, drug abuse, and mental health	619,329,000	476,279,000	557,654,000	601,998,000	579,554,000	−39,775,000	103,275,000	21,900,000	−22,444,000
Transition period		116,565,000	84,242,000	84,104,000	84,104,000		−32,461,000	−138,000	
St. Elizabeths Hospital (indefinite)	48,758,000	48,064,000	48,064,000	48,064,000	48,064,000	−694,000			
Transition period		15,500,000	15,500,000	15,500,000	15,500,000				
Buildings and facilities			2,500,000	5,400,000	5,400,000	5,400,000	5,400,000	2,900,000	
Transition period									
Total	668,087,000	524,343,000	608,218,000	655,462,000	633,018,000	−35,069,000	108,675,000	24,800,000	−22,444,000
Transition period		132,065,000	99,742,000	99,604,000	99,604,000		−32,461,000	−138,000	
HEALTH RESOURCES ADMINISTRATION									
Health resources	302,319,000	325,329,000	360,709,000	360,529,000	347,428,000	45,109,000	22,099,000	−13,281,000	−13,101,000
Transition period		81,790,000	78,790,000	78,255,000	78,255,000		−3,535,000	−535,000	
Trust fund transfer	(8,620,000)	(42,000)	(42,000)	(42,000)	(42,000)	(−8,578,000)	( )	( )	( )
Transition period	( )	(11,000)	(11,000)	(11,000)	(11,000)	( )	( )	( )	( )
Medical facilities guarantee and loan fund		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000			
Transition period		7,000,000	7,000,000	7,000,000	7,000,000				
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
Transition period									
Total	306,319,000	339,329,000	374,709,000	374,529,000	361,428,000	55,109,000	22,099,000	−13,281,000	−13,101,000
Transition period		88,790,000	85,790,000	85,255,000	85,255,000		−3,535,000	−535,000	
ASSISTANT SECRETARY FOR HEALTH									
Assistant Secretary for Health	30,992,000	23,288,000	23,142,000	20,842,000	20,842,000	−10,150,000	−2,446,000	−2,300,000	
Transition period		6,302,000	5,785,000	5,210,000	5,210,000		−1,092,000	−575,000	
Trust fund transfer	(27,080,000)	( )	( )	( )	( )	(−27,080,000)	( )	( )	( )
Transition period	( )	( )	( )	( )	( )	( )	( )	( )	( )
Retirement pay and medical benefits for commissioned officers (indefinite)	39,200,000	45,013,000	45,013,000	45,013,000	45,013,000	5,813,000			
Transition period		13,552,000	13,552,000	13,552,000	13,552,000				
Total	70,192,000	68,301,000	68,155,000	65,855,000	65,355,000	−4,337,000	−2,446,000	−2,300,000	
Transition period		19,854,000	19,337,000	18,762,000	18,762,000		−1,092,000	−575,000	
SOCIAL AND REHABILITATION SERVICE									
Public assistance	13,841,227,000	14,999,085,000	15,000,000,000	15,009,400,000	15,003,050,000	1,162,723,000	4,865,000	−3,950,000	−5,450,000
Transition period		3,064,682,000	3,965,000,000	3,965,000,000	3,965,000,000		318,000		
Work incentives	210,000,000	330,000,000	330,000,000	330,000,000	330,000,000	120,000,000			
Transition period		80,000,000	80,000,000	80,000,000	80,000,000				
Salaries and expenses	65,822,000	63,361,000	57,878,000	60,878,000	60,378,000	−5,444,000	−2,083,000	2,500,000	−500,000
Transition period		16,265,000	14,470,000	15,219,000	15,219,000		−1,046,000	749,000	
Trust fund transfer	(600,000)	( )	( )	( )	( )	(−600,000)	( )	( )	( )
Transition period	( )	( )	( )	( )	( )	( )	( )	( )	( )
Total	14,117,049,000	15,392,446,000	15,387,878,000	15,400,278,000	15,394,328,000	1,277,279,000	1,882,000	6,450,000	−5,950,000
Transition period		4,060,947,000	4,059,470,000	4,069,219,000	4,060,219,000		−728,000	749,000	
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trust and other funds	3,345,323,600	4,175,255,000	4,123,363,000	4,123,363,000	4,123,363,000	778,040,000	−51,892,000		
Transition period		892,000,000	880,940,000	880,940,000	880,940,000		−11,060,000		
Special benefits for disabled coal miners	957,740,000	999,778,000	999,778,000	999,778,000	999,778,000	42,038,000			
Transition period		234,600,000	234,600,000	234,600,000	234,600,000				
Supplemental security income program	4,857,102,000	5,538,523,000	5,518,523,000	5,518,523,000	5,518,523,000	661,421,000	−20,000,000		
Transition period		1,508,541,000	1,503,541,000	1,503,541,000	1,503,541,000		−5,000,000		
Limitation on salaries and expenses	(2,125,987,000)	(2,373,132,000)	(2,373,133,612)	(2,373,133,612)	(2,373,133,612)	(247,146,612)	(1,612)	( )	( )
Transition period	( )	(620,000,000)	(629,900,403)	(629,900,403)	(629,900,403)	( )	(403)	( )	( )
Limitation on construction	(8,232,000)	(6,300,000)	(6,300,000)	(6,300,000)	(6,300,000)	(−1,932,000)	( )	( )	( )
Transition period	( )	(3,633,000)	(3,633,000)	(3,633,000)	(6,633,000)	( )	( )	( )	( )
Total	9,160,165,000	10,713,556,000	10,641,664,000	10,641,664,000	10,641,664,000	1,481,499,000	−71,892,000		
Transition period		2,635,141,000	2,619,081,000	2,619,081,000	2,619,081,000		−16,060,000		

LABOR-HEW APPROPRIATION BILL, 1976 (H.R. 8069)—CONFERENCE SUMMARY—Continued

	Appropriation, fiscal year 1975	Fiscal year 1976 and transition period: Budget estimates	House	Senate	Conference	Conference compared with— Enacted 1975	Budget estimates	House bill	Senate bill
TITLE II—DEPARTMENT OF HEALTH, NATIONAL INSTITUTES OF HEALTH—Cont.									
—ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT									
Human development	1,445,595,000	1,404,682,000	1,500,049,000	1,528,758,318	1,516,858,318	71,263,318	112,176,318	16,809,318	−11,900,000
Transition period		348,164,000	371,505,000	371,505,000	371,505,000		23,341,000		
Trust fund transfer	(—)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(—)	(—)	(—)
Transition period	(—)	(150,000)	(150,000)	(150,000)	(150,000)	(—)	(—)	(—)	(—)
DEPARTMENTAL MANAGEMENT									
Office for Civil Rights	22,207,000	25,147,000	24,686,000	24,686,000	24,686,000	2,479,000	−461,000		
Transition period		6,494,000	6,379,000	6,379,000	6,379,000		−115,000		
Trust fund transfer	(1,466,000)	(1,351,000)	(1,351,000)	(1,351,000)	(1,351,000)	(−115,000)	(—)	(—)	(—)
Transition period	(—)	(352,000)	(352,000)	(352,000)	(352,000)	(—)	(—)	(—)	(—)
General departmental management	110,028,000	93,035,000	87,280,000	85,519,000	85,519,000	−24,509,000	−7,516,000	−1,770,000	
Transition period		24,106,000	22,670,000	22,160,000	22,160,000		−1,946,000	−510,000	
Trust fund transfer	(8,255,000)	(12,751,000)	(12,751,000)	(12,751,000)	(12,751,000)	(4,496,000)	(—)	(—)	(—)
Transition period	(—)	(3,284,000)	(3,284,000)	(3,284,000)	(3,284,000)	(—)	(—)	(—)	(—)
Policy research		29,260,000	26,300,000	24,950,000	24,950,000	24,950,000	−4,310,000	−1,350,000	
Transition period		7,315,000	6,575,000	6,575,000	6,575,000		−740,000		
Total	132,235,000	147,442,000	138,275,000	135,155,000	135,155,000	2,920,000	−12,287,000	−3,120,000	
Transition period		37,915,000	35,624,000	35,114,000	35,114,000		−2,801,000	−510,000	
Total, Department of Health, Education, and Welfare	28,418,195,000	30,797,836,000	31,530,503,000	31,741,555,318	31,592,976,318	3,174,781,318	795,140,318	62,473,318	−148,579,000
Transition period		7,002,501,000	7,883,129,000	7,881,316,000	7,881,316,000		−21,185,000	−1,813,000	
TITLE III—RELATED AGENCIES									
Action	100,000,000	101,574,000	101,313,000	105,623,000	103,266,000	3,266,000	1,692,000	1,953,000	−2,357,000
Transition period		21,083,000	21,083,000	25,591,000	21,083,000				−4,508,000
Community Services Administration	507,700,000	363,000,000	474,385,000	526,452,000	494,652,000	−13,048,000	131,652,000	20,267,000	−31,800,000
Transition period		90,750,000	144,975,000	129,746,000	129,746,000		38,996,000	−15,229,000	
Federal Mediation and Conciliation Service	16,245,000	18,250,000	17,704,000	17,904,000	17,904,000	1,659,000	−346,000	200,000	
Transition period		4,800,000	4,426,000	4,476,000	4,476,000		−324,000	50,000	
National Commission on Libraries and Information Science	409,000	502,000	409,000	468,000	468,000	59,000	−34,000	59,000	
Transition period		125,000	102,000	117,000	117,000		−8,000	15,000	
National Labor Relations Board	62,669,000	68,499,000	67,461,000	68,071,000	67,766,000	5,097,000	−733,000	305,000	−305,000
Transition period		17,127,000	16,865,000	17,018,000	16,941,000		−186,000	76,000	−77,000
National Mediation Board	3,236,000	3,105,000	3,405,000	3,405,000	3,405,000	169,000	300,000		
Transition period		775,000	850,000	850,000	850,000		75,000		
Occupational Safety and Health Review Commission	5,512,000	5,675,000	5,638,000	5,638,000	5,638,000	126,000	−37,000		
Transition period		1,418,000	1,418,000	1,418,000	1,418,000				
Railroad Retirement Fund: Payments to Railroad Retirement Trust fund	3,516,000	250,000,000	250,000,000	250,000,000	250,000,000	246,484,000			
Transition period									
Regional Rail Transportation Protective Account		55,100,000	37,600,000	37,600,000	37,600,000	37,600,000	−17,500,000		
Transition account		10,030,000	10,030,000	10,030,000	10,030,000				
Limitation on salaries and expenses	(25,758,000)	(29,703,000)	(28,703,000)	(28,703,000)	(28,703,000)	(2,945,000)	(−1,000,000)	(—)	(—)
Transition period	(—)	(7,430,000)	(7,175,000)	(7,175,000)	(7,175,000)	(—)	(−255,000)	(—)	(—)
Soldiers' and Airmen's Home (trust fund appropriation): Operation and maintenance	15,391,000	15,655,000	15,665,000	15,665,000	15,665,000	274,000			
Transition period		3,905,000	3,905,000	3,905,000	3,905,000				
Total, Related Agencies	714,678,000	881,370,000	973,580,000	1,030,826,000	996,364,000	281,686,000	114,994,000	22,784,000	−34,462,000
Transition period		150,013,000	203,654,000	193,151,000	188,566,000		38,553,000	−15,088,000	−4,585,000
Grand total	40,696,660,000	35,157,909,000	35,979,641,000	36,272,522,318	36,073,748,318	−4,622,911,682	915,839,318	94,107,318	−198,774,000
Transition period		8,933,216,000	8,967,759,000	8,960,364,000	8,953,070,000		19,854,000	−14,689,000	−7,294,000
Consisting of—									
Definite appropriations	40,608,702,000	35,064,832,000	35,886,564,000	36,179,445,318	35,980,671,318	−4,628,030,682	915,839,318	94,107,318	−198,774,000
Transition period		8,904,164,000	8,938,707,000	8,931,313,000	8,924,018,000		19,854,000	−14,689,000	−7,294,000
Indefinite appropriations	87,958,000	93,077,000	93,077,000	93,077,000	93,077,000	5,119,000			
Transition period		29,052,000	29,052,000	29,052,000	29,052,000				

(Mr. FLOOD asked and was given permission to revise and extend his remarks, and include extraneous matter, including tabulations.)

Mr. MICHEL. Mr. Speaker, I yield myself 12 minutes.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I rise in opposition to the conference report.

The report provides Labor-HEW appropriations in the amount of $36,073,748,318. On the surface, this appears to be $4.6 billion under last year's level, but last year's figure includes $7 billion in supplemental unemployment benefits appropriated in June of this year, much of which will be spent this fiscal year. If we thus take out the abnormally high fiscal year 1975 Labor Department allocation, which ended up $8 billion over the fiscal 1976 appropriation for Labor contained in this bill, we get a truer appropriation picture, and we find that this bill is actually about $3.5 billion over last year's level. And this does not include the additional $5.7 billion for Labor-HEW we recently included in the first supplemental appropriation bill.

Most importantly, however, the conference report sets forth a bill that is almost a billion dollars over the budget—$915 million to be exact. If the excesses of the first supplemental are added in, the figure jumps to $1.2 billion, and even that does not include a number of still unauthorized HEW items.

It is ironic that this bill is before us on the same day that we pass a major tax cut bill. How can we, in good conscience, approve tax cuts and then turn right around and pass a budget-busting spending bill. How can we explain such irresponsibility to our constitutents? We reduce revenues on the one hand, and incerase spending on the other. Theoretically, the best of two possible worlds. We please the average taxpaying citizens in the one instance, and the special interests who have been living off the Federal gravy train in the other.

Passage of this bloated conference report represents the easy way out. It enables us to avoid coming to grips with the fact that somewhere along the line we are going to have to make some tough spending decisions. Unless we want to go the route of New York City, we certainly cannot continue with budget deficits of the $70 plus billion magnitude we are facing this year. We have no one around to bail us out. Nor can we hope

GERALD R. FORD LIBRARY

to hold down the fires of inflation with deficits of such magnitude.

H.R. 8069 is clearly veto-bait as it stands. Labor-HEW, as our fastest-growing spending area, is where we must take the bull by the horns if fiscal discipline is ever going to be instituted. The budget presented by the administration in this field may not be justifiable in every instance, but it does recognize the overall picture much better than this bill, and it does rightly recognize that a number of programs have essentially accomplished their intended purposes and thus need not be funded ad-infinitum. As I go through the individual items in this bill, I will be pointing out these other areas where the bill is excessive and where cuts can be made without undercutting needed efforts in the field.

LABOR DEPARTMENT

The total for the Labor Department in the conference report is $3,484,408,000, which is $8,850,000 over the House version, $15,733,000 under the Senate, and $5,705,000 over the budget.

The bulk of the increase over the House bill is in the Occupational Safety and Health Administration, where $4,000,000 was added for 333 additional compliance officers and support personnel, and another $4 million for consultation services. The bill thus provides $9 million for consultation in those States without State plans, an increase of $4 million over last year.

I am concerned over the increase for compliance officers, because Labor still has 134 positions which it has yet to fill. More importantly, we have included language in the conference report which calls on the department to upgrade the skills of inspectors through intensive retraining, even if it results in the reduction of total inspections undertaken. Consequently, it simply does not make sense to add more inspectors at this time. We ought to wait until Labor fills the positions it has and accomplishes the retraining of present personnel before adding new positions.

We also have language in the report which calls for the review and simplification of existing OSHA standards, the elimination of nuisance standards, the redirection of enforcement emphasis into the area of worker health and away from industries with good health and safety records and into industries with poor records. This represents a rather significant overhaul of the program, and it seems logical to see how this develops before adding more inspectors.

I should also point out that with the ready, and perhaps eager, concurrence of the Senate conferees, the conference dropped two Senate floor amendments which would have prohibited OSHA inspection of firms with 3 or fewer employees and would have prohibited initial fines in excess of $50 for firms of 15 or fewer people.

In other areas under Labor, the conferees knocked out a Senate increase over the House of $10 million for increased Employment Service personnel, provided $15 million for expansion of computerized job matching, and eliminated a $6 million Senate increase for national training programs under CETA.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The HEW appropriation is $62,473,318 over the House bill, $148,579,000 under the Senate, but a whopping $796,140,318 over the budget.

Four hundred ninety-six million dollars of the increase over the budget goes for the National Institutes of Health, with another $130 million for health services, $108 million for alcohol, drug abuse, and mental health, and $112 million for human development.

Admittedly, the budget was probably unrealistically low in some of these areas, but we have gone beyond what should be prudent increases. For instance, had we stuck to last year's levels in just the nonmandatory areas, we could have cut the increase over the budget for HEW by some $450 million, or nearly 60 percent. Or even had we granted increases over last year's levels, but limited them to no more than the estimated inflationary rate for fiscal year 1976 of 7 percent, we would have cut nearly $130 million off the increase. Had we followed either criteria, particularly the former, the prospects for having the bill signed into law would be much greater than they are today.

HEALTH SERVICES ADMINISTRATION

In running down the various programs, it should be noted that there were only relatively minor differences between the House and Senate versions in the health services field, but a significant difference of $131 million between the conference report and the budget; $102 million of that $131 million increase over the budget goes for maternal and child health grants to the States.

The budget request of $194 million for these grants was geared to proposed legislation designed to increase the State matching share, and thus came in at some $73 million under last year's level. Since the legislation had not been enacted, our committee originally approved an amount equal to last year, an amount which I think is realistic because, as the chairman indicated on the floor in June, there are a number of other programs which also provide assistance to mothers and children, such as the community health centers, medicaid, the social services program, and the National Institute for Child Health and Human Development. The $29 million by which the final version of the bill exceeds our original bill for this item is thus an amount which we ought to be able to eliminate.

Other increases over the budget include $6.2 million for maternal and child health research and training, $2.5 million for sudden infant death information dissemination, $9.4 million for Public Health hospitals, and $12 million for emergency medical services. The latter was originally intended as a national demonstration program, to be gradually phased out after the demonstrations had been accomplished, but it appears this is another program which may end up being turned into a national service program.

CENTER FOR DISEASE CONTROL

The allocation for the Center for Disease Control is $1.8 million over the House bill and $9.4 million over the Budget; $7.3 million of the increase over the budget goes for occupational health, an increase which the administration indicates is not likely to be spent because it exceeds the Labor Department's capacity to publish final regulations for hazardous substances.

NATIONAL INSTITUTES OF HEALTH

NIH is getting $2,178.006,000 in this bill, an increase of $239 million over last year. This amounts to an 11 percent increase, substantially over the inflationary rate. The amount is $89 million under the Senate figure, but $27 million over the House and a striking $497 million over the budget request.

Nobody can thus say that we are short-changing health research. In fact, I have the feeling we are putting more money into this area than we can effectively utilize. Research, of course, is a tough area in which to determine the value received for the dollar committed, but two-plus billion is a massive commitment for an area where the results are not always readily ascertainable.

The Director of NIH, in testifying before our subcommittee on behalf of the budget request, stated:

> That the total requested is an immense amount of money and to pretend that it is insufficient to sustain a very vigorous and wide-ranging research program, and its ancillary activities, would be disingenous . . . In fact, this so-called "hard times" Budget is 50% greater than the appropriation of $1.2 billion just 5 years ago. Only a part of that large increase has been absorbed by inflation. In other words, I believe that the amount requested in the Budget continues to represent a major investment in biomedical research on a scale that no other country even attempts and in a way that will enable us to maintain a well-balanced program consistent with our present activities.

Considerable concern was, of course, expressed over a reduction in research which may have resulted had we gone along with the budget request, but I think it quite possible that we could reduce or at least stabilize the NIH budget and still increase actual research efforts if we start turning our attention toward weeding out some of the excess involved in the grantsmenship games being played at NIH.

Members may not be aware of the fact that NIH is currently funding nearly 16,000 grants and contracts, two-thirds of which are noncompetitive in nature. They are awarded through a system of peer group review, a method in which there is certainly plenty of opportunity for backscratching, padding of contracts, favoritism, and conflict of interest. This ought to be probed in depth.

The grants allow for overhead, and this used to be limited to 15 percent of the grant. With the ceiling off, it is now an average of 26 percent and rising. It is adjusted per institution, and there have been reports that as much as 60 percent of some grants are now going to overhead. We should look into this, because the difference in dollar terms

between 15 and 26 percent represents around $165 million.

Grants also are being used to pay salaries of researchers in more and more instances, and there are indications that some academic institutions are charging off faculty salaries into the grants, thereby using grant money to finance normal university operations. To the extent that this practice is occurring it ought to be forbidden.

The size of these private research salaries should also be reviewed. Particularly noteworthy in this regard is another statement made by the NIH director before our subcommittee:

For highly qualified and really competent people in the senior grades, the civil service scale compares unfavorably with salaries paid by leading academic institutions and other non-governmental research organizations to men and women of comparable talent and responsibility.

How much of the research grant money is going into research, and how much is being used to pay artificially high salaries?

I intend to undertake some investigative efforts in these areas in the months ahead and will follow up on this in our hearings next year.

With respect to the specific conference decisions on NIH, the conferees accepted 40 percent of the Senate increases over the House for the various institutes. This results in a budget of $743 million for the Cancer Institute, an increase of $74 million over last year, and a 320 percent increase since fiscal year 1971. There is little if any evidence that such large incremental increases in funding over a very large base produce much progress toward important findings but instead often result in the funding of low-priority projects. In fact, there is an increasing body of scientific opinion which is critical of such rapid increases in cancer funding. This was reflected to a great extent in debate on the Senate floor in connection with an amendment to reduce cancer funding by $100 million.

Many of the same arguments can be made with respect to the Heart and Lung Institute, which was increased in the conference report by $20 million over the House bill, $45 million over last year, and $77 million over the budget.

The conference report appears closer to the House bill than it really is, because it includes a $39 million reduction from the original House allocation of $64 million for the new facility for the National Institute of Environmental Health Sciences. The House amount covered the complete project, while the conference figure represents just the first two phases, so all this reduction does is put off the day of reckoning.

Actually, the need for this facility is questionable in the first place, as I indicated during our original floor debate on the bill. Our committee investigations staff reviewed the need, and found that current space is adequate and that a new facility would be underutilized. If we are intent on constructing a new building, we ought to consider the possibility of including the activity of the National Institute of Safety and Health in this facility, rather than also building a separate new facility for that Institute, as is provided elsewhere in this bill.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

A total of $633,018,000 is included in the bill for the Alcohol, Drug Abuse, and Mental Health Administration. This is $22 million under the Senate version, but $25 million over the House and $109 million over the budget. The conference report ends up $35 million under last year, but that is a misleading figure because an additional $50 million for community mental health centers was included in the supplemental appropriation bill we recently passed in the House, thus bringing the total above last year.

About 65 percent of the increase over the budget is in the area of training and research. The administration has been seeking to phase out the training programs in this field because the supply of manpower has reached current demand, because the earnings potential for most jobs in this field is relatively high, and because funds are available under regular Office of Education programs for student assistance.

The training programs were originally established to stimulate interest in these occupational fields, and they have done so. There have been projections of increased demand for services based on an increased utilization rate, but these are guesses only, and if they should turn out to be correct, students ought to be able to make use of other forms of assistance, such as the guaranteed loan program. With the salaries some of these people are making, there seems no reason why they cannot repay an educational loan during their period of employment.

The budget recommended a small reduction in research because much of the basic mental health related biological/chemical research conducted by ADAMHA is similar to that supported by NIH and other agencies.

Thirty-two million dollars of the total the bill is over the budget for ADAMHA falls under the alcoholism project and formula grant programs. The bill funds these programs at a level even over last year, and comes at a time when we have a committee investigation underway into their operation and effectiveness. There is increasing doubt as to what, if anything, these programs are really accomplishing, and thus, with similar services available under the medicaid and social services programs, now certainly does not appear to be the time to increase their level of funding.

HEALTH RESOURCES ADMINISTRATION

For the Health Resources Administration, we include $347,428,000, a decrease of about $13 million under both the House and Senate versions, but $22 million over the budget and $45 million over last year.

The decrease below both the Senate and House bills was achieved in essence by going along with the Senate reduction of $25.7 million for health facilities construction—the old Hill-Burton program—but at the same time accepting only $4 million of a Senate increase of nearly $20 million for the new health planning program.

The reduction for health facilities construction is also a decrease from the budget request, which means that the rest of the items are $48 million over the budget. Half of that increase is for the health planning program, but it is highly questionable whether the program can be geared up in time to enable all the money to be spent. Other increases over the budget include $10 million for health professions and nursing student loans and $9 million for District of Columbia medical facilities.

SOCIAL AND REHABILITATION SERVICE

The Social and Rehabilitation Service allocation comes in at close to the budget level, and particularly noteworthy in this area is the inclusion in the conference report of moneys to begin operation of the new child support enforcement program, which is designed to locate absent parents. Large sums of money are lost to the taxpayer each year because one or both parents flee to avoid their parental responsibility, and this program will hopefully enable us to begin recouping some of this money.

SOCIAL SECURITY ADMINISTRATION

The report provides $72 million less for the Social Security Administration than the budget request, but $39.9 million of this represents a refusal to appropriate money for standard level user charges. Another $12 million represents a request to cover estimated underfinancing of 1974 costs for hospital insurance for the uninsured, an amount which has been liquidated out of 1974 funds and thus is no longer needed, and $20 million represents a reduction from the estimated 8.7 to 8 percent of the SSI July cost of living increase.

HUMAN DEVELOPMENT

The conference report provides $1,516,858,318 for the various programs under human development, $11.9 million under the Senate version, but $16.8 million over the House, $112 million over the budget, and $71 million over last year.

The allocation for Headstart is $20.2 million over the budget and $13.5 million over last year. The key point to remember, however, is that the fiscal year 1975 appropriation was not enacted until June 12, with the result being that virtually all of the $34 million added as a cost-of-living increase will be spent during the current fiscal year. Taking this into account, then, the budget request actually represents about a 15 percent increase over last year's spending level, thus making the increases included in this bill far less justifiable.

The sum of $125 million is included for the nutrition program for the elderly, an increase of $25.4 million over the budget. Language is also included in the bill which specifies an operating level of $187.5 million. Last year, Congress mandated an operating level of $150 million, but because of the leadtime required to establish new projects, the program is just now reaching that level. Consequently, it might not be possible to reach an operating level of $187.5 million this year, particularly if an adequate review is to

GERALD R. FORD LIBRARY

be given the projects. The budget request provided for a $150 million level, which represents a 50 percent increase over last year's beginning level.

The bill contains $40 million more than the budget request for State grants under the vocational rehabilitation program, bringing the total to $720 million. It should be noted that funds for vocational rehabilitation services are also made available through the social security program. Some $158 million are expected to be made available in this regard in fiscal year 1976, an increase of $24 million over last year.

Another $18 million over the budget is included for the vocational rehabilitation innovation and expansion grant program. The administration wanted to discontinue the program because it in essence duplicates what the States can do under the State grant program.

COMMUNITY SERVICES ADMINISTRATION

Among the related agencies the Community Services Administration is the biggest problem area. The conference report provides $494,652,000 for CSA, $31.8 million under the Senate version, but $20.3 million over the House and $131.7 million over the budget. The report is also $95 million over our original committee bill.

Of the increase over the budget, $35 million is included to fund the community action agencies at the fiscal year 1975 dollar level.

That level, of course, was based on 80 percent Federal funding for each agency, with a 20 percent local match.

The law, however, reduces the Federal level to 70 percent in the current year, so providing funding at the same amount as for the 80–20 match can only mean one of two things: That we intend a substantial increase in overall program resources, with non-Federal sources providing the increase to carry-out the new matching requirement, or that we intend for the Director of CSA to grant a wholesale, across-the-board waiver to permit the local share to remain at 20 percent. If the latter is the case, it appears to me we are asking the Director to violate the intent of the law.

The purpose of the reduced matching share is to bring about greater local involvement and commitment in these agencies, and this is never going to occur as long as Federal moneys remain available. The Director has the power to waive the increased local share in individual cases, but certainly such waivers are not to be granted across the board, but only in the most dire of circumstances when CAA's are simply unable to raise local money despite a wholehearted, full-faith effort.

It is true, of course, that the House recently passed a bill increasing the Federal percentage back to 80 percent, but this bill will never become law. We are thus obliged to appropriate money on the basis of what the law is, not what we would like it to be, and if the Director properly exercises his waiver power in accordance with the intent of the law, he will not come close to spending the extra money we are allocating.

The sum of $13.3 million is included for the research and demonstration program, all of it over the budget. These functions were transferred to other agencies in 1974 in an effort to eliminate duplication, but now we are apparently moving back in the other direction and are using this program as a catch-all to accommodate various special interests. Included within the program are moneys for the basic skills demonstration program which is more properly a function of the Office of Education and is being pursued over there, for veterans' education and training, a program to assist down and out Vietnam veterans currently being undertaken with Community Action Agency moneys, and where it should continue to be located or over in the Veterans' Administration, and for rural housing, which is also a CAA program and should continue to be funded there if a separate CSA effort is needed.

Another unbudgeted item under CSA is the emergency energy conservation program, for which $27.5 million is contained in the bill. We have passed a bill in the House placing responsibility for the program under the Federal Energy Administration, and it seems logical that we await the outcome of this effort before building up a program in CSA. CSA is currently operating a winterization program at a level of $33 million, using last year's supplemental appropriation of $16.5 million and fiscal year 1976 continuing resolution authority in this amount. The additional amount is not likely to be available in time to have an impact this year, so why appropriate it now?

The sum of $26.6 million is also being appropriated for the emergency food and medical services program, also all over the budget. This program is little more than a recruitment effort for the food stamp program. In my view, I simply cannot see how we can justify spending taxpayer dollars in an effort to stimulate the expenditure of even more taxpayer dollars, particularly for a program as loosely structured as the present food stamp program.

Another $12 million over the budget is included for State economic opportunity offices and $10 million for the senior op- taxpayer dollars in an effort to stimulate portunities and services program.

SUMMARY

All in all then, this conference report is too far over the budget to be good for either the economy or the pocketbooks of our constituents. I am having inserted at the end of my remarks a table which itemizes the allocations in the bill and graphically points up the excesses and where they occur.

The increases I have cited represent ample reason for turning down this conference report. I urge that we do so.

The tables follow:

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
LABOR DEPARTMENT					
Manpower Administration:					
Program administration	$66,632,000	−$377,000	−$194,000		
Trust fund transfer	(29,866,000)	(+1,201,000)	( )	( )	( )
Comprehensive manpower assistance	2,388,400,000	−464,050,000	−6,000,000		−$6,000,000
Temporary employment assistance	( )	(−2,500,000,000)	( )	( )	( )
Community service employment for older Americans	( )	(−42,000,000)	( )	( )	( )
Federal unemployment benefits and allowances	410,000,000	−1,955,000,000			
Advances to the Unemployment Trust Fund and other funds		−5,750,000,000			
Grants to States for unemployment insurance and employment services	81,300,000	+16,900,000	+7,000,000		−1,500,000
Trust fund transfer	(1,051,300,000)	(+126,600,000)	(+56,300,000)	(−$5,000,000)	(−3,500,000)
Total	2,946,332,000	−8,152,527,000	+1,494,000		−7,500,000
Labor-Management Services Administration	41,232,000	+4,387,000	−768,000		
Employment Standards Administration:					
Salaries & expenses	82,410,000	+6,294,000	2,695,000	850,000	−1,233,000
Special benefits	201,000,000	+36,000,000			
Total	283,410,000	+42,294,000	2,695,000	850,000	−1,233,000
Occupational Safety and Health Administration	116,221,000	+14,215,000	196,000	8,000,000	−7,000,000
Bureau of Labor Statistics	64,846,000	+10,434,000	3,163,000		
Departmental Management:					
Salaries & expenses	32,297,000	1,958,000	−945,000		
Special foreign currency program	70,000	−130,000	−130,000		
Total	32,367,000	+1,828,000	−1,075,000		
Total, Labor	3,484,408,000	−8,079,379,000	+5,705,000	+8,850,000	−15,744,000
Transition period	883,188,000		+2,486,000	+2,212,000	−2,709,000

GERALD R. FORD LIBRARY

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Health Services Administration:					
Comprehensive health grants to States	(**)				
Community health centers	(**)				
Maternal and child health:					
Grants to States	297,700,000	+28,749,000	+101,788,000		
Research and training	23,708,000	−2,209,000	+6,208,000	+2,208,000	−2,209,000
SIDS information dissemination	2,500,000	+500,000	+2,500,000	+300,000	−500,000
Family planning	(**)				
Migrant health	(**)				
Health maintenance organizations	18,612,000	+11,452,000			
National health service corps	(**)				
Medical care standards	5,537,000	+482,000	+1,000,000	−1,000,000	+1,000,000
Professional standards review organizations	47,645,000	+11,441,000	−2,500,000	−2,500,000	+2,500,000
Public Health Service hospitals and clinics	126,468,000	+8,017,000	+4,000,000	+5,000,000	−1,900,000
Emergency medical services	33,625,000	+1,500,000	+11,925,000	+1,500,000	−1,500,000
Buildings and facilities		−1,300,000			
Program direction	30,569,000	−3,183,000	+1,000,000	−1,500,000	
Total, Health Services	557,693,000	+74,467,000	+130,911,000	+4,008,000	−2,609,000
Center for Disease Control:					
Venereal diseases	(**)				
Immunization	(**)				
Rat control	(**)				
Lead-based paint	(**)				
Laboratory improvement	10,601,000	+1,028,000	+612,000		
Health education	3,513,000	+486,000	+500,000	+500,000	−500,000
Disease surveillance	43,429,000	+1,178,000			
Occupational health	39,533,000	+7,547,000	+7,352,000	+1,000,000	−3,000,000
Program direction	10,439,000	+1,278,000	−550,000		
Buildings and facilities	1,456,000	+1,456,000	+1,456,000	+356,000	
Total, CDC	108,971,000	+12,926,000	+9,370,000	+1,856,000	−3,500,000
National Institutes of Health:					
National Cancer Institute	743,564,000	+74,061,000	+156,727,000	+40,000,000	−60,000,000
National Heart and Lung Institute	349,059,000	+45,544,000	+77,219,000	+20,000,000	−30,000,000
National Institute of Dental Research	45,794,000	+1,561,000	+7,755,000		
National Institute of Arthritis, Metabolism and Digestive Diseases	175,172,000	+14,132,000	+31,107,000	+1,200,000	−1,800,000
National Institute of Neurological Diseases and Stroke	136,546,000	+7,071,000	+29,491,000		
National Institute of Allergy and Infectious Diseases	118,918,000	+8,426,000	+18,141,000		
National Institute of General Medical Sciences	146,461,000	+10,928,000	+25,682,000		
National Institute of Child Health and Human Development	126,889,000	−5,689,000	+30,342,000		
National Institute on Aging	17,526,000	+17,526,000	+3,098,000	+2,000,000	−3,000,000
National Eye Institute	45,565,000	+6,079,000	+11,011,000	+2,957,000	−4,435,000
National Institute of Environmental Health Sciences	35,915,000	+4,019,000	+6,547,000		
Research resources	129,931,000	+3,165,000	+49,207,000	+1,200,000	−1,800,000
John E. Fogarty Center	5,705,000	+116,000	+1,165,000	+360,000	−540,000
National Library of Medicine	29,065,000	+215,000	+250,000	+250,000	−500,000
Buildings and facilities	54,000,000	+51,000,000	+51,000,000	−39,000,000	+13,000,000
Office of the Director	17,896,000	+570,000	−2,000,000	−1,716,000	
Total	2,178,006,000	+238,724,000	+496,652,000	+27,251,000	−89,075,000
Alcohol, Drug Abuse and Mental Health Administration:					
General mental health:					
Research	92,908,000	+258,000	+12,719,000		
Training	70,266,000	−5,727,000	+40,000,000	+40,000,000	−5,727,000
Construction of CMH centers	(**)				
Staffing of centers	135,363,000	−35,426,000			
Mental health of children	26,844,000	−1,264,000	+2,064,000	+2,064,000	
Management and information	22,274,000	+1,845,000	+2,000,000		
Subtotal	347,655,000	−40,314,000	+56,783,000	+12,064,000	−5,727,000
Drug abuse:					
Research	34,000,000	−63,000	+2,398,000		−63,000
Training	9,893,000	−3,954,000	+7,000,000		−3,954,000
Project grants and contracts	12,925,000		+1,089,000	+1,089,000	
Grants to States	(**)				
Management and information	14,294,000	−798,000			
Subtotal	71,022,000	−4,825,000	+10,487,000	+1,089,000	−4,017,000
Alcoholism:					
Research	11,808,000	+800,000	+2,761,000	+800,000	−1,200,000
Training	6,567,000	−279,000	+500,000	+500,000	+500,000
Project grants and contracts	68,408,000	+3,500,000	+22,957,000	+3,500,000	−5,500,000
Grants to States	55,500,000	+3,500,000	+9,900,000	+3,500,000	−4,500,000
Management and information	8,143,000	−2,185,000	+1,000,000	+1,000,000	−1,000,000
Subtotal	150,426,000	+5,336,000	+137,118,000	+9,300,000	−12,700,000
Program direction	10,451,000		−1,113,000	−553,000	
St. Elizabeths Hospital	48,064,000	−694,000			
Buildings and facilities	5,400,000	+5,400,000	+5,400,000	+2,900,000	
Total	633,018,000	−35,069,000	+108,675,000	+24,800,000	+22,444,000
Health Resources Administration:					
National health statistics	25,636,000	+3,639,000			+3,639,000
Health planning and resources development	90,000,000	+80,000,000	+24,000,000	+4,000,000	−15,740,000
Health services research and evaluation	26,000,000	−2,659,000			+2,600,000
Health manpower:					
Health professions:					
Institutional assistance	(**)				
Student assistance:					
Loans	24,000,000	−12,000,000	+4,000,000	+4,000,000	−3,000,000
General scholarships	3,500,000	−3,400,000			
National health service scholarships	(**)				
Loan repayments	6,000,000	+3,000,000			
Dental health activities	8,442,000	+600,000	+600,000	+600,000	−600,000
Subtotal, Health professions	41,942,000	−11,800,000	+4,600,000	−4,600,000	−3,600,000

CONGRESSIONAL RECORD LIBRARY

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued					
Nursing:	(**)				
Institutional assistance	15,000,000	−7,800,000	+6,000,000	+6,000,000	
Student assistance:					
Loans	4,000,000	−2,000,000			
General scholarships	(**)				
Traineeships	2,500,000	+2,400,000			
Loan repayments	(**)				
Educational research grants and contracts					
Subtotal, Nursing	21,500,000	−8,600,000	+6,000,000	+6,000,000	
Public health	(**)				
Allied health	(**)				
Special educational programs	(**)				
District of Columbia medical manpower assistance	9,050,000	+1,550,000	+9,050,000		
Subtotal, Health manpower	72,492,000	−18,900,000	+19,600,000	+10,600,000	−3,600,000
Health facilities construction:					
Medical facilities	74,260,000	+74,260,000	−25,740,000	−25,740,000	
Health teaching facilities	(**)				
Interest subsidies	3,000,000	+3,000,000			
Special medical facilities (District of Columbia)	7,575,000	−14,425,000	+7,575,000		
Subtotal, health facilities construction	84,834,000	+60,834,000	−18,166,000	−25,740,000	
Program management	48,507,000	+1,544,000	−3,386,000	−2,141,000	
Medical facilities guarantee and loan fund	7,000,000	+7,000,000			
Payment of sales insufficiencies	4,000,000				
Total, HRA	361,428,000	+55,109,000	+22,099,000	−13,281,000	−13,101,000
Assistant Secretary for Health	20,842,000	−10,150,000	−2,446,000	−2,300,000	
Retirement pay and medical benefits for commissioned officers	45,013,000	+5,813,000			
Total	65,855,000	−4,337,000	−2,446,000	−2,300,000	
Social and Rehabilitation Service:					
Public assistance	15,003,950,000	+1,162,723,000	+4,865,000	+3,959,000	−5,450,000
Work incentives	330,000,000	+120,000,000			
Salaries and expenses	60,878,000	−5,444,000	−2,983,000	+2,500,000	−500,000
Total	15,894,328,000	+1,277,279,000	+1,882,000	+6,450,000	−5,950,000
Social Security Administration:					
Payments to social security trust and other funds	4,123,363,000	+778,040,000	−51,892,000		
Special benefits for disabled coal miners	234,600,000				
Supplemental security income program	5,518,523,000	+661,421,000	−20,000,000		
Limitation on salaries and expenses	(2,373,133,612)	(+247,146,612)	(+1,612)	( )	( )
Limitation on construction	(6,300,000)	(−1,932,000)	( )	( )	( )
Total	10,641,664,000	1,481,499,000	−71,892,000		
Assistant Secretary for Human Development:					
Human Development:					
Child development:	454,500,000	+13,500,000	+20,200,000	+4,500,000	−1,500,000
Head Start	15,700,000				
Research, demonstration and evaluation	18,928,000	+4,214,000			
Child abuse	7,000,000	−3,000,000	+2,000,000	+2,000,000	−3,000,000
Youth development					
Aging programs:	(**)				
Community services	125,000,000		+25,400,000		
Nutrition	(**)				
Research, demonstrations and manpower	(**)				
Federal Council on Aging					
Rehabilitation Services and Facilities:	720,309,318	+40,309,318	+40,309,318	+40,309,318	
Basic State grants					
Service projects:	18,000,000	−5,000,000	+18,000,000	+3,000,000	−5,000,000
Innovation and expansion	2,100,000	+100,000			
Deaf-blind center	4,900,000	−1,045,000	+500,000	+500,000	
Special studies and evaluation	8,400,000	+400,000	+1,500,000	+1,500,000	−1,400,000
Training and facilities grants	24,000,000	+4,000,000	+4,000,000	+4,000,000	
Research	22,200,000				
Training					
Grants for the developmentally disabled:	(**)				
State grants	18,500,000				
Service projects	(**)				
University affiliated facilities	33,000,000	+1,000,000	+1,000,000	+1,000,000	−1,000,000
Special programs for Native Americans	44,921,000	+3,678,000	−733,000		
Salaries and expenses					
Total, OHD	1,516,858,318	+71,263,318	+112,176,318	+16,809,318	−11,900,000
RELATED AGENCIES					
Action	103,266,000	+3,266,000	+1,692,000	+1,953,000	−2,357,000
Community Services Administration:	13,300,000	+4,500,000	+13,300,000	+4,500,000	−8,000,000
Research and Demonstration	330,000,000		+35,000,000		
Community Action Agencies	12,000,000		+12,000,000		
State Economic Opportunity Offices	10,000,000		+10,000,000		
Senior Opportunities and Services	27,500,000	+11,000,000	+27,500,000	+11,000,000	−11,000,000
Emergency Energy Conservation	26,200,000	+3,800,000	+26,200,000	+3,800,000	−3,800,000
Emergency Food and Medical Services	46,500,000	−14,500,000	+7,500,000		
Community Economic Development					−10,000,000
Migrant and Seasonal Farmworker Programs	28,652,000	−48,000	−358,000	−33,000	
Program Administration					
Total, CSA	494,652,000	−13,048,000	+131,652,000	+20,267,000	−31,800,000
Federal Mediation and Conciliation Service	17,904,000	+1,659,000	−346,000	+200,000	
National Commission on Libraries and Information Science	468,000	+59,000	−34,000	+59,000	
National Labor Relations Board	67,766,000	+5,097,000	−733,000	+305,000	−305,000
National Mediation Board	3,405,000	+169,000	+300,000		
Occupational Safety and Health Review Commission	5,638,000	+126,000	−37,000		
Railroad Retirement Board:					
Payments to Railroad Retirement Trust Fund	250,000,000	+246,484,000			
Regional Rail Transportation Protective Account	37,600,000	+37,600,000	−17,500,000		
Limitation on salaries and expenses	(28,703,000)	(+2,945,000)	(−1,000,000)	( )	( )

	Conference amount	Conference compared with— Fiscal year 1975	Budget	House bill	Senate bill
RELATED AGENCIES—Continued					
Soldiers' and Airmen's Home	15,665,000	+274,000			
Total, related agencies	996,364,000	+281,686,000	+114,994,000	+22,784,000	−34,462,000
Transition period	188,566,000		+38,553,000	−15,088,000	−4,585,000
Grand Total	36,073,748,318	−4,622,911,682	915,830,318	94,107,318	−198,774,000
Transition period	8,953,070,000		19,854,000	−14,689,000	−7,294,000

**Not considered due to lack of authorizing legislation.

Mr. FLOOD. Mr. Speaker, I have no further requests for time.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BAUMAN).

(Mr. BAUMAN asked and was given permission to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, the distinguished gentleman from Pennsylvania, when presenting this conference report originally, alluded to the fact that there is anti-busing language contained in section 209 which was added in the other body, the so-called Byrd amendment. The gentleman from Pennsylvania advises us, as he has in the past, that it is his opinion that an appropriation bill is not the vehicle on which to accomplish legislative action on the issue of busing.

Unfortunately, the party to which the gentleman from Pennsylvania belongs voted overwhelmingly only within the last few weeks in their caucus to forbid action by the majority party to bring an anti-busing Constitutional amendment to the floor. Also within the last few weeks, at a party caucus in Louisville, thousands of people, many of them traditionally adhering to the gentleman's party, demonstrated their opposition to busing. They were speaking for millions of Americans all across the country who, in every poll I have seen, have shown their opposition to this massive social engineering at the hands of bureaucrats and against the will of the Congress as expressed in many instances, and against the will of the people themselves.

We do not have any other legislative vehicle with which to express our opinions, and we are here to represent the people. The amendment that the gentleman from Pennsylvania will be offering in answer to the amendment of the other body on this issue is a considerable backdown from the strong position that the other body took. We have a right, here in the House, to try and sustain that position. It would be the intention of the gentleman from Maryland, at the appropriate time, to seek a rollcall and try to defeat any motion, so that the antibusing language would remain as the other body adopted.

Mr. Speaker, I can only say that this is another instance, another chance, for the Members of the House of Representatives, if they truly believe in the representative capacity to which they were assigned, to speak for the people of this country. I would hope, when we do have a rollcall on this issue, that the Members will indicate the strong position of the people they are representing and vote to oppose busing.

Mr. MINISH. Mr. Speaker, I rise in support of the conference report on Labor-HEW appropriations for fiscal 1976.

The conferees, led by the able gentleman from Pennsylvania (Mr. FLOOD) have labored long and hard to produce a compromise measure involving numerous important and complicated programs.

I would like to focus a small, but exceedingly important, aspect of this legislation. As one who has devoted much effort to the improvement of the Federal Government's anticancer effort, I want to commend the conferees for including $744 million for the National Cancer Institute in this legislation.

It should be noted that the amount in the pending measure for cancer research is $40 million more than the original House bill, $53 million more than last year's spending level, and an incredible $158 million more than the administration's totally inadequate budget request.

Cancer, Mr. Speaker, is the second greatest cause of death in the United States and it is surely the most terrifying disease facing us today. Furthermore, recent alarming reports indicate that people died of cancer at a higher rate in the first seven months of 1975 than at any time since the government began gathering nationwide mortality data 42 years ago. The cancer death rate is especially high in industrial Northeastern States like New Jersey.

Overall, it is estimated that 655,000 Americans will be afflicted with cancer this year and over 320,000 will die.

The Federal anticancer effort is one area that must not be permitted to fall victim to shortsighted budgetary restriction. The effort we began with the enactment of the National Cancer Act of 1971 must be permitted to expand until we have finally conquered this most dreaded of all diseases.

Mr. AMBRO. Mr. Speaker, I rise in opposition to the amendment proposed by the distinguished gentleman from Pennsylvania (Mr. FLOOD) to modify the so-called Byrd amendment to the Labor-HEW appropriations bill. I oppose Mr. FLOOD's amendment, not because I am in favor of busing for the purpose of achieving school integration, but for just the opposite reason. I am strongly opposed to busing to achieve racial balance, because I feel that it has not been an effective tool, and indeed, it has been a destructive procedure. Busing has been responsible for civil disobedience, riots, street confrontations, and violence. Its effects in achieving racial balance are spotty, and the benefits of the busing doctrine are more and more being reconsidered by both blacks and whites.

Because of the destructiveness and the divisiveness of this issue, I support the concept contained in the Byrd amendment that no Federal funds should be used for transportation beyond the school nearest the student's home. The amendment now being offered by the gentleman from Pennsylvania would change and dilute this prohibition to conform to existing law prohibiting busing the nearest, or the next nearest school to the student's home. In a gesture of opposition to busing, I intend to vote against this amendment even though I understand the argument that the only remedy to court-ordered busing is a constitutional amendment. This vote is highly symbolic and while the vote on this amendment can be misunderstood, I would hope this statement leaves no doubt as to my strong feeling against busing.

Ms. ABZUG. Mr. Speaker, the Byrd and Flood amendments are another attempt to impede the struggle for equal educational opportunities by prohibiting the use of HEW funds for the transportation of students to a school nearest or next nearest their home. While the language of the House amendment permits busing to the school next nearest a student's home, its intent is still the same. These provisions interfere not only with the achievement of integration in our public schools, but also will undermine our Federal courts.

HEW, as well as the courts, are aware of the limitations of busing as a tool for promoting school integration and equality of education, but it is still an acceptable means and should be used where necessary. Other means of achieving school integration and equality of education should be pursued, but so long as housing and other forms of segregation persist, the burden remains on our schools to socialize and educate children that all people, regardless of race, are equal and entitled to equal educational opportunities. These amendments are nothing more than thinly disguised efforts to perpetuate school segregation.

Clothing a restriction on busing in the guise of fuel conservation is spurious and an abuse of the legislative process. Although approximately 40 percent of the Nation's schoolchildren are bused, a mere 1 to 2 percent are bused for reasons of desegregation. No objections were raised to the busing of schoolchildren until it became a tool for desegregation. Most of

the children bused for reasons other than desegregation live in rural areas and travel many miles to the nearest school. There is no evidence that these children suffer any harmful effects from busing. In contrast to this, the small number of children bused for integration, travel only short distances from schools in nearby communities. The amount of fuel conserved and tax dollars saved from these proposals would be miniscule compared to the severe costs incurred by the young children who will be barred from achieving a quality education.

I know that there are many problems in the busing of young children. I come from a community that was involved for many years in the struggle of busing and integrations of schools, in New York City as well as Westchester. However, I have also learned from my experiences that those who fight busing are also those who are fighting integration of our schools, the integration of our neighborhoods and the integration of our society.

Yet we need an educationally integrated society which will fulfill the needs of all of its people for food, housing, and jobs. We must open up the educational process so that we can provide for all children the expectation of an equal education and equal access to the tools for a decent future and a decent life.

It has been more than 20 years since the Supreme Court ruled that separate facilities for different races were inherently unequal. Passage of this amendment would be a great setback for the enforcement of that decision and for all those students who looked to our National Government to insure their right to equal educational opportunities.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the conference report on the bill H.R. 8069 to the committee of conference.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 156, nays 265, not voting 13, as follows:

[Roll No. 742]

YEAS—156

Abdnor	Frenzel	Mottl
Allen	Frey	Myers, Ind.
Andrews, N. Dak.	Goldwater	Myers, Pa.
	Goodling	Nichols
Archer	Gradison	Pettis
Armstrong	Grassley	Poage
Ashbrook	Guyer	Pritchard
Bafalis	Hagedorn	Quie
Bauman	Haley	Quillen
Beard, Tenn.	Hammer-schmidt	Regula
Bell		Rhodes
Bennett	Hansen	Robinson
Bevill	Harsha	Rousselot
Breaux	Hastings	Runnels
Broomfield	Holt	Ruppe
Brown, Mich.	Hutchinson	Sarasin
Brown, Ohio	Hyde	Satterfield
Broyhill	Ichord	Schneebeli
Burgener	Jarman	Schulze
Burleson, Tex.	Johnson, Colo.	Sebelius
Butler	Johnson, Pa.	Shriver
Byron	Jones, Okla.	Shuster
Cederberg	Kasten	Sikes
Chappell	Kelly	Skubitz
Clancy	Kemp	Smith, Nebr.
Clausen, Don H.	Ketchum	Snyder
	Kindness	Spence
Clawson, Del	Krueger	Stanton, J. William
Cochran	Lagomarsino	
Cohen	Landrum	Steelman
Collins, Tex.	Latta	Steiger, Ariz.
Conable	Lent	Steiger, Wis.
Conlan	Levitas	Stuckey
Conte	Lloyd, Tenn.	Symms
Coughlin	Lott	Talcott
Crane	Lujan	Taylor, Mo.
Daniel, Dan	McClory	Taylor, N.C.
Daniel, R. W.	McCloskey	Teague
Derrick	McCollister	Thone
Derwinski	McDade	Thornton
Devine	McDonald	Treen
Dickinson	McEwen	Vander Jagt
Downing, Va.	McKinney	Waggonner
Duncan, Tenn.	Mann	Wampler
Edwards, Ala.	Martin	Whitehurst
Emery	Mathis	Wiggins
English	Michel	Wilson, Bob
Erlenborn	Milford	Winn
Eshleman	Miller, Ohio	Wydler
Evins, Tenn.	Mills	Wylie
Fenwick	Montgomery	Young, Fla.
Findley	Moore	
Fish	Moorhead, Calif.	
Flynt		
Forsythe	Mosher	

NAYS—265

Abzug	Chisholm	Gilman
Adams	Clay	Ginn
Addabbo	Cleveland	Gonzalez
Alexander	Collins, Ill.	Green
Ambro	Conyers	Gude
Anderson, Calif.	Corman	Hall
	Cornell	Hamilton
Andrews, N.C.	Cotter	Hanley
Annunzio	D'Amours	Hannaford
Ashley	Daniels, N.J.	Harkin
Aspin	Danielson	Harrington
AuCoin	Davis	Harris
Badillo	de la Garza	Hawkins
Baldus	Delaney	Hayes, Ind.
Barrett	Dellums	Hays, Ohio
Baucus	Dent	Hechler, W. Va.
Beard, R.I.	Diggs	Heckler, Mass.
Bedell	Dingell	Hefner
Bergland	Dodd	Heinz
Biaggi	Downey, N.Y.	Henderson
Biester	Drinan	Hicks
Bingham	Duncan, Oreg.	Hightower
Blanchard	du Pont	Hillis
Blouin	Early	Holland
Boggs	Eckhardt	Holtzman
Boland	Edgar	Horton
Bolling	Edwards, Calif.	Howard
Bonker	Eilberg	Howe
Bowen	Esch	Hubbard
Brademas	Evans, Colo.	Hughes
Breckinridge	Evans, Ind.	Jacobs
Brinkley	Fary	Jeffords
Brodhead	Fascell	Jenrette
Brooks	Fisher	Johnson, Calif.
Brown, Calif.	Fithian	Jones, Ala.
Buchanan	Flood	Jones, N.C.
Burke, Calif.	Florio	Jones, Tenn.
Burke, Mass.	Flowers	Jordan
Burlison, Mo.	Foley	Karth
Burton, John	Ford, Mich.	Kastenmeier
Burton, Phillip	Ford, Tenn.	Kazen
Carney	Fountain	Keys
Carr	Fuqua	Koch
Carter	Giaimo	Krebs
Casey	Gibbons	LaFalce
Leggett	Oberstar	Scheuer
Lehman	Obey	Schroeder
Litton	O'Brien	Seiberling
Lloyd, Calif.	O'Hara	Sharp
Long, La.	O'Neill	Shipley
Long, Md.	Ottinger	Simon
McCormack	Patman, Tex.	Sisk
McFall	Patten, N.J.	Slack
McHugh	Patterson, Calif.	Smith, Iowa
McKay		Solarz
Macdonald	Pattison, N.Y.	Spellman
Madden	Pepper	Staggers
Madigan	Perkins	Stark
Maguire	Peyser	Steed
Mahon	Pickle	Stephens
Matsunaga	Pike	Stratton
Mazzoli	Pressler	Studds
Meeds	Preyer	Sullivan
Melcher	Price	Symington
Metcalfe	Railsback	Thompson
Meyner	Randall	Traxler
Mezvinsky	Rangel	Tsongas
Mikva	Rees	Van Deerlin
Miller, Calif.	Reuss	Vander Veen
Mineta	Richmond	Vanik
Minish	Riegle	Vigorito
Mink	Rinaldo	Walsh
Mitchell, Md.	Risenhoover	Waxman
Mitchell, N.Y.	Roberts	Weaver
Moakley	Rodino	Whalen
Moffett	Roe	White
Mollohan	Rogers	Whitten
Moorhead, Pa.	Roncalio	Wilson, C. H.
Morgan	Rooney	Wilson, Tex.
Moss	Rose	Wirth
Murphy, Ill.	Rosenthal	Wolff
Murphy, N.Y.	Rostenkowski	Wright
Murtha	Roush	Yates
Natcher	Roybal	Yatron
Neal	Russo	Young, Alaska
Nedzi	Ryan	Young, Ga.
Nix	St Germain	Young, Tex.
Nolan	Santini	Zablocki
Nowak	Sarbanes	Zeferetti

NOT VOTING—13

Anderson, Ill.	Hinshaw	Udall
Burke, Fla.	Hungate	Ullman
Fraser	Passman	
Gaydos	Stanton, James V.	
Hébert		
Helstoski	Stokes	

The Clerk announced the following pairs:

Mr. Hébert with Mr. Stokes.
Mr. Passman with Mr. James V. Stanton.
Mr. Gaydos with Mr. Helstoski.
Mr. Fraser with Mr. Anderson of Illinois.
Mr. Hungate with Mr. Burke of Florida.
Mr. Udall with Mr. Ullman.

Messrs. PICKLE and PHILLIP BURTON and Mrs. SCHROEDER changed their vote from "yea" to "nay".

Messrs. LANDRUM, DERWINSKI, and DERRICK and Mrs. LLOYD of Tennessee changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 91, not voting 22, as follows:

[Roll No. 743]

YEAS—321

Abdnor	Aspin	Blanchard
Abzug	AuCoin	Blouin
Adams	Badillo	Boggs
Addabbo	Bafalis	Boland
Alexander	Baldus	Bolling
Allen	Barrett	Bonker
Ambro	Baucus	Bowen
Anderson, Calif.	Beard, R.I.	Breaux
	Bedell	Breckinridge
Andrews, N.C.	Bergland	Brinkley
Andrews, N. Dak.	Bevill	Brodhead
	Biaggi	Brooks
Annunzio	Biester	Brown, Calif.
Ashley	Bingham	Buchanan

Burke, Calif.	Hicks	Pepper	Conable	Jones, Okla.	Quie		
Burke, Mass.	Hightower	Perkins	Conlan	Kasten	Rhodes		
Burlison, Mo.	Hillis	Peyser	Crane	Kelly	Roberts		
Burton, John	Holland	Pickle	Daniel, Dan	Kemp	Robinson		
Burton, Phillip	Holtzman	Pike	Daniel, R. W.	Ketchum	Rousselot		
Byron	Horton	Pressler	Derrick	Kindness	Runnels		
Carney	Howard	Preyer	Derwinski	Lagomarsino	Satterfield		
Carr	Howe	Price	Devine	Landrum	Schneebeli		
Carter	Hubbard	Pritchard	Dickinson	Latta	Shuster		
Casey	Hughes	Quillen	Downing, Va.	Levitas	Snyder		
Chisholm	Ichord	Railsback	Edwards, Ala.	McCollister	Spence		
Clausen, Don H.	Jacobs	Randall	English	McDonald	Steelman		
Clay	Jeffords	Rangel	Erlenborn	McEwen	Steiger, Ariz.		
Cleveland	Jenrette	Rees	Flynt	Mann	Steiger, Wis.		
Cochran	Johnson, Calif.	Regula	Frenzel	Martin	Stuckey		
Cohen	Johnson, Pa.	Reuss	Frey	Mathis	Symms		
Collins, Ill.	Jones, Ala.	Riegle	Goldwater	Michel	Talcott		
Conte	Jones, N.C.	Rinaldo	Gradison	Milford	Thornton		
Conyers	Jones, Tenn.	Risenhoover	Hagedorn	Miller, Ohio	Treen		
Corman	Jordan	Rodino	Hansen	Montgomery	Vander Jagt		
Cornell	Kastenmeier	Roe	Hastings	Moorhead, Calif.	Waggonner		
Cotter	Kazen	Rogers	Hutchinson	Myers, Ind.	Whitehurst		
Coughlin	Keys	Roncalio	Hyde	Pettis	Wiggins		
D'Amours	Koch	Rooney	Jarman	Poage	Wilson, Bob		
Daniels, N.J.	Krebs	Rose	Johnson, Colo.				
Danielson	Krueger	Rosenthal					
Davis	LaFalce	Rostenkowski					
de la Garza	Leggett	Roush					
Delaney	Lehman	Roybal					
Dellums	Lent	Ruppe					
Dent	Litton	Russo					
Diggs	Lloyd, Calif.	Ryan					
Dingell	Lloyd, Tenn.	St Germain					
Dodd	Long, La.	Santini					
Downey, N.Y.	Long, Md.	Sarasin					
Drinan	Lott	Sarbanes					
Duncan, Oreg.	Lujan	Scheuer					
Duncan, Tenn.	McClory	Schroeder					
du Pont	McCloskey	Schulze					
Early	McCormack	Sebelius					
Eckhardt	McDade	Seiberling					
Edgar	McFall	Sharp					
Edwards, Calif.	McHugh	Shipley					
Eilberg	McKay	Shriver					
Emery	McKinney	Sikes					
Esch	Macdonald	Simon					
Eshleman	Madden	Sisk					
Evans, Colo.	Madigan	Skubitz					
Evans, Ind.	Maguire	Slack					
Evins, Tenn.	Mahon	Smith, Iowa					
Fary	Matsunaga	Smith, Nebr.					
Fascell	Mazzoli	Solarz					
Fenwick	Meeds	Spellman					
Findley	Melcher	Staggers					
Fish	Metcalfe	Stanton, J. William					
Fisher	Meyner	Stark					
Fithian	Mezvinsky	Steed					
Flood	Mikva	Stephens					
Florio	Miller, Calif.	Stratton					
Flowers	Mills	Studds					
Foley	Mineta	Sullivan					
Ford, Mich.	Minish	Symington					
Ford, Tenn.	Mink	Taylor, N.C.					
Forsythe	Mitchell, Md.	Teague					
Fountain	Mitchell, N.Y.	Thompson					
Fuqua	Moakley	Thone					
Giaimo	Moffett	Tsongas					
Gibbons	Mollohan	Van Deerlin					
Gilman	Moore	Vander Veen					
Ginn	Moorhead, Pa.	Vanik					
Gonzalez	Morgan	Vigorito					
Goodling	Mosher	Walsh					
Grassley	Moss	Wampler					
Green	Mottl	Waxman					
Gude	Murphy, Ill.	Weaver					
Guyer	Murphy, N.Y.	Whalen					
Haley	Murtha	White					
Hall	Myers, Pa.	Whitten					
Hamilton	Natcher	Wilson, C. H.					
Hammer-schmidt	Neal	Wilson, Tex.					
Hanley	Nedzi	Winn					
Hannaford	Nichols	Wolff					
Harkin	Nix	Wright					
Harrington	Nolan	Wydler					
Harris	Nowak	Yates					
Harsha	Oberstar	Yatron					
Hawkins	Obey	Young, Alaska					
Hayes, Ind.	O'Brien	Young, Fla.					
Hays, Ohio	O'Hara	Young, Ga.					
Hechler, W. Va.	O'Neill	Young, Tex.					
Heckler, Mass.	Ottinger	Zablocki					
Hefner	Patman, Tex.	Zeferetti					
Heinz	Patten, N.J.						
Henderson	Patterson, Calif.						
	Pattison, N.Y.						

NAYS—91

Archer	Bennett	Burleson, Tex.
Armstrong	Broomfield	Butler
Ashbrook	Brown, Mich.	Cederberg
Bauman	Brown, Ohio	Clancy
Beard, Tenn.	Broyhill	Clawson, Del
Bell	Burgener	Collins, Tex.

NOT VOTING—22

Anderson, Ill.	Hinshaw	Stokes
Brademas	Holt	Taylor, Mo.
Burke, Fla.	Hungate	Traxler
Chappell	Karth	Udall
Fraser	Passman	Ullman
Gaydos	Richmond	Wirth
Hébert	Stanton, James V.	Wylie
Helstoski		

The Clerk announced the following pairs:

Mr. Brademas with Mr. Hébert.
Mr. Udall with Mr. Passman.
Mr. Karth with Mr. Chappell.
Mr. Helstoski with Mr. Taylor of Missouri.
Mr. Stokes with Mrs. Holt.
Mr. James V. Stanton with Mr. Burke of Florida.
Mr. Gaydos with Mr. Anderson of Illinois.
Mr. Fraser with Mr. Hungate.
Mr. Ullman with Mr. Hinshaw.
Mr. Richmond with Mr. Wirth.
Mr. Traxler with Mr. Wylie.

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: page 5, line 17, strike "$1,056,300,000" and insert "$1,054,800,000,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$1,051,300,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 6, line 22, strike "$264,100,000" and insert "$263,700,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$262,850,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 18, line 5, insert: "including $1,880,000 herein authorized to be expended for salaries and related costs of ninety-four new positions, and $25,000,000 for construction and renovation which shall remain available until expended."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "including $25,000,000 for construction and renovation which shall remain available until expended."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 26, line 8, strike "$360,709,000" and insert "$360,529,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$347,428,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 63: Page 37, line 5, insert: *"Provided further,* That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disageement.

The Clerk read as follows:

Senate amendment No. 64: Page 38, line 19, insert: *"Provided further,* That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein.

The motion was agreed to.

GERALD R. FORD LIBRARY

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 39, line 24, insert: "of which $720,000,000 shall be for activities under section 110(a) of the Rehabilitation Act of 1973, $309,318 shall be for section 110(b) of such Act, and for carrying out sections 301 and 304(b)(3) of such Act, $2,900,000, to remain available until expended:".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numered 66 and concur therein with an amendment, as follows: In lieu of the sum of $2,900,000 named in said amendment, insert "$1,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 67: Page 40, line 12, insert: *"Provided further*, That the level of operations for the nutrition services for the elderly program shall be $200,000,000 per annum."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein with an amendment, as follows: In lieu of the sum of $200,000,000 named in said amendment, insert "$187,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71, page 43, line 21, strike:

SEC. 205. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

And insert:

SEC. 205. None of the funds contained in this title shall be available for additional permanent positions in the Washington area if the total authorized positions in the Washington area is allowed to exceed the proportion existing at the close of fiscal year 1966.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 72: Page 47, line 4, insert:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

POINT OF ORDER

Mr. CONTE. Mr. Speaker, I raise a point of order on the amendment. This is legislation on an appropriation bill, and I would like to be heard on the point of order.

The SPEAKER. The gentleman from Massachusetts may be heard on his point of order.

Mr. CONTE. Mr. Speaker, I rise in support of a point of order against Senate amendment No. 72 to the Labor-HEW Appropriations Act of 1976.

At this point, I should like to direct the Chair to rule 21, section 2 of the House regarding the prohibition of legislation in an appropriations bill. The pertinent language states:

Nor shall any provisions in any such bill or amendment thereto changing existing law be in order.

Clearly, the purpose of this rule prohibiting legislation in an appropriations bill is to prohibit the overt alteration of fundamental law. This is the case where an amendment is concealed by the subterfuge of a limitation on spending.

While the Senate amendment No. 72 might appear to only act as a limitation on spending, it will actually change basic law as I will now set out.

Section 215(a), title II of the Equal Educational Opportunities Act of 1974 provides the following language, which limits the specific distance a student may be transported in a schoolbusing program:

No court, department or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would *require the transportation of any student to a school other than the school closest to his place of residence* which provides the appropriate grade level and type of education for such student. (Emphasis added.)

Notice that the distance a student can be transported is limited to the "school closest or next closest to his place of residence." I should now address myself to the language of the Senate amendment here in question:

None of the funds contained in this act shall be used to *require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home*, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964. (Emphasis added.)

As is readily apparent, where the Equal Educational Opportunities Act of 1974 (Public Law 93-380) limits busing to either the student's immediate or adjacent school district, the Senate amendment further limits the transportation to the students immediate district. I am sure the Chair can see this apparent attempt to change the effect of section 215 (a) of Public Law 93-380.

I should like to note that while this is a Senate amendment and may be consistent with the rules of that House—it is not controlling. It is clear that since this is an appropriations bill and naturally originates in the House, it is the House rules which are controlling and I cite rule 20 on this point:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point.

For these reasons, Mr. Speaker, I contend that this amendment carries the standard of a simple limitation in an appropriations bill, but in reality is a prima facie case of legislation in an appropriations bill, which on its face changes existing law.

Therefore, I urge that this point of order be sustained.

Thank you, Mr. Speaker.

The SPEAKER. The Chair is ready to rule.

The Chair overrules the point of order raised by the gentleman from Massachusetts (Mr. CONTE) because when that stage is reached that an amendment is in disagreement between the two Houses, the rule—clause 1 of rule XX—cited by the gentleman from Massachusetts no longer applies and the amendment may be disposed of in the House. The Senate amendment is reported back in disagreement and not as part of the conference report, therefore clause 2 of rule XX is not applicable and the Senate amendment may be considered by the House.

Mr. BAUMAN. Mr. Speaker, I believe the gentleman from Pennsylvania (Mr. FLOOD) has offered or will offer a motion, and I have a preferential motion at the desk.

The SPEAKER. The Clerk will first report the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker I offer a preferential motion.

The Clerk read as follows:

Mr. BAUMAN moves that the House recede from its disagreement to Senate amendment No. 72 and concur therein.

Mr. SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. BAUMAN. Mr. Speaker, may I inquire, who has the right to the time under the motion?

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) has 30 minutes, and the gentleman from Illinois (Mr. MICHEL) has 30 minutes. The time is controlled by the committee leadership on each side, and they are not taken from the floor by a preferential motion.

Mr. FLOOD. Mr. Speaker, my amendment is a very sincere attempt to resolve the dilemma which confronts us, of course, on this Senate amendment No. 72,

the so-called Byrd amendment. Trying to resolve an issue like schoolbusing is like trying to walk a tightrope. As the Members know, I have tried that, too.

The conferees on the Labor-HEW appropriation bill were faced with three antibusing amendments. Let us recall that. They were adopted on the floor of the Senate some by a rather narrow margin, by the way.

These amendments were debated by the conferees, believe me, for many hours and many days.

The conferees finally agreed to delete two amendments, the so-called Biden amendments, but could not agree on the remaining one, that is, the Byrd amendment.

One of the main reasons for not resolving this amendment is that it is a direct change in the existing law, and this is an appropriation bill.

The Byrd amendment would prohibit the use of funds in this bill to require, directly or indirectly, the busing of students beyond the school nearest to the student's home.

Mr. Speaker, what my amendment does, very simply, is to add three words to the text of the Byrd amendment, and the effect would be to prohibit HEW from requiring busing beyond the nearest or next nearest school, which is the existing law.

My amendment recognizes that there is already permanent legislation on this subject of schoolbusing. It is on the books. It was specifically dealt with by the proper legislative committees, and the Members will remember it. That was over a year ago. We can all recall that. That was in connection with the extension of authorization for elementary and secondary education. The result was the enactment of the Equal Educational Opportunities Act of 1974. Section 215(A) of that act states:

No court, department, or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence. . . .

Mr. Speaker, no matter how we feel about school busing, we should not change the existing law by tacking an amendment onto an annual appropriation bill. On a major question such as this we should follow the normal legislative procedure of this body. If a change in the basic law is required, we should deal with it directly, but not indirectly through floor amendments to an annual appropriation bill.

Mr. Speaker, let me tell the Members that my main concern right here now is to enact this Labor-Health, Education, and Welfare appropriation bill. The Members will agree with me. Everybody will agree. This has been delayed now too, too, too long. This Labor-Health, Education, and Welfare bill has been delayed too long.

Incidentally, in case the Members have not realized, this bill provides over $36 billion for Labor-Health, Education, and Welfare—there it is—and the other related agencies.

Mr. Speaker, this is an appropriation bill, this is not a busing bill.

If we accept the amendment that I offered—now hear this—if we accept that amendment then one cannot be labeled as antibusing, and one cannot be labeled as probusing, one way or another. They will be an advocate of the orderly legislative procedure. We will focus the attention where it belongs today: What are the principle purposes of this appropriation bill that we all know about? Right? Let us face it. This appropriation bill—now, hear this—this appropriation bill is $915 million over the President's budget, for the things that the Members want. Did you hear that?

Now I have not heard anything about this one way or another, but this bill is in danger of being vetoed. Most of the Members have supported this bill and everything in it. Do you want this bill enacted into law? You do, do you not? I am sure you do. I am concerned that if the Members do not agree with my amendment, if we saddle this bill with a controversial school busing provision, the bill may never be enacted. Imagine that? Imagine this bill not being enacted? You know what that will mean to you and to your people. It is all in this bill. It is a bill for labor, health, education, and welfare. This touches directly every man, woman, and child in your districts, without exception.

I beg you, do not endanger the passage of this bill and do vote for my amendment.

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

Mr. FLOOD. I yield to the gentleman from Tennessee.

Mr. ALLEN. Would the distinguished gentleman from Pennsylvania also yield for a question?

Mr. FLOOD. Yes, for the gentleman's first appearance on the floor, I do, yes.

Mr. ALLEN. I am CLIFFORD ALLEN of Nashville, Davidson County, Tenn. I represent an area known as the metropolitan government of Nashville and Davidson County.

Some 4 years ago the Federal courts, and by that I mean the Federal District Court and the U.S. District Court of Appeals of Cincinnati, and the Supreme Court of the United States, ordered a busing plan that was drawn by HEW. The most reliable figures that we have is that this is costing us an additional $3 million a year.

If this bill is permitted to pass as proposed by the conference committee would it not mean—and I want to make this clear—would it not mean that we would be denied any Federal funds at all?

Mr. FLOOD. No.

Mr. ALLEN. For carrying out this amendment? I am speaking of the Byrd amendment.

Mr. FLOOD. I understand.

Mr. ALLEN. Because the busing, of course, that is restricted in this, is to the next nearest school.

Mr. FLOOD. I know the problem. The answer is no.

Mr. ALLEN. Would the gentleman from Pennsylvania's amendment change that?

Mr. FLOOD. No.

Mr. ALLEN. Would the amendment offered by the distinguished gentleman from Pennsylvania permit the use of Federal funds?

Mr. FLOOD. Yes. The answer is no to the first part and yes to that part.

Mr. ALLEN. I thank the gentleman. That was what I wanted to know.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise in support of the Flood amendment to Senate amendment No. 72 in the Labor-HEW Appropriation Act of 1976 (H.R. 8069) conference report.

It is clear that the Byrd amendment, as it has been labeled, was designed to prohibit virtually all programs involving busing to achieve a racial balance. It is clear that the amendment also changes existing law as well. I should like to direct my colleagues attention to section 215(a) of the Equal Educational Opportunities Act of 1974 (Public Law 93–380):

SEC. 215(a). No court, department or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

Notice that this section effectively limits busing of students to "the school closest or next closest to his place of residence." The Byrd amendment as it is now would further limit this language by providing that a student can only be bused to the school nearest his home. While Public Law 93–380 limits busing to either the immediate or adjacent school district, the Byrd amendment limits busing to the student's immediate school district.

The Flood amendment which adds the words "or next nearest" modifies the Byrd amendment so as to place it in harmony with section 215(a) of Public Law 93–380. The pertinent section of the Byrd amendment would then read to limit busing to a school "nearest or next nearest the students home." Notice that this language is so similar to Public Law 93–380 which provides that busing will be limited to "the school closest or next closest to his place of residence."

It is most important that this language be inserted to insure consistency with existing legislation.

An appropriations bill is not a suitable vehicle to accomplish this end. The amendment has the appearance of a limitation on spending, but in reality is legislation. The Department of HEW is in the midst of various court proceedings to enforce Public Law 93–380 as it now applies. Adoption of the Byrd amendment without the Flood amendment would obviate all the preliminary, temporary, and permanent injunctions which have already been found necessary in these cases.

We must realize the importance of getting this bill out. We have been held up too long in conference over this one amendment. Vital labor and health services across the country are forced to

GERALD R. FORD LIBRARY

operate on fiscal year 1975 appropriations levels in the continuing resolution.

The bill before us is almost $1 billion above the budget. If the bill should suffer a veto, it will take that much longer to finally get to those it is designed to reach. I sat as a conferee on this bill. The Byrd amendment is only one of three busing amendments. Fortunately, the Senate receded on amendments numbered 71 and 73, which are known as Biden amendments 1 and 2. It was virtually an impass—the Senate would insist on their amendments and the House would refuse to recede and concur—justifiably so, I might add. Finally, the conferees feel sure that the Senate will accept the Byrd amendment with the Flood language inserted. We must rise to this opportunity to get the bill through. Adding the Flood language will satisfy the Senate and the House, as well as create a consistency with existing case law and precedent. Fellow Members, those reasons alone justify the adoption of the Flood language. This bill is long overdue. It is for this reason that a waiver on the 3-day rule was granted so that the conference report could be on the floor so soon. This bill has provisions that directly affect every American. The vital services provided in this bill must not be held up any longer. Vital research programs at the National Institutes of Health have already suffered incalculable setbacks.

The various departments of employment security in the States which provides such an essential service in these times of high unemployment are waiting for passage of this bill in order to adjust their programs to accommodate the needs in their areas. These programs and other essential services have been prejudiced because of a busing amendment. Our priorities are in chaos. Acceptance of the Flood language will end this unnecessary delay.

Mr. Speaker, as responsible legislators, we must realize the importance of accepting the Flood language—"or next nearest" to create harmony with existing law, to provide a "just" compromise with the Senate, and to pass this long overdue bill, which is essential to every American.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I might consume before I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. Speaker, I might say if Members will read the RECORD, particularly that made over in the other body when they were considering this particular HEW appropriation bill, they will find it rather distressing that so little time was given to the $36 billion that is involved here while better than a week was spent on the amendment which we are addressing ourselves to here this afternoon.

I can concur in particular with what my chairman says, that discussing such a complex issue of busing within the 1-hour period granted under the rules on a motion in disagreement is inadequate, but earlier this day we were limited to 10 minutes on some very complex tax questions, and that did not seem to bother this House.

There is no question but that this is a burning emotional issue around the country.

The question is divisible. Any Member can demand a division of this question when we get to voting, and it is really simply a question here of whether or not we want to adopt the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD), which is somewhat softer than the Byrd amendment, or whether we vote that motion down and we simply concur, we recede and concur not with an amendment, but we recede and concur. That is really the parliamentary situation in which we find ourselves this afternoon. If one is for a stronger, tighter antibusing amendment, then he would opt for the Byrd amendment.

If one is for something that is simply a reaffirmation of what we have today, then one would support the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD).

Before yielding to the gentleman from Maryland I simply want to say I did not sign the conference report, not because of this issue but rather on the figures that were involved.

Mr. SNYDER. Mr. Speaker, will the gentleman yiled?

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

Mr. SNYDER. Mr. Speaker, there has been considerable discussion about the urgency of getting this through and getting all this money available for these grants and programs. If we accept the language offered by the gentleman from Pennsylvania, which changes what the Senate has in their bill, does not the Senate have to take up again the language, whereas if we take the recede-and-concur in the motion offered by the gentleman from Maryland it is all over?

Mr. MICHEL. There is no question about that. The Senate would have to act again on the issue if we agree to the amendment.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, may I say to my friend, we will not have to go back to conference. The Senate will have to act but we would not have to go back to conference.

Mr. SNYDER. But the Senate would not have to act with the Bauman amendment.

Mr. FLOOD. But it would not be necessarily a long, drawn-out process in the Senate.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. BAUMAN).

(Mr. BAUMAN asked and was given permission to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, first let us dispose of one bugaboo which has been raised repeatedly by the gentleman from Pennsylvania.

We just passed a continuing resolution on appropriations earlier today and we have one in force right now. There would be no funding held up for any of the purposes contained in this bill because the funds would be continued at the present level. Further the money for education is not in this bill because as I understand it we passed an entirely separate authorization bill for education this year. So the education funds in this bill are at a minimum.

I direct the attention of the Members of the House to the bill, on page 41, which does contain the total funding for the Office of Civil Rights in HEW, and in that is all the money HEW employs in any respect to enforce busing. This funds the HEW bureaucrats who write the plans for forced busing which they then impose on local officials for their submission. These are the funds used to take cases into the courts for forcing busing on the local officials and on the parents and on the children who live in our districts.

Now, the gentleman keeps saying that this is an improper legislative vehicle to solve this issue. This House has been denied by the vote of the majority caucus the chance of voting on any legislative cure to the busing problem we face in this country. Only within the last 2 weeks by a majority of almost 2 to 1 they refused to address an issue that every poll shows Americans are highly disturbed about. In my own district I can testify that no group is more disturbed than the black parents who have their children in kindergarten and the primary grades bused long distances away from their homes.

The gentleman from Pennsylvania (Mr. FLOOD) said if we vote for the gentleman's pending motion, although my motion comes first, we cannot be labeled antibusing or probusing. That is exactly right. The gentleman's amendment is a complete political copout on one of the most serious problems facing the country today. If his amendment prevails no corrective action will be taken. Instead we will be attempting to fool the people.

Orderly procedure requires us to vote on my pending motion to recede and concur. My motion requires us to recede from the weak language of the conference report and concur in the stronger language of the other body. The language of the other body, as the gentleman from Illinois has stated, adopted after a week's debate, has already been approved by the other body. That language plainly says there shall be no funds used for busing to a school other than the school which is nearest to the student's home.

The fundamental issue is the right to have a child go to the school nearest to its home, whether by walking or busing or any other means. That right is one that has been vindicated over the years. Professor Coleman and others who originally advocated busing now say they were wrong, that all those glittering arguments have turned to dust. Instead, educational standards have not gone up, racial tensions have been increased, families have been broken up, white flight has occurred from the inner cities, tax bases have been decreased; all this accomplished by this experiment in social engineering, which even the original advocates admit has failed completely.

So I ask the House to vote for my motion to recede and concur and insist on the strongest possible language against busing. Then we will, indeed, be addressing ourselves to the problems of the peo-

ple of America as their Representatives in Congress, sworn to represent these people and to consider their problems.

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

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

Mr. SEIBERLING. Mr. Speaker, the gentleman made the statement that the decision in the majority caucus was going to prevent this House from taking any action on busing. That is not correct. The caucus simply voted not to compel the Committee on the Judiciary to report out any constitutional amendment which it offered.

Mr. BAUMAN. Based on the gentleman's remarks, I hope that the gentleman will forthwith propose an antibusing bill at the next meeting of the Committee on the Judiciary.

Mr. SEIBERLING. I certainly will not. The gentleman has just offered a motion on busing, thereby disproving the very statement the gentleman just made.

Mr. BAUMAN. The gentleman from Maryland has made his case and if the gentleman would like to concur in the stand taken by the majority party in favor of busing he can do that. I do not concur.

Mr. Speaker, I move the previous question on the motion.

Mr. FLOOD. Mr. Speaker, I demand the question be divided.

Mr. BAUMAN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Pennsylvania has the floor and the Chair is trying to let the gentleman be heard.

Mr. FLOOD. Mr. Speaker, I demand a division.

Mr. BAUMAN. Mr. Speaker, I have not yielded. My time has not expired.

The SPEAKER. The gentleman has time for debate only.

Mr. BAUMAN. No; Mr. Speaker, it was not yielded for debate only.

The SPEAKER. The gentleman from Maryland has 15 seconds.

Mr. BAUMAN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman was yielded to for debate only. The gentleman from Illinois had no authority under clause 2, rule XXVIII to yield for any other purpose but debate.

Mr. BAUMAN. Mr. Speaker, I was yielded to. There was no limitation on for what purpose.

The SPEAKER. The gentleman was yielded 5 minutes. He can use it for debate only. The gentleman's time has expired.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I demand a division of the question.

Mr. MICHEL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The question will be divided.

Mr. MICHEL. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

POINT OF ORDER

Mr. MICHEL. Mr. Speaker, the gentleman from Illinois was given to understand that the time was to be divided equally. There was no indication on the part of the gentleman from Illinois that he had concluded giving what time he wanted to allocate to Members for general debate.

The gentleman from Illinois still has a request pending.

The SPEAKER. The gentleman has 30 minutes for debate only. He can yield more time.

Mr. MICHEL. I am still entitled, if I understand it, to the balance of the time to which I have been originally allocated. The gentleman from Illinois has 17 minutes remaining.

The SPEAKER. That is correct, but the question has been divided.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, when must a request for division be made?

The SPEAKER. Any time the motion is pending and before the question is put the question may be divided, and it is already divided.

Mr. FLOOD. Mr. Speaker, if the question has been divided, then I have a preferential motion.

The SPEAKER. The gentleman from Illinois has 15 minutes remaining, and the gentleman's motion may come later.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may require, and yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like to ask a question of my chairman, the gentleman from Pennsylvania (Mr. FLOOD): Is it the interpretation of the gentleman from Pennsylvania that no matter what happens here, or what amendment is adopted, whether the Byrd amendment or an amendment as amended by the gentleman from Pennsylvania, that this makes no difference at all; that we are bound in regard to the busing issue, by the 1954 case, Brown against Board of Education of Topeka, Kans., and these amendments makes no difference at all? We have got to amend the Constitution if we want to change the busing issue and the busing problem in this country? Is that the gentleman's interpretation? We discussed that in conference day after day.

Mr. FLOOD. None of this action taken today is binding upon the courts, of course.

Mr. CONTE. Of course not, and once there is a court order on busing, that is it?

Mr. FLOOD. Certainly.

Mr. MICHEL. I will simply say in conclusion, Mr. Speaker, that the other body spent considerable time debating this particular issue, much more than on the money figures themselves. It was a vote of 51 to 46, or something like that. I think the House is deserving of having an opportunity to express itself in the same fashion and let the chips fall where they may.

This is a regular, quite legitimate way for Members to express themselves. If it has been concluded pretty much by those in command in the majority that there will be no opportunity to vote on a constitutional amendment, on the issue of busing, then this is the only way left open for Members of this House to express themselves on the subject. We either get a shot at amending the authorizing legislation or in the absence of that opportunity have to speak as we will on this appropriation bill.

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

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I would just like to observe for the edification of the Members that the tactic that we see here of demanding a division of the question is patently designed, although it certainly is in order, to prevent a direct vote or a clear vote for the strongest possible antibusing language, which is the Byrd amendment contained in the bill.

I assume the gentleman from Pennsylvania, by demanding a division of the question, will first get a vote on whether to recede. At that point, he will be able to offer an amendment watering down the antibusing provision. I am going to vote for the motion to recede because the House should recede from its weaker position. I want the stronger position of the other body to be upheld, but when it comes to the amendment of the gentleman from Pennsylvania I would urge a "no" vote against any substitute he offers, and ultimately I will offer a motion to concur in the language of the other body. That is the only way we can assure that this bill will contain the strongest possible antibusing provision.

Mr. MICHEL. Mr. Speaker, I have no further requests for time.

Mr. FLOOD. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is, Will the House recede from its disagreement to the amendment of the Senate No. 72?

The House receded from its disagreement to Senate amendment No. 72.

PREFERENTIAL MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a preferential motion.

The Clerk read the preferential motion as follows:

Mr. FLOOD moves that the House concur in the amendment of the Senate numbered 72 with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 209. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest or next nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964."

The SPEAKER. The question is on the preferential motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

GERALD R. FORD LIBRARY

The vote was taken by electronic device, and there were—yeas 133, nays 259, answered "present" 15, not voting 27, as follows:

[Roll No. 744]

YEAS—133

Adams	Ford, Tenn.	Myers, Pa.
Addabbo	Frenzel	Nix
Allen	Giaimo	Nolan
Andrews, N.C.	Gilman	Oberstar
Ashley	Green	Obey
Aspin	Gude	O'Brien
AuCoin	Hall	O'Neill
Badillo	Hamilton	Patterson, Calif.
Baldus	Hannaford	Pattison, N.Y.
Barrett	Hawkins	Perkins
Baucus	Hayes, Ind.	Preyer
Beard, R.I.	Hechler, W. Va.	Price
Bedell	Heinz	Pritchard
Bergland	Hicks	Quie
Biester	Horton	Railsback
Bingham	Howard	Rees
Blouin	Jacobs	Rodino
Bolling	Jeffords	Roncalio
Bonker	Jenrette	Rose
Brademas	Johnson, Calif.	Rosenthal
Breckinridge	Johnson, Colo.	Roush
Brown, Calif.	Jordan	Roybal
Brown, Mich.	Kastenmeier	Ryan
Brown, Ohio	Keys	St Germain
Chisholm	Koch	Schroeder
Cohen	McCloskey	Seiberling
Conte	McCormack	Sharp
Corman	McFall	Simon
Cornell	McHugh	Smith, Iowa
de la Garza	McKinney	Solarz
Derrick	Maguire	Staggers
Dodd	Matsunaga	Steiger, Wis.
Drinan	Mazzoli	Studds
Duncan, Oreg.	Meeds	Symington
Eckhardt	Melcher	Thompson
Edgar	Meyner	Tsongas
Emery	Mezvinsky	Ullman
Erlenborn	Miller, Calif.	Van Deerlin
Evans, Colo.	Mineta	Vander Veen
Fenwick	Mink	Weaver
Findley	Moffett	Wiggins
Fish	Moorhead, Pa.	Wilson, Tex.
Fisher	Morgan	Wirth
Flood	Moss	
Foley	Murphy, N.Y.	

NAYS—259

Abdnor	Conyers	Hays, Ohio
Abzug	Coughlin	Heckler, Mass.
Alexander	Crane	Hefner
Ambro	D'Amours	Henderson
Anderson, Calif.	Daniel, Dan	Hightower
Andrews, N. Dak.	Daniel, R. W.	Hillis
Annunzio	Daniels, N.J.	Holland
Archer	Danielson	Holt
Armstrong	Davis	Holtzman
Ashbrook	Delaney	Howe
Bafalis	Derwinski	Hubbard
Bauman	Devine	Hughes
Beard, Tenn.	Dickinson	Hutchinson
Bell	Dingell	Hyde
Bennett	Downey, N.Y.	Ichord
Bevill	Downing, Va.	Jarman
Biaggi	Duncan, Tenn.	Johnson, Pa.
Blanchard	du Pont	Jones, Ala.
Boland	Early	Jones, N.C.
Bowen	Edwards, Ala.	Jones, Okla.
Breaux	Eilberg	Jones, Tenn.
Brinkley	English	Kasten
Brodhead	Esch	Kazen
Brooks	Evans, Ind.	Kelly
Broomfield	Evins, Tenn.	Kemp
Broyhill	Fary	Ketchum
Buchanan	Fascell	Kindness
Burgener	Fithian	Krebs
Burke, Mass.	Florio	Krueger
Burleson, Tex.	Flowers	Lagomarsino
Burlison, Mo.	Flynt	Landrum
Butler	Ford, Mich.	Latta
Byron	Forsythe	Lehman
Carney	Fountain	Lent
Carr	Frey	Levitas
Carter	Gibbons	Litton
Casey	Ginn	Lloyd, Calif.
Cederberg	Goldwater	Lloyd, Tenn.
Chappell	Goodling	Long, La.
Clancy	Gradison	Long, Md.
Clausen, Don H.	Grassley	Lott
Clawson, Del	Guyer	Lujan
Cleveland	Hagedorn	McClory
Cochran	Haley	McCollister
Collins, Ill.	Hammer-schmidt	McDade
Collins, Tex.	Hanley	McDonald
Conable	Hansen	McEwen
Conlan	Harris	McKay
	Harsha	Macdonald
	Hastings	Madden
		Madigan
	Mahon	Randall
	Mann	Rangel
	Martin	Regula
	Mathis	Rhodes
	Michel	Riegle
	Mikva	Rinaldo
	Milford	Risenhoover
	Miller, Ohio	Roberts
	Mills	Robinson
	Mitchell, N.Y.	Roe
	Moakley	Rogers
	Mollohan	Rooney
	Montgomery	Rostenkowski
	Moore	Rousselot
	Moorhead, Calif.	Runnels
	Mottl	Russo
	Murphy, Ill.	Santini
	Murtha	Sarasin
	Myers, Ind.	Sarbanes
	Natcher	Satterfield
	Neal	Scheuer
	Nedzi	Schneebeli
	Nichols	Schulze
	Nowak	Sebelius
	O'Hara	Shipley
	Ottinger	Shriver
	Passman	Shuster
	Patman, Tex.	Sikes
	Patten, N.J.	Sisk
	Pepper	Skubitz
	Pettis	Slack
	Peyser	Smith, Nebr.
	Pickle	Snyder
	Pike	Spellman
	Poage	Spence
	Pressler	Stanton, J. William
	Quillen	Steed

ANSWERED "PRESENT"—15

Burke, Calif.	Diggs	Mosher
Burton, John	Edwards, Calif.	Reuss
Burton, Phillip	Gonzalez	Waxman
Clay	Harrington	Wilson, C. H.
Dellums	Mitchell, Md.	Young, Ga.

NOT VOTING—27

Anderson, Ill.	Hébert	Ruppe
Boggs	Helstoski	Stanton, James V.
Burke, Fla.	Hinshaw	Stark
Cotter	Hungate	Stokes
Dent	Karth	Symms
Eshleman	LaFalce	Udall
Fraser	Leggett	Wylie
Fuqua	Metcalfe	
Gaydos	Minish	
Harkin	Richmond	

The Clerk announced the following pairs:

Mr. Fuqua with Mr. Hébert.
Mrs. Boggs with Mr. Helstoski.
Mr. James V. Stanton with Mr. Stark.
Mr. Symms with Mr. Stokes.
Mr. Eshleman with Mr. Dent.
Mr. Leggett with Mr. Hungate.
Mr. Gaydos with Mr. Harkin.
Mr. Anderson of Illinois with Mr. Cotter.
Mr. Burke of Florida with Mr. Fraser.
Mr. Karth with Mr. Metcalfe.
Mr. Udall with Mr. LaFalce.
Mr. Minish with Mr. Richmond.
Mr. Ruppe with Mr. Wylie.

Messrs. RANGEL, EVANS of Indiana, CARNEY, YATES, Ms. HOLTZMAN, Messrs. FARY, MIKVA, Mrs. COLLINS of Illinois, Messrs. ROSTENKOWSKI, FLORIO, SANTINI, and GOODLING changed their vote from "yea" to "nay."

Mr. MELCHER, Mr. WEAVER, and Mr. ANDREWS of North Carolina changed their vote from "nay" to "yea."

Messrs. CHARLES H. WILSON of California, OTTINGER, EDWARDS of California, PHILLIP BURTON, GONZALEZ, and WAXMAN changed their vote from "yea" to "present."

Mr. OTTINGER changed his vote from "present" to "nay."

So the preferential motion to the Senate amendment numbered 72 was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Will the House concur in the Senate amendment?

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

RECORDED VOTE

Mr. SEIBERLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 146, answered "present" 1, not voting 27, as follows:

[Roll No. 745]

AYES—260

Abdnor	Fountain	Montgomery
Alexander	Frey	Moore
Ambro	Giaimo	Moorhead, Calif.
Anderson, Calif.	Gibbons	Mottl
Andrews, N.C.	Ginn	Murtha
Andrews, N. Dak.	Goldwater	Myers, Ind.
Annunzio	Goodling	Myers, Pa.
Archer	Gradison	Natcher
Armstrong	Grassley	Neal
Ashbrook	Guyer	Nedzi
Bafalis	Hagedorn	Nichols
Bauman	Haley	Nowak
Beard, R.I.	Hall	O'Hara
Beard, Tenn.	Hamilton	Passman
Bell	Hammer-schmidt	Patten, N.J.
Bennett	Hanley	Patterson, Calif.
Bevill	Hansen	Pettis
Biaggi	Harris	Pickle
Blanchard	Harsha	Poage
Boland	Hastings	Pressler
Bowen	Hayes, Ind.	Preyer
Breaux	Hays, Ohio	Pritchard
Brinkley	Heckler, Mass.	Quillen
Brodhead	Hefner	Randall
Brooks	Heinz	Regula
Broomfield	Henderson	Rhodes
Brown, Mich.	Hightower	Riegle
Broyhill	Hillis	Rinaldo
Buchanan	Holland	Risenhoover
Burgener	Holt	Roberts
Burke, Mass.	Howe	Robinson
Burleson, Tex.	Hubbard	Roe
Burlison, Mo.	Hughes	Rogers
Butler	Hutchinson	Rooney
Byron	Hyde	Rose
Carr	Ichord	Roush
Carter	Jarman	Rousselot
Casey	Jenrette	Runnels
Cederberg	Johnson, Pa.	Russo
Chappell	Jones, Ala.	Ryan
Clancy	Jones, N.C.	Santini
Clausen, Don H.	Jones, Okla.	Sarasin
Clawson, Del	Jones, Tenn.	Sarbanes
Cleveland	Kasten	Satterfield
Cochran	Kazen	Scheuer
Collins, Tex.	Kelly	Schneebeli
Conable	Kemp	Schulze
Conlan	Ketchum	Sebelius
Coughlin	Kindness	Sharp
Crane	Krebs	Shipley
D'Amours	Krueger	Shriver
Daniel, Dan	Lagomarsino	Shuster
Daniel, R. W.	Landrum	Sikes
Daniels, N.J.	Lent	Skubitz
Danielson	Levitas	Slack
Davis	Litton	Smith, Nebr.
de la Garza	Lloyd, Calif.	Snyder
Delaney	Lloyd, Tenn.	Spellman
Derrick	Long, La.	Spence
Derwinski	Long, Md.	Stanton, J. William
Devine	Lott	Steed
Dickinson	Lujan	Steelman
Dingell	McCollister	Steiger, Ariz.
Downing, Va.	McDade	Stephens
Duncan, Tenn.	McDonald	Stratton
du Pont	McEwen	Stuckey
Early	McKay	Sullivan
Edgar	Macdonald	Talcott
Edwards, Ala.	Madigan	Taylor, Mo.
Eilberg	Mahon	Taylor, N.C.
English	Mann	Teague
Esch	Martin	Thone
Evans, Ind.	Mathis	Thornton
Evins, Tenn.	Mazzoli	Traxler
Fish	Meyner	Treen
Fithian	Michel	Vander Jagt
Florio	Milford	Vanik
Flowers	Miller, Ohio	Vigorito
Flynt	Mills	Waggonner
Ford, Mich.	Minish	Walsh
Forsythe	Mitchell, N.Y.	Wampler
	Moakley	Whalen
	Mollohan	White
		Whitehurst
		Whitten
		Wilson, Bob
		Winn
		Wolff
		Wright
		Wydler
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Tex.
		Zablocki
		Zeferetti

White	Wirth	Young, Alaska
Whitehurst	Wolff	Young, Fla.
Wilson, Bob	Wright	Young, Tex.
Wilson, Tex.	Wydler	Zablocki
Winn	Yatron	Zeferetti

NOES—146

Abzug	Findley	Murphy, Ill.
Adams	Fisher	Murphy, N.Y.
Addabbo	Flood	Nix
Allen	Foley	Nolan
Anderson, Ill.	Ford, Tenn.	Oberstar
Ashley	Fraser	Obey
Aspin	Frenzel	O'Brien
AuCoin	Gilman	O'Neill
Badillo	Gonzalez	Ottinger
Baldus	Green	Patman, Tex.
Barrett	Gude	Pattison, N.Y.
Baucus	Hannaford	Pepper
Bedell	Harrington	Perkins
Bergland	Hawkins	Pike
Biester	Hechler, W. Va.	Price
Bingham	Hicks	Quie
Blouin	Holtzman	Railsback
Bolling	Horton	Rangel
Bonker	Howard	Rees
Brademas	Jacobs	Reuss
Breckinridge	Jeffords	Richmond
Brown, Calif.	Johnson, Calif.	Rodino
Brown, Ohio	Johnson, Colo.	Roncalio
Burke, Calif.	Jordan	Rosenthal
Burton, John	Kastenmeier	Rostenkowski
Burton, Phillip	Keys	Roybal
Carney	Koch	St Germain
Chisholm	Lehman	Schroeder
Clay	McClory	Seiberling
Cohen	McCormack	Simon
Collins, Ill.	McFall	Smith, Iowa
Conte	McHugh	Solarz
Conyers	McKinney	Staggers
Corman	Madden	Steiger, Wis.
Cornell	Maguire	Studds
Dellums	Matsunaga	Symington
Diggs	Meeds	Thompson
Dodd	Melcher	Tsongas
Downey, N.Y.	Mezvinsky	Ullman
Drinan	Mikva	Van Deerlin
Duncan, Oreg.	Miller, Calif.	Vander Veen
Eckhardt	Mineta	Waxman
Edwards, Calif.	Mink	Weaver
Emery	Mitchell, Md.	Whalen
Erlenborn	Moffett	Wiggins
Evans, Colo.	Moorhead, Pa.	Wilson, C. H.
Fary	Morgan	Yates
Fascell	Mosher	Young, Ga.
Fenwick	Moss	

ANSWERED "PRESENT"—1

Sisk

NOT VOTING—27

Boggs	Hinshaw	Stanton,
Burke, Fla.	Hungate	James V.
Cotter	Karth	Stark
Dent	LaFalce	Stokes
Eshleman	Latta	Symms
Fuqua	Leggett	Udall
Gaydos	McCloskey	Whitten
Harkin	Metcalfe	Wylie
Hébert	Peyser	
Helstoski	Ruppe	

The Clerk announced the following pairs:

On this vote:

Mr. Sisk for, with Mr. Stark against.
Mr. Hébert for, with Mr. Dent against.
Mr. Whitten for, with Mr. Stokes against.
Mr. Peyser for, with Mr. Helstoski against.
Mr. Hungate for, with Mr. Metcalfe against.
Mr. Cotter for, with Mr. Leggett against.
Mr. Fuqua for, with Mr. James V. Stanton against.

Until further notice:

Mr. LaFalce with Mr. McCloskey.
Mrs. Boggs with Mr. Burke, of Florida.
Mr. Gaydos with Mr. Harkin.
Mr. Eshelman with Mr. Karth.
Mr. Udall with Mr. Symms.
Mr. Ruppe with Mr. Latta.

Messrs. BARRETT and NIX changed their votes from "yea" to "nay."

Mr. HALL and Mrs. SULLIVAN changed their votes from "nay" to "yea."

Mr. GONZALEZ changed his vote from "present" to "nay."

Mr. SISK. Mr. Speaker, I have a live pair with the gentleman from California (Mr. STARK). If he had been present he would have voted "nay." I withdraw my vote and vote "present."

So the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 76: Page 47, line 23, insert: *Provided,* That the appropriation for "Community service program" contained in title I, chapter VI of Public Law 94–32 (Second Supplemental Appropriations Act, 1975) is amended by striking out "September 30, 1975" and inserting in lieu thereof "December 31, 1975".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided,* That the agram" contained in title I, chapter VI of Public Law 94–32 (Second Supplemental Appropriations Act, 1975) is amended by striking out "September 30, 1975" and inserting in lieu thereof "June 30, 1976"

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 84: Page 54, line 5, strike out:

SEC. 407. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointment shall not exceed the fiscal year 1973 level: *Provided,* That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually.

And insert:

SEC. 407. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein except as provided in section 204 of Public Law 93–554.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 85: Page 55, line 13, insert: ": the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 in the current fiscal year and $625 in the period July 1, 1976, through September 30, 1976, from funds available for 'Salaries and expenses, Federal Mediation and Conciliation Service'."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 85 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON SENATE JOINT RESOLUTION 121, PROVIDING FOR QUARTERLY ADJUSTMENTS IN THE SUPPORT PRICE FOR MILK

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 121) to provide for quarterly adjustments in the support price for milk, with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. JONES of Tennessee, VIGORITO, BOWEN, NOLAN, BALDUS, KREBS, MCHUGH, BERGLAND, WAMPLER, JEFFORDS, and KELLY.

SUBPENAS IN THE CASE OF COMMON CAUSE, ET AL. AGAINST BLAILAR, ET AL.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 903) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 903

Whereas, in the case of Common Cause et al. against Blailar, et al. (Civil Action 1887–73) pending in the United States District Court for the District of Columbia, several subpenas were served upon various employees of the House of Representatives during the 93rd Congress, 2nd session; and

Whereas, in response to the said subpenas the House of Representatives of the 94th Congress, 1st session, adopted H. Res. 85 on January 23, 1975, which resolution authorized the Speaker to retain counsel to represent the interest of the House and of the subpenaed employees of the House; and

Whereas, in the same case a subpena duces tecum was issued upon the application of Kenneth J. Guido, attorney for the plaintiffs, and served upon Mr. Jay Starling, Director, Republican Research Committee, on August 26, 1975, and laid before the House on September 23, 1975, which subpena directed him to appear as a witness before the said court and to bring with him certain papers in the possession and under the control of the United States House of Representatives; now therefore be it

Resolved, That by the privileges of this House no evidence of a documentary charac-

January 16, 1976

FACT SHEET ON H.R. 8069
DEPARTMENTS OF LABOR, HEALTH, EDUCATION,
AND WELFARE APPROPRIATIONS ACT, 1976, VETOED
BY THE PRESIDENT ON DECEMBER 19, 1975

The bill is:

-- Almost $1 billion in budget authority over the budget.

-- Would increase the Federal deficit by $382 million in 1976 and $372 million in 1977.

-- Adds money to programs

where States should bear a greater share of the cost, e.g.

	(Dollars in Millions) Requested by Administration	Added by Congress
Maternal and Child Health.....	194	110
Alcoholism Community Programs.....	91	33

where the budget already requests a high level of funding, e.g.

NIH research.....	1,629	435
Head Start.....	434	20
Nutrition for the Aging.....	100	25
Rehabilitation Services.....	735	60

The increases in this category alone, where significant funding was already requested in the budget, account for more than half the increase in the bill.

The first FY 1976 supplemental appropriation contained twice as much as the President requested for the HEW programs contained in the bill--$300 million over the budget.

This bill was signed because it contained emergency funds for New York City and more than a $1 billion decrease in the food stamp program.



the children bused for reasons other than desegregation live in rural areas and travel many miles to the nearest school. There is no evidence that these children suffer any harmful effects from busing. In contrast to this, the small number of children bused for integration, travel only short distances from schools in nearby communities. The amount of fuel conserved and tax dollars saved from these proposals would be miniscule compared to the severe costs incurred by the young children who will be barred from achieving a quality education.

I know that there are many problems in the busing of young children. I come from a community that was involved for many years in the struggle of busing and integrations of schools, in New York City as well as Westchester. However, I have also learned from my experiences that those who fight busing are also those who are fighting integration of our schools, the integration of our neighborhoods and the integration of our society.

Yet we need an educationally integrated society which will fulfill the needs of all of its people for food, housing, and jobs. We must open up the educational process so that we can provide for all children the expectation of an equal education and equal access to the tools for a decent future and a decent life.

It has been more than 20 years since the Supreme Court ruled that separate facilities for different races were inherently unequal. Passage of this amendment would be a great setback for the enforcement of that decision and for all those students who looked to our National Government to insure their right to equal educational opportunities.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the conference report on the bill H.R. 8069 to the committee of conference.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 156, nays 265, not voting 13, as follows:

[Roll No. 742]

YEAS—156

Abdnor	Frenzel	Mottl
Allen	Frey	Myers, Ind.
Andrews, N. Dak.	Goldwater	Myers, Pa.
Archer	Goodling	Nichols
Armstrong	Gradison	Pettis
Ashbrook	Grassley	Poage
Bafalis	Guyer	Pritchard
Bauman	Hagedorn	Quie
Beard, Tenn.	Haley	Quillen
Bell	Hammer-schmidt	Regula
Bennett	Hansen	Rhodes
Bevill	Harsha	Robinson
Breaux	Hastings	Rousselot
Broomfield	Holt	Runnels
Brown, Mich.	Hutchinson	Ruppe
Brown, Ohio	Hyde	Sarasin
Broyhill	Ichord	Satterfield
Burgener	Jarman	Schneebeli
Burleson, Tex.	Johnson, Colo.	Schulze
Butler	Johnson, Pa.	Sebelius
Byron	Jones, Okla.	Shriver
Cederberg	Kasten	Shuster
Chappell	Kelly	Sikes
Clancy	Kemp	Skubitz
Clausen, Don H.	Ketchum	Smith, Nebr.
Clawson, Del	Kindness	Snyder
Cochran	Krueger	Spence
Cohen	Lagomarsino	Stanton, J. William
Collins, Tex.	Landrum	Steelman
Conable	Latta	Steiger, Ariz.
Conlan	Lent	Steiger, Wis.
Conte	Levitas	Stuckey
Coughlin	Lloyd, Tenn.	Symms
Crane	Lott	Talcott
Daniel, Dan	Lujan	Taylor, Mo.
Daniel, R. W.	McClory	Taylor, N.C.
Derrick	McCloskey	Teague
Derwinski	McCollister	Thone
Devine	McDade	Thornton
Dickinson	McDonald	Treen
Downing, Va.	McEwen	Vander Jagt
Duncan, Tenn.	McKinney	Waggonner
Edwards, Ala.	Mann	Wampler
Emery	Martin	Whitehurst
English	Mathis	Wiggins
Erlenborn	Michel	Wilson, Bob
Esbleman	Milford	Winn
Evins, Tenn.	Miller, Ohio	Wydler
Fenwick	Mills	Wylie
Findley	Montgomery	Young, Fla.
Fish	Moore	
Flynt	Moorhead, Calif.	
Forsythe	Mosher	

NAYS—265

Abzug	Chisholm	Gilman
Adams	Clay	Ginn
Addabbo	Cleveland	Gonzalez
Alexander	Collins, Ill.	Green
Ambro	Conyers	Gude
Anderson, Calif.	Corman	Hall
Andrews, N.C.	Cornell	Hamilton
Annunzio	Cotter	Hanley
Ashley	D'Amours	Hannaford
Aspin	Daniels, N.J.	Harkin
AuCoin	Danielson	Harrington
Badillo	Davis	Harris
Baldus	de la Garza	Hawkins
Barrett	Delaney	Hayes, Ind.
Baucus	Dellums	Hays, Ohio
Beard, R.I.	Dent	Hechler, W. Va.
Bedell	Diggs	Heckler, Mass.
Bergland	Dingell	Hefner
Biaggi	Dodd	Heinz
Biester	Downey, N.Y.	Henderson
Bingham	Drinan	Hicks
Blanchard	Duncan, Oreg.	Hightower
Blouin	du Pont	Hillis
Boggs	Early	Holland
Boland	Eckhardt	Holtzman
Bolling	Edgar	Horton
Bonker	Edwards, Calif.	Howard
Bowen	Eilberg	Howe
Brademas	Esch	Hubbard
Breckinridge	Evans, Colo.	Hughes
Brinkley	Evans, Ind.	Jacobs
Brodhead	Fary	Jeffords
Brooks	Fascell	Jenrette
Brown, Calif.	Fisher	Johnson, Calif.
Buchanan	Fithian	Jones, Ala.
Burke, Calif.	Flood	Jones, N.C.
Burke, Mass.	Florio	Jones, Tenn.
Burlison, Mo.	Flowers	Jordan
Burton, John	Foley	Karth
Burton, Phillip	Ford, Mich.	Kastenmeier
Carney	Ford, Tenn.	Kazen
Carr	Fountain	Keys
Carter	Fuqua	Koch
Casey	Giaimo	Krebs
	Gibbons	LaFalce
	Leggett	Oberstar
	Lehman	Obey
	Litton	O'Brien
	Lloyd, Calif.	O'Hara
	Long, La.	O'Neill
	Long, Md.	Ottinger
	McCormack	Patman, Tex.
	McFall	Patten, N.J.
	McHugh	Patterson, Calif.
	McKay	Pattison, N.Y.
	Macdonald	Pepper
	Madden	Perkins
	Madigan	Peyser
	Maguire	Pickle
	Mahon	Pike
	Matsunaga	Pressler
	Mazzoli	Preyer
	Meeds	Price
	Melcher	Railsback
	Metcalfe	Randall
	Meyner	Rangel
	Mezvinsky	Rees
	Mikva	Reuss
	Miller, Calif.	Richmond
	Mineta	Riegle
	Minish	Rinaldo
	Mink	Risenhoover
	Mitchell, Md.	Roberts
	Mitchell, N.Y.	Rodino
	Moakley	Roe
	Moffett	Rogers
	Mollohan	Roncalio
	Moorhead, Pa.	Rooney
	Morgan	Rose
	Moss	Rosenthal
	Murphy, Ill.	Rostenkowski
	Murphy, N.Y.	Roush
	Murtha	Roybal
	Natcher	Russo
	Neal	Ryan
	Nedzi	St Germain
	Nix	Santini
	Nolan	Sarbanes
	Nowak	Scheuer
		Schroeder
		Seiberling
		Sharp
		Shipley
		Simon
		Sisk
		Slack
		Smith, Iowa
		Solarz
		Spellman
		Staggers
		Stark
		Steed
		Stephens
		Stratton
		Studds
		Sullivan
		Symington
		Thompson
		Traxler
		Tsongas
		Van Deerlin
		Vander Veen
		Vanik
		Vigorito
		Walsh
		Waxman
		Weaver
		Whalen
		White
		Whitten
		Wilson, C. H.
		Wilson, Tex.
		Wirth
		Wolff
		Wright
		Yates
		Yatron
		Young, Alaska
		Young, Ga.
		Young, Tex.
		Zablocki
		Zeferetti

NOT VOTING—13

Anderson, Ill.	Hinshaw	Udall
Burke, Fla.	Hungate	Ullman
Fraser	Passman	
Gaydos	Stanton, James V.	
Hébert	Stokes	
Helstoski		

The Clerk announced the following pairs:

Mr. Hébert with Mr. Stokes.
Mr. Passman with Mr. James V. Stanton.
Mr. Gaydos with Mr. Helstoski.
Mr. Fraser with Mr. Anderson of Illinois.
Mr. Hungate with Mr. Burke of Florida.
Mr. Udall with Mr. Ullman.

Messrs. PICKLE and PHILLIP BURTON and Mrs. SCHROEDER changed their vote from "yea" to "nay".

Messrs. LANDRUM, DERWINSKI, and DERRICK and Mrs. LLOYD of Tennessee changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 91, not voting 22, as follows:

[Roll No. 743]

YEAS—321

Abdnor	Aspin	Blanchard
Abzug	AuCoin	Blouin
Adams	Badillo	Boggs
Addabbo	Bafalis	Boland
Alexander	Baldus	Bolling
Allen	Barrett	Bonker
Ambro	Baucus	Bowen
Anderson, Calif.	Beard, R.I.	Breaux
Andrews, N.C.	Bedell	Breckinridge
Andrews, N. Dak.	Bergland	Brinkley
Annunzio	Bevill	Brodhead
Ashley	Biaggi	Brooks
	Biester	Brown, Calif.
	Bingham	Buchanan

Burke, Calif.	Hicks	Pepper
Burke, Mass.	Hightower	Perkins
Burlison, Mo.	Hillis	Peyser
Burton, John	Holland	Pickle
Burton, Phillip	Holtzman	Pike
Byron	Horton	Pressler
Carney	Howard	Preyer
Carr	Howe	Price
Carter	Hubbard	Pritchard
Casey	Hughes	Quillen
Chisholm	Ichord	Railsback
Clausen, Don H.	Jacobs	Randall
Clay	Jeffords	Rangel
Cleveland	Jenrette	Rees
Cochran	Johnson, Calif.	Regula
Cohen	Johnson, Pa.	Reuss
Collins, Ill.	Jones, Ala.	Riegle
Conte	Jones, N.C.	Rinaldo
Conyers	Jones, Tenn.	Risenhoover
Corman	Jordan	Rodino
Cornell	Kastenmeier	Roe
Cotter	Kazen	Rogers
Coughlin	Keys	Roncalio
D'Amours	Koch	Rooney
Daniels, N.J.	Krebs	Rose
Danielson	Krueger	Rosenthal
Davis	LaFalce	Rostenkowski
de la Garza	Leggett	Roush
Delaney	Lehman	Roybal
Dellums	Lent	Ruppe
Dent	Litton	Russo
Diggs	Lloyd, Calif.	Ryan
Dingell	Lloyd, Tenn.	St Germain
Dodd	Long, La.	Santini
Downey, N.Y.	Long, Md.	Sarasin
Drinan	Lott	Sarbanes
Duncan, Oreg.	Lujan	Scheuer
Duncan, Tenn.	McClory	Schroeder
du Pont	McCloskey	Schulze
Early	McCormack	Sebelius
Eckhardt	McDade	Seiberling
Edgar	McFall	Sharp
Edwards, Calif.	McHugh	Shipley
Eilberg	McKay	Shriver
Emery	McKinney	Sikes
Esch	Macdonald	Simon
Eshleman	Madden	Sisk
Evans, Colo.	Madigan	Skubitz
Evans, Ind.	Maguire	Slack
Evins, Tenn.	Mahon	Smith, Iowa
Fary	Matsunaga	Smith, Nebr.
Fascell	Mazzoli	Solarz
Fenwick	Meeds	Spellman
Findley	Melcher	Staggers
Fish	Metcalfe	Stanton, J. William
Fisher	Meyner	Stark
Fithian	Mezvinsky	Steed
Flood	Mikva	Stephens
Florio	Miller, Calif.	Stratton
Flowers	Mills	Studds
Foley	Minetа	Sullivan
Ford, Mich.	Minish	Symington
Ford, Tenn.	Mink	Taylor, N.C.
Forsythe	Mitchell, Md.	Teague
Fountain	Mitchell, N.Y.	Thompson
Fuqua	Moakley	Thone
Giaimo	Moffett	Tsongas
Gibbons	Mollohan	Van Deerlin
Gilman	Moore	Vander Veen
Ginn	Moorhead, Pa.	Vanik
Gonzalez	Morgan	Vigorito
Goodling	Mosher	Walsh
Grassley	Moss	Wampler
Green	Motti	Waxman
Gude	Murphy, Ill.	Weaver
Guyer	Murphy, N.Y.	Whalen
Haley	Murtha	White
Hall	Myers, Pa.	Whitten
Hamilton	Natcher	Wilson, C. H.
Hammer-schmidt	Neal	Wilson, Tex.
Hanley	Nedzi	Winn
Hannaford	Nichols	Wolff
Harkin	Nix	Wright
Harrington	Nolan	Wydler
Harris	Nowak	Yates
Harsha	Oberstar	Yatron
Hawkins	Obey	Young, Alaska
Hayes, Ind.	O'Brien	Young, Fla.
Hays, Ohio	O'Hara	Young, Ga.
Hechler, W. Va.	O'Neill	Young, Tex.
Heckler, Mass.	Ottinger	Zablocki
Hefner	Patman, Tex.	Zeferetti
Heinz	Patten, N.J.	
Henderson	Patterson, Calif.	
	Pattison, N.Y.	

NAYS—91

Archer	Bennett	Burleson, Tex.
Armstrong	Broomfield	Butler
Ashbrook	Brown, Mich.	Cederberg
Bauman	Brown, Ohio	Clancy
Beard, Tenn.	Broyhill	Clawson, Del
Bell	Burgener	Collins, Tex.
Conable	Jones, Okla.	Quie
Conlan	Kasten	Rhodes
Crane	Kelly	Roberts
Daniel, Dan	Kemp	Robinson
Daniel, R. W.	Ketchum	Rousselot
Derrick	Kindness	Runnels
Derwinski	Lagomarsino	Satterfield
Devine	Landrum	Schneebeli
Dickinson	Latta	Shuster
Downing, Va.	Levitas	Snyder
Edwards, Ala.	McCollister	Spence
English	McDonald	Steelman
Erlenborn	McEwen	Steiger, Ariz.
Flynt	Mann	Steiger, Wis.
Frenzel	Martin	Stuckey
Frey	Mathis	Symms
Goldwater	Michel	Talcott
Gradison	Milford	Thornton
Hagedorn	Miller, Ohio	Treen
Hansen	Montgomery	Vander Jagt
Hastings	Moorhead, Calif.	Waggonner
Hutchinson	Myers, Ind.	Whitehurst
Hyde	Pettis	Wiggins
Jarman	Poage	Wilson, Bob
Johnson, Colo.		

NOT VOTING—22

Anderson, Ill.	Hinshaw	Stokes
Brademas	Holt	Taylor, Mo.
Burke, Fla.	Hungate	Traxler
Chappell	Karth	Udall
Fraser	Passman	Ullman
Gaydos	Richmond	Wirth
Hébert	Stanton, James V.	Wylie
Helstoski		

The Clerk announced the following pairs:

Mr. Brademas with Mr. Hébert.
Mr. Udall with Mr. Passman.
Mr. Karth with Mr. Chappell.
Mr. Helstoski with Mr. Taylor of Missouri.
Mr. Stokes with Mrs. Holt.
Mr. James V. Stanton with Mr. Burke of Florida.
Mr. Gaydos with Mr. Anderson of Illinois.
Mr. Fraser with Mr. Hungate.
Mr. Ullman with Mr. Hinshaw.
Mr. Richmond with Mr. Wirth.
Mr. Traxler with Mr. Wylie.

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: page 5, line 17, strike "$1,056,300,000" and insert "$1,054,800,000,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$1,051,300,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 6, line 22, strike "$264,100,000" and insert "$263,700,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$262,850,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 18, line 5, insert: "including $1,880,000 herein authorized to be expended for salaries and related costs of ninety-four new positions, and $25,000,000 for construction and renovation which shall remain available until expended."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "including $25,000,000 for construction and renovation which shall remain available until expended."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 26, line 8; strike "$360,709,000" and insert "$360,529,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$347,428,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 63: Page 37, line 5, insert: *"Provided further,* That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disageement.

The Clerk read as follows:

Senate amendment No. 64: Page 38, line 19, insert: *"Provided further,* That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein.

The motion was agreed to.

GERALD R. FORD LIBRARY

bearing where it should be, beyond the ambit of unnecessary governmental intervention. According to the Court, government is permitted neither to prohibit nor encourage abortion in the first trimester. It is not the government's business.

I acknowledge and respect the right of each of us to hold different views on this issue based on religion or conscience. However, I agree with the Civil Rights Commission that to prohibit abortion is not the Government's business, and I believe the defeat of this amendment is of great importance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with sundry amendments. with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8069) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am now, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 8069 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is voted on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 39, not voting 26, as follows:

[Roll No. 355]

YEAS—368

Abdnor	Downey	Johnson, Colo.
Abzug	Drinan	Johnson, Pa.
Adams	Duncan, Oreg.	Jones, Ala.
Addabbo	Duncan, Tenn.	Jones, N.C.
Alexander	du Pont	Jones, Okla.
Ambro	Early	Jones, Tenn.
Anderson, Calif.	Eckhardt	Jordan
	Edgar	Kasten
Andrews, N.C.	Edwards, Ala.	Kastenmeier
Andrews, N. Dak.	Edwards, Calif.	Kazen
	Eilberg	Kelly
Annunzio	Emery	Ketchum
Ashley	English	Keys
Aspin	Esch	Koch
AuCoin	Eshleman	Krebs
Badillo	Evans, Colo.	Krueger
Bafalis	Evans, Ind.	LaFalce
Baldus	Evins, Tenn.	Lagomarsino
Barrett	Fascell	Leggett
Baucus	Fenwick	Lehman
Beard, R.I.	Findley	Lent
Bedell	Fish	Litton
Bell	Fisher	Lloyd, Calif.
Bennett	Fithian	Lloyd, Tenn.
Bergland	Flood	Long, La.
Bevill	Florio	Long, Md.
Biaggi	Flowers	Lott
Biester	Foley	Lujan
Bingham	Ford, Mich.	McClory
Blanchard	Ford, Tenn.	McCloskey
Blouin	Fountain	McCollister
Boggs	Fraser	McCormack
Boland	Frenzel	McDade
Bolling	Frey	McFall
Bonker	Fuqua	McHugh
Bowen	Gaydos	McKay
Brademas	Giaimo	McKinney
Breaux	Gibbons	Macdonald
Breckinridge	Gilman	Madden
Brinkley	Ginn	Madigan
Brodhead	Goldwater	Maguire
Brooks	Gonzalez	Mahon
Broomfield	Goodling	Mann
Brown, Calif.	Gradison	Matsunaga
Brown, Mich.	Grassley	Mazzoli
Buchanan	Green	Meeds
Burgener	Gude	Melcher
Burke, Calif.	Guyer	Metcalfe
Burke, Fla.	Haley	Meyner
Burke, Mass.	Hall	Mezvinsky
Burlison, Mo.	Hamilton	Mikva
Burton, John	Hammer-schmidt	Milford
Burton, Phillip		Miller, Calif.
Butler	Hanley	Mineta
Byron	Hannaford	Minish
Carney	Harkin	Mink
Carr	Harrington	Mitchell, Md.
Carter	Harris	Mitchell, N.Y.
Casey	Hastings	Moakley
Chappell	Hawkins	Moffett
Chisholm	Hayes, Ind.	Mollohan
Clancy	Hays, Ohio	Moore
Clausen, Don H.	Hechler, W. Va.	Moorhead, Calif.
	Heckler, Mass.	
Clay	Hefner	Morgan
Cleveland	Heinz	Mottl
Cochran	Helstoski	Murphy, Ill.
Cohen	Henderson	Murphy, N.Y.
Conte	Hicks	Murtha
Conyers	Hightower	Myers, Ind.
Corman	Hillis	Myers, Pa.
Cornell	Hinshaw	Natcher
Cotter	Holland	Neal
Coughlin	Holt	Nedzi
D'Amours	Holtzman	Nichols
Daniel, R. W.	Horton	Nix
Daniels, N.J.	Howard	Nolan
Danielson	Howe	Nowak
Davis	Hubbard	Oberstar
de la Garza	Hughes	Obey
Delaney	Hungate	O'Brien
Dellums	Hyde	O'Hara
Dent	Ichord	O'Neill
Derrick	Jacobs	Ottinger
Derwinski	Jeffords	Passman
Dingell	Jenrette	Patten, N.J.
Dodd	Johnson, Calif.	Pattison, N.Y.
Pepper	Santini	Taylor, N.C.
Perkins	Sarasin	Thompson
Pettis	Sarbanes	Thone
Peyser	Scheuer	Thornton
Pickle	Schroeder	Traxler
Pike	Schulze	Tsongas
Poage	Sebelius	Udall
Pressler	Seiberling	Van Deerlin
Preyer	Sharp	Vander Jagt
Price	Shipley	Vander Veen
Pritchard	Shriver	Vanik
Quie	Simon	Vigorito
Quillen	Sisk	Waggonner
Railsback	Skubitz	Walsh
Randall	Slack	Wampler
Rangel	Smith, Iowa	Waxman
Rees	Smith, Nebr.	Weaver
Regula	Snyder	Whalen
Reuss	Solarz	White
Rhodes	Spellman	Whitehurst
Richmond	Spence	Whitten
Riegle	Staggers	Wilson, Bob
Rinaldo	Stanton, J. William	Wilson, C. H.
Risenhoover		Wilson, Tex.
Rodino	Stanton, James V.	Winn
Roe		Wirth
Rogers	Stark	Wolff
Rooney	Steed	Wright
Rose	Steelman	Wydler
Rosenthal	Steiger, Wis.	Wylie
Rostenkowski	Stokes	Yates
Roush	Stratton	Yatron
Roybal	Stuckey	Young, Alaska
Runnels	Studds	Young, Fla.
Ruppe	Sullivan	Young, Ga.
Russo	Symington	Young, Tex.
Ryan	Talcott	Zablocki
St Germain	Taylor, Mo.	Zeferetti

NAYS—39

Archer	Devine	Mathis
Armstrong	Dickinson	Michel
Ashbrook	Hansen	Miller, Ohio
Bauman	Hutchinson	Montgomery
Brown, Ohio	Jarman	Robinson
Broyhill	Kemp	Rousselot
Burleson, Tex.	Kindness	Satterfield
Clawson, Del	Landrum	Schneebeli
Collins, Tex.	Latta	Shuster
Conable	Levitas	Steiger, Ariz.
Conlan	McDonald	Symms
Crane	McEwen	Treen
Daniel, Dan	Martin	Wiggins

NOT VOTING—26

Anderson, Ill.	Fulton	Patman, Tex.
Beard, Tenn.	Hagedorn	Patterson, Calif.
Cederberg	Harsha	
Collins, Ill.	Hébert	Roberts
Diggs	Karth	Roncalio
Downing	Mills	Sikes
Erlenborn	Moorhead, Pa.	Stephens
Flynt	Mosher	Teague
Forsythe	Moss	Ullman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Sikes with Mr. Cederberg.
Mr. Diggs with Mr. Mills.
Mr. Downing of Virginia with Mr. Roberts.
Mr. Flynt with Mr. Beard of Tennessee.
Mr. Karth with Mr. Stephens.
Mr. Patman with Mr. Harsha.
Mr. Roncalio with Mr. Hagedorn.
Mrs. Collins of Illinois with Mr. Patterson of California.
Mr. Fulton with Mr. Erlenborn.
Mr. Moorhead of Pennsylvania with Mr. Mosher.
Mr. Moss with Mr. Forsythe.
Mr. Teague with Mr. Ullman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 8069, the bill just passed, and to include extraneous matter along with tables and charts.

GENERAL LIBRARY

FOR IMMEDIATE RELEASE December 19, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE HOUSE OF REPRESENTATIVES:

I return without my approval H.R. 8069, the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1976.

As you know, I have just vetoed H.R. 5559, which would have extended for six months the temporary tax cut due to expire on New Year's Eve, because it was not accompanied by a limit on Federal spending for the next fiscal year. H.R. 8069 is a classic example of the unchecked spending which I referred to in my earlier veto message.

H.R. 8069 would provide nearly $1 billion more in spending authority than I had requested. Not only would the $45 billion total in this bill add significantly to the already burdensome Federal deficits expected this year and next, but the individual increases themselves are unjustified, unnecessary, and unwise. This bill is, therefore, inconsistent with fiscal discipline and with effective restraint on the growth of government.

I am not impressed by the argument that H.R. 8069 is in line with the Congress' second concurrent resolution on the budget and is, therefore, in some sense proper. What this argument does not say is that the resolution, which expresses the Congress' view of appropriate budget restraint, approves a $50 billion, or 15 percent, increase in Federal spending in one year. Such an increase is not appropriate budget restraint.

Effective restraint on the growth of the Federal Government requires effective limits on the growth of Federal spending. This bill provides an opportunity for such limitation. By itself, this bill would add $382 million to this year's deficit and would make next year's deficit $372 million more than if my recommendations had been adopted. In addition, the increases provided for this year would raise expectations for next year's budget and make the job of restraining spending that much more difficult. Thus, this bill would contribute to excessive deficits and needless inflationary pressures.

Furthermore, if this bill became law, it would increase permanent Federal employment by 8,000 people. I find it most difficult to believe the majority of the American people favor increasing the number of employees on the Federal payroll, whether by Congressional direction or by other means. On the contrary, I believe the overwhelming majority agree with my view that there are already too many employees in the Federal Government.

more

GERALD R. FORD LIBRARY

I am returning this bill without my signature and renewing my request to the Congress to approve a ceiling on Federal spending as the best possible Christmas present for the American people.

GERALD R. FORD

THE WHITE HOUSE,
December 19, 1975

# # # # #

GERALD R. FORD LIBRARY

FOR IMMEDIATE RELEASE December 19, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE HOUSE OF REPRESENTATIVES:

I return without my approval H.R. 8069, the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1976.

As you know, I have just vetoed H.R. 5559, which would have extended for six months the temporary tax cut due to expire on New Year's Eve, because it was not accompanied by a limit on Federal spending for the next fiscal year. H.R. 8069 is a classic example of the unchecked spending which I referred to in my earlier veto message.

H.R. 8069 would provide nearly $1 billion more in spending authority than I had requested. Not only would the $45 billion total in this bill add significantly to the already burdensome Federal deficits expected this year and next, but the individual increases themselves are unjustified, unnecessary, and unwise. This bill is, therefore, inconsistent with fiscal discipline and with effective restraint on the growth of government.

I am not impressed by the argument that H.R. 8069 is in line with the Congress' second concurrent resolution on the budget and is, therefore, in some sense proper. What this argument does not say is that the resolution, which expresses the Congress' view of appropriate budget restraint, approves a $50 billion, or 15 percent, increase in Federal spending in one year. Such an increase is not appropriate budget restraint.

Effective restraint on the growth of the Federal Government requires effective limits on the growth of Federal spending. This bill provides an opportunity for such limitation. By itself, this bill would add $382 million to this year's deficit and would make next year's deficit $372 million more than if my recommendations had been adopted. In addition, the increases provided for this year would raise expectations for next year's budget and make the job of restraining spending that much more difficult. Thus, this bill would contribute to excessive deficits and needless inflationary pressures.

Furthermore, if this bill became law, it would increase permanent Federal employment by 8,000 people. I find it most difficult to believe the majority of the American people favor increasing the number of employees on the Federal payroll, whether by Congressional direction or by other means. On the contrary, I believe the overwhelming majority agree with my view that there are already too many employees in the Federal Government.

more

(OVER)

FORD LIBRARY

I am returning this bill without my signature and renewing my request to the Congress to approve a ceiling on Federal spending as the best possible Christmas present for the American people.

GERALD R. FORD

THE WHITE HOUSE,
December 19, 1975

# # # # #

GERALD R. FORD LIBRARY

Talking Points

1. wanted to - be sure you knew about Michel compromise on Labor - HEW veto - vote Tues.
   - split the difference w/ Flood (nearly $500M over budget)
   - no cuts in any program
   - no educational aid money in this bill, just research

2. after we sustain veto, Flood will have no choice but to move on michel bill as he did on Jobs Veto compromise last year. Is higher than continuing resolution.

3. Gives you a chance to be for something - may want to cosponsor.

4. Vital to sustain first big veto to head off future vetoes in election year.

GERALD R. FORD LIBRARY

DRAFT
January 16, 1976

Dear Colleague:

The President's veto of H.R. 8069 containing the 1976 appropriations for the Departments of Labor and Health, Education, and Welfare should be sustained.

The bill would provide nearly $1 billion more in spending authority than the President requested. It would increase the Federal deficit by almost $380 million in FY 1976 and another $370 million in FY 1977.

Furthermore, the first supplemental appropriation for FY 1976 contained almost twice as much as the President requested--more than $300 million over the budget--for Department of Health, Education, and Welfare programs contained in that bill. The President signed that bill because it contained emergency funding for New York City and significant decreases elsewhere than the Labor-Health, Education, and Welfare appropriations.

The President, in his veto message, rejected the argument that H.R. 8069 is in line with the second concurrent resolution on the budget. That argument overlooks the fact that "Congress' view of appropriate budget restraint, approves a $50 billion, or 15 percent, increase in Federal spending in one year. Such an increase is not appropriate budget restraint."

GERALD R. FORD LIBRARY

The President's budget request, to which Congress has added $1 billion, already contained significant funding for labor, health, and welfare programs. It is simply not correct to base the argument for an override on the grounds that the President's original proposals would do damage to the Nation's health or welfare programs. For example, the President requested more than $1.6 billion for medical research. The bill would add more than $450 million to this amount. Such increases are uncalled for during a time when Federal spending must be held in check.

The President is determined to hold FY 1977 spending to $395 billion or less. If the final result of FY 1976 appropriations is to create unnecessarily high on-going program levels, the choices which must be made in FY 1977 will be even more difficult.

It would be irresponsible to raise such expectations in 1976 on the part of these recipients of Federal funds. FY 1976 spending levels can be held down and they should be for the economic health of the Nation. I urge you to support the President's veto.

GERALD R. FORD LIBRARY

ROBERT H. MICHEL
18TH DISTRICT, ILLINOIS

MINORITY WHIP
APPROPRIATIONS COMMITTEE
RANKING MEMBER
LABOR, HEALTH, EDUCATION, AND WELFARE SUBCOMMITTEE

WASHINGTON OFFICE:
2112 RAYBURN BUILDING
(202) 225-6201

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 23, 1976

RALPH VINOVICH
ADMINISTRATIVE ASSISTANT

DISTRICT OFFICE:
1007 FIRST NATIONAL BANK BUILDING
PEORIA, ILLINOIS 61602
(309) 673-6358

COUNTIES:
BROWN MASON
BUREAU PEORIA
CASS SCHUYLER
KNOX STARK
TAZEWELL

Dear Colleague:

As you know, the vetoed Labor-HEW appropriation bill (minus all the education items that were included in the separate Education Appropriation bill) is scheduled for action Tuesday, January 27th.

The bill is $915 Million over the budget. If you add to this the amount over the budget embodied in the education appropriation bill, and supplemental increases, the total FY1976 appropriations for the Department of H.E.W. exceeds the budget by $2.5 Billion.

With only five months remaining in the current Fiscal Year, overriding of this veto would result in an unjustified ballooning of funds to be doled out in the remaining five months of the current Fiscal Year. Moreover, that increase would result in our adding $1.2 Billion to the planned $43 Billion deficit for FY1977 before we even begin our hearings on the '77 budget request.

A good many Members would vote to sustain the veto solely on the afore-mentioned grounds, but I realize some Members do have reservations, and in order to satisfy these Members, I propose we strike a compromise.

Basically, what I am proposing is support for a bill that would reduce by 10% across the board all the "controllable" HEW items in the bill above the budget level with the proviso that no line item be reduced below the '75 funding level or budget level, whichever is higher. This would result in a saving of $328 Million.

If we make one further adjustment by going back to the original House Appropriation Committee recommendation for the Community Services Administration, we save an additional $95.5 Million making a total reduction from the Conference Report -- or savings -- of $424 Million. We then would have a measure which is $491 Million over the budget. Surely those 156 Members who voted to recommit the Conference Report, and conceivably more, should be willing to support this kind of compromise.

The compromise will be ready for introduction Monday, and I would invite all Members interested in cosponsoring it to call Dave Kehl, ext. 50197, to be listed as a cosponsor.

Sincerely yours,

Bob Michel

Robert H. Michel
Member of Congress

GERALD R. FORD LIBRARY

CHAIRMAN • BARBER B. CONABLE, JR.

Republican Policy Committee
U.S. HOUSE OF REPRESENTATIVES
1616 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
202/225-6168

94th Congress
Second Session

January 26, 1976
Statement #1
H.R. 8069

LABOR-HEW APPROPRIATIONS: VOTE ON THE VETO

The Policy Committee urges that the President's veto of the Labor-HEW Appropriations bill, H.R. 8069, be sustained and that Congress adopt the compromise approach introduced by Rep. Michel (R-Ill.) and several other Members.

H.R. 8069 is nearly a billion dollars over the Administration's budget level, and if this is added to the excesses of the Education Appropriation bill and the recently enacted Supplemental, the total FY 1976 appropriations for HEW exceed the budget by a whopping $2.5 billion, an all time record in this area.

Clearly, at a time when we are trying to limit excessive spending and dampen the fires of inflation, we cannot sanction excesses of this magnitude. If H.R. 8069 were adopted, it would increase the Federal deficit by almost $380 million in FY 1976 and another $370 million in FY 1977. Furthermore, it would establish spending levels that would likely result in increases over the President's FY 1977 budget of at least $1.2 billion in the health area alone.

It is particularly important that Congress seize this early opportunity to sustain the veto of this first money bill to come before us in this Session if Members are truly earnest about keeping spending in line in 1976. At the same time, we recognize the need to provide firm funding levels for the programs involved and thus end the uncertainty for recipients caused by the current impasse.

A compromise is thus in order, and the Michel substitute goes more than half way in this regard. It provides for a funding level of $424 million below H.R. 8069, but $491 million above the President's budget. It insures that no HEW program included in H.R. 8069 at a level above the budget will fall under either the FY 1975 level of

spending, which in most cases is the current level of spending, under the continuing resolution or the FY 1976 budget level, whichever is higher.

For the sake of the American economy and the American taxpayer, the veto of H.R. 8069 should be sustained. Then, for the sake of the programs involved in H.R. 8069, we ought to move expeditiously to adopt the Michel substitute, a good faith compromise effort.

VETO OF LABOR-HEW FUNDS BILL OVERRIDDEN

Congress Jan. 28 handed President Ford his first defeat of 1976 over federal spending when it overrode his veto of a bill (HR 8069) making fiscal 1976 appropriations of $36,073,748,318 for the Departments of Labor and Health, Education and Welfare (HEW).

By a surprisingly large 28-vote margin, the House voted to override Jan. 27, 310-113. The Senate overrode the veto Jan. 28 on a 70-24 vote, seven votes more than the two-thirds of those present and voting needed for an override.

Ford had vetoed the bill Dec. 19, calling it a "classic example of...unchecked spending." HR 8069 was $915-million over Ford's fiscal 1976 budget requests. The bill also contained $8,953,070,000—almost $20-million more than Ford requested—for the three-month transition period between fiscal 1976 and 1977. *(Provisions, 1975 Weekly Report p. 2731; veto message, p. 2880)*

Prior to the Senate vote, White House Press Secretary Ron Nessen said Ford was "disappointed that Congress talks a good game about fiscal responsibility but when it comes to actually voting to save the taxpayers' money, they vote the same old way."

But override supporters in both the House and the Senate said President Ford's budget requests were inadequate and did not reflect congressional priorities.

The issue "is really rather a simple one," said Rep. Daniel J. Flood (D Pa.), floor manager of the bill in the House. "The question is, do you believe that Congress was right in providing a modest increase in appropriations for programs like cancer research, maternal and child health, mental health, alcoholism...and vocational rehabilitation? Or do you think that federal support for these programs should be reduced below the current [spending] levels?"

Senate floor manager Warren G. Magnuson (D Wash.) addressed the issue of priorities. "Every time Congress works its will on domestic programs—people programs—we hear a resounding 'no' from the other end of Pennsylvania Avenue," he said Jan. 28.

Although HR 8069 breached the President's budget, the chairmen of the House and Senate Budget Committees said the bill was within the spending targets set by Congress under the new budget procedure. According to the committees, the bill was $25-million under the target in budget authority and $70-million under target in actual outlays.

"I hope they will vote to override this veto and I hope that they will do this to maintain the budget process," said Rep. Brock Adams (D Wash.), chairman of the House Budget Committee, during floor debate.

"When the country is told by the President that a bill such as this exceeds the budget, Congress and the country should always bear in mind that the President is speaking of his budget," said Sen. Edmund S. Muskie (D Maine), Adams' counterpart in the Senate. "This bill is a reflection of congressional priorities which are different in a significant way from those of the President."

The most vocal supporter of the President was Rep. Robert H. Michel (R Ill.), who offered a compromise that would cut back increases in the President's budget by $425-million. "If we override this veto, we will be opening the gates and saying the sky is the limit, that we really are not serious about holding to our spending limitations...," Michel said Jan. 27. Only one Senator—Milton R. Young (R N.D.)—spoke in support of the President during the Senate debate.

"Every time Congress works its will on domestic programs—people programs—we hear a resounding 'no' from the other end of Pennsylvania Avenue."

—Sen. Warren G. Magnuson (D Wash.)



Election Year Voting

Since the White House had launched a major effort to sustain the veto, the 28-vote margin in the House surprised leaders of both parties who had generally predicted that the outcome would be decided by a much narrower margin.

The large vote was attributed primarily to election year politics, with members hesitant to have a vote sustaining the veto read as opposition to politically popular social programs. Most of the increase over the President's budget was for health care programs. During House debate, Rep. David R. Obey (D Wis.) pointed out that a recent poll "showed that while the public is mighty fed up with a good deal of the spending that goes on on the part of government, the one area in which they are willing to spend more than the government is spending today is the area of health care."

Republican defections from the President's position made the difference in both the House and Senate votes. In the House, 49 Republicans, twice as many as most observers expected, voted with 261 Democrats to override. Voting to sustain the veto were 92 Republicans and 21 Democrats. *(Vote 13, p. 250)*

In the Senate, Republicans split almost evenly, with 17 voting to override and 18 voting to sustain. Only six Democrats, all from the South, voted to sustain, while 53 Democrats voted to override. *(Vote 11, p. 248)*

The victory was a definite morale booster for the Democratic leadership, which had been unable to muster the support necessary to override such other presidential vetoes as the emergency jobs appropriations bill, the strip mining bill and emergency farm bill. Of the 41 public bills Ford had vetoed since taking office in August 1974, it was only the eighth one that Congress had overridden.

COPYRIGHT 1976 CONGRESSIONAL QUARTERLY INC.
Reproduction prohibited in whole or in part except by editorial clients

But Republicans downplayed the significance of the override. House Minority Leader John J. Rhodes (R Ariz.) told reporters after the House vote that several Republicans withheld their votes until the final moments, indicating that they would have supported the President if their votes would have made the difference. Even some Democrats predicted it would be more difficult to muster the two-thirds vote necessary on such Democratic sponsored bills as public works and public jobs.

Although the issue was barely raised during debate, the override meant enactment of the toughest anti-busing provision ever passed by Congress. An amendment to the bill, passed after a lengthy debate in the Senate and a long conference, prohibited HEW from using any funds in the bill to bus students beyond their neighborhood schools for reasons of race. The amendment would not affect court-ordered busing and would expire, along with HR 8069, at the end of the transition period.

HR 8069 contained no funds for the education division of HEW. Those funds had been appropriated in a separate bill (HR 5901). Ironically, Ford's veto of that bill also was overridden, one of only three vetoes Congress was able to override in 1975. *(Education bill, 1975 Weekly Report p. 1948; 1975 vetoes, p. 2858)* ▮

—By Martha V. Gottron

HEW NOTES

Fraud in HEW Programs

Fraud and abuses in programs run by the Department of Health, Education and Welfare (HEW) cost the federal government "many millions of dollars each year," the House Government Operations Committee asserted in a report (H Rept 94-786) issued Jan. 26, but department officials responsible for the detection of fraud have "little reliable information" about the extent of these losses.

The committee also charged that the number of HEW employees assigned to investigate fraud was "ridiculously inadequate" and contended that fraud detection activities throughout the department were poorly coordinated. The committee said it expected to consider legislation in 1976 that would establish an Office of Inspector General in HEW to investigate fraud and program abuses on a department-wide basis. ▮

Unnecessary Surgery

More than 2 million unnecessary operations costing $3.9-billion took place in 1974, according to estimates released Jan. 22 by the House Interstate and Foreign Commerce Subcommittee on Oversight and Investigations. The subcommittee estimated that unnecessary surgery performed on Medicare and Medicaid patients accounted for more than $1-billion of this cost.

But Health, Education and Welfare (HEW) Secretary David Mathews told the subcommittee Jan. 23 that he would not withhold Medicaid funding from states that had not followed rules designed to reduce overuse of services until HEW updated what he called a faulty survey of state compliance. Mathews also argued that the financial penalties should be flexible so that they would not hurt poor patients dependent on Medicaid for health care. ▮

Day Care Standards

After rejecting a move to kill the child care standards, the Senate Jan. 29 voted 65-24 to approve a bill (HR 9803) giving the states an extra $250-million a year to comply with staffing requirements for federally funded day care centers. *(Vote 16, p. 249)*

Congress had approved legislation (PL 94-120) in 1975 that delayed the effective date of the standards from Oct. 1, 1975, to Feb. 1 after some states complained that the cost of meeting the requirements would put day care centers out of business. Sens. Russell B. Long (D La.) and Walter F. Mondale (D Minn.) then proposed to give the states more money to help them observe the standards. *(Background, 1975 Weekly Report p. 2637)*

Opponents of the bill called the standards arbitrary, but by a 37-54 vote the Senate rejected an amendment by Robert W. Packwood (R Ore.) that would have left staffing rules up to the states. The Senate Finance Committee, which reported HR 9803 (S Rept 94-592) on Jan. 26, had defeated a similar amendment by a 9-9 tie vote along party lines.

Packwood argued during floor debate that the states knew more about their day care needs than "some middle-echelon, pettifogging bureaucrat in the bowels of the Department of Health, Education and Welfare (HEW)."

"There has been no attempt to ride roughshod over state and local governments," countered Mondale, pointing out that states were free to set whatever standards they wished for day care programs that did not receive federal funds. But when federal money was involved, he argued, the programs should provide the best care possible.

Other opponents tried unsuccessfully to postpone the effective date of the standards until after HEW had completed several studies of day care staffing needs in 1977. By imposing the standards before the study was finished, argued Dewey F. Bartlett (R Okla.), the government was "getting its cart before the horse."

As passed by the Senate, HR 9803 would delay the effective date of the standards until July 1 while giving states $125-million in the remainder of fiscal 1976 to help them comply. Through fiscal 1977, the bill would reserve one-fifth of the funds for states that would need to hire the most additional staff members. The bill also would allow some day care centers to get federal funds covering the entire cost of hiring welfare mothers for their staff up to an annual salary limit of $5,000.

Despite President Ford's opposition to legislation requiring new federal spending, Republicans did not attack the bill's $250-million annual authorization during floor debate on the measure. The administration, which had proposed to turn social services programs into a block grant program, also objected to earmarking the additional funds specifically for day care programs. *(Block grant proposal, Weekly Report p. 132)*

(Details of Senate action will be published in a subsequent Weekly Report.)

COPYRIGHT 1976 CONGRESSIONAL QUARTERLY INC.
Reproduction prohibited in whole or in part except by editorial clients

GERALD R. FORD LIBRARY

13. HR 8069. Labor-HEW Appropriations, Fiscal 1976. Passage, over the President's Dec. 19, 1975, veto, of the bill to make fiscal 1976 appropriations of $36,073,748,318 and transition period appropriations of $8,953,070,000 for the Departments of Labor and Health, Education and Welfare and related agencies. Passed (thus enacting into law) 310-113: R 49-92; D 261-21 (ND 195-1; SD 66-20), Jan. 27, 1976. A two-thirds majority vote of those present and voting (282 in this case) is required to override a veto. A "nay" was a vote supporting the President's position. *(Story, p. 221)*

14. HR 9861. Defense Department Appropriations, Fiscal 1976. Giaimo (D Conn.) motion to concur in the Senate amendment sponsored by Tunney (D Calif.), to the amendment reported in disagreement Dec. 10, 1975, by House-Senate conferees to the Defense Department appropriations bill, barring U.S. aid to the anti-Soviet factions fighting in the civil war in Angola except for intelligence gathering. Motion agreed to (thus clearing the bill for the President) 323-99: R 72-69; D 251-30 (ND 190-7; SD 61-23), Jan. 27, 1976. A "nay" was a vote supporting the President's position. *(Story, p. 208)*

15. S 2718. Railroad Rehabilitation. Adoption of the conference report on the bill to authorize $6.098-billion in grants and loans for the nation's railroads and to ease federal regulation of the rail industry by the Interstate Commerce Commission. Adopted 353-62: R 107-29; D 246-33 (ND 183-9; SD 63-24), Jan. 28, 1976. *(Story, p. 215)*

16. HR 5247. Public Works. Brooks (D Texas) motion to delete from the conference report on the bill Title II, which authorized a countercyclical aid program to help state and local governments continue to provide basic services. Motion rejected 133-268: R 86-44; D 47-224 (ND 15-173; SD 32-51), Jan. 29, 1976. *(Story, p. 252)*

17. HR 5247. Public Works. Adoption of the conference report on the bill authorizing $6.1-billion for job-creating public works projects and anti-recession aid to state and local governments. Adopted 321-80: R 62-67; D 259-13 (ND 185-5; SD 74-8), Jan. 29, 1976. A "nay" was a vote supporting the President's position. *(Story, p. 252)*

18. HR 10680. Renegotiation Act Amendments. Hansen (R Idaho) substitute amendment for the bill to extend the Renegotiation Act for five years, through Dec. 31, 1980, to allow the board to subpoena materials it needed for its renegotiation determinations, and to strengthen the board chairman's administrative authority. Rejected 129-251: R 104-17; D 25-234 (ND 7-175; SD 18-59), Jan. 29, 1976. (The bill subsequently was passed by voice vote.)

19. H Res 982. Intelligence Report. Rules Committee amendment to the resolution authorizing the House Select Intelligence Committee to file a report on the CIA and other intelligence agencies by Jan. 30, but barring the release of classified information until the study had been certified by the President as not containing information that would adversely affect the intelligence activities of the CIA or other agencies. Adopted 246-124: R 119-2; D 127-122 (ND 58-116; SD 69-6), Jan. 29, 1976. A "yea" was a vote supporting the President's position. *(Story, p. 203)*

KEY

- Y Voted for (yea)
- ✓ Paired for.
- † Announced for.
- N Voted against (nay).
- X Paired against.
- - Announced against.
- P Voted "present."
- • Voted "present" to avoid possible conflict of interest.
- ? Did not vote or otherwise make a position known.

	13	14	15	16	17	18	19
ALABAMA							
1 Edwards	N	N	Y	?	?	?	?
2 Dickinson	N	N	Y	Y	N	Y	Y
3 Nichols	?	X	N	N	Y	N	Y
4 Bevill	Y	Y	N	N	Y	N	Y
5 Jones	Y	Y	Y	N	Y	N	Y
6 Buchanan	Y	N	Y	N	Y	Y	Y
7 Flowers	Y	N	Y	?	?	?	✓
ALASKA							
AL Young	Y	N	Y	Y	N	Y	Y
ARIZONA							
1 Rhodes	N	N	?	?	?	?	✓
2 Udall	✓	Y	?	?	?	?	X
3 Steiger	N	N	N	Y	N	Y	Y
4 Conlan	N	N	Y	Y	N	Y	Y
ARKANSAS							
1 Alexander	Y	Y	Y	N	Y	N	Y
2 Mills	Y	Y	Y	N	Y	N	Y
3 Hammerschmidt	Y	Y	N	N	Y	Y	Y
4 Thornton	Y	Y	Y	N	Y	N	Y
CALIFORNIA							
1 Johnson	Y	Y	Y	N	Y	?	?
2 Clausen	N	Y	Y	Y	Y	Y	Y
3 Moss	Y	Y	Y	N	Y	N	X
4 Leggett	Y	Y	Y	N	Y	N	N
5 Burton, J.	Y	Y	Y	N	Y	N	N
6 Burton, P.	Y	Y	Y	N	Y	N	N
7 Miller	Y	Y	Y	N	Y	N	N
8 Dellums	Y	Y	Y	N	Y	N	N
9 Stark	Y	Y	Y	N	Y	N	N
10 Edwards	Y	Y	Y	N	Y	N	N
11 Ryan	Y	Y	Y	N	Y	N	N
12 McCloskey	Y	Y	Y	N	Y	Y	Y
13 Mineta	Y	Y	Y	N	Y	N	N
14 McFall	Y	Y	Y	N	Y	N	N
15 Sisk	Y	N	Y	N	Y	N	Y
16 Talcott	N	Y	Y	?	?	?	?
17 Krebs	Y	Y	Y	N	Y	N	N
18 Ketchum	N	N	Y	Y	N	?	?
19 Lagomarsino	N	Y	N	Y	N	Y	Y
20 Goldwater	?	?	N	Y	N	Y	Y
21 Corman	Y	Y	Y	N	Y	N	N
22 Moorhead	N	N	Y	Y	N	Y	Y
23 Rees	Y	Y	Y	Y	Y	N	N
24 Waxman	Y	Y	Y	N	Y	N	N
25 Roybal	Y	Y	Y	N	Y	N	N
26 Rousselot	N	Y	Y	Y	N	Y	Y
27 Bell	N	N	Y	?	?	?	?
28 Burke	Y	Y	Y	N	Y	N	N
29 Hawkins	Y	Y	Y	N	Y	N	N
30 Danielson	Y	Y	Y	N	Y	N	N
31 Wilson	Y	Y	Y	?	Y	N	N
32 Anderson	Y	Y	N	N	Y	N	N
33 Clawson	N	N	N	Y	N	Y	Y
34 Hannaford	Y	Y	Y	N	Y	N	N
35 Lloyd	Y	Y	Y	N	Y	N	Y
36 Brown	Y	Y	Y	N	Y	?	N
37 Pettis	N	Y	Y	Y	Y	Y	Y
38 Patterson	Y	Y	Y	N	Y	N	X
39 Wiggins	N	N	Y	Y	Y	?	?
40 Hinshaw	?	?	?	?	?	?	?
41 Wilson	N	N	Y	Y	Y	Y	Y
42 Van Deerlin	Y	Y	Y	N	Y	N	Y
43 Burgener	N	N	N	Y	N	Y	Y
COLORADO							
1 Schroeder	Y	Y	Y	N	Y	N	N
2 Wirth	Y	Y	Y	N	Y	N	Y
3 Evans	Y	Y	Y	N	Y	N	N
4 Johnson	N	Y	N	Y	N	Y	N
5 Armstrong	N	N	N	?	?	?	?
CONNECTICUT							
1 Cotter	Y	Y	Y	N	Y	Y	Y
2 Dodd	Y	Y	Y	?	Y	N	?
3 Giaimo	Y	Y	Y	N	Y	Y	N
4 McKinney	Y	Y	Y	N	Y	N	Y
5 Sarasin	Y	Y	Y	N	Y	Y	Y
6 Moffett	Y	Y	Y	N	Y	N	N
DELAWARE							
AL du Pont	Y	Y	Y	Y	N	N	Y
FLORIDA							
1 Sikes	Y	N	N	Y	Y	N	Y
2 Fuqua	Y	Y	Y	Y	Y	N	Y
3 Bennett	N	Y	N	Y	N	N	Y
4 Chappell	Y	N	N	Y	Y	N	Y
5 Kelly	N	N	N	Y	N	Y	Y
6 Young	N	Y	N	N	Y	Y	Y
7 Gibbons	Y	Y	N	Y	Y	?	✓
8 Haley	N	Y	Y	Y	Y	N	Y
9 Frey	N	N	N	Y	Y	Y	Y
10 Bafalis	N	Y	N	Y	Y	Y	Y
11 Rogers	Y	Y	Y	N	Y	Y	Y
12 Burke	Y	N	N	N	Y	Y	Y
13 Lehman	Y	Y	Y	N	Y	N	N
14 Pepper	Y	Y	Y	N	?	?	X
15 Fascell	Y	Y	Y	N	Y	?	?
GEORGIA							
1 Ginn	Y	Y	Y	N	Y	N	Y
2 Mathis	N	N	Y	?	?	?	✓
3 Brinkley	Y	Y	Y	N	Y	Y	Y
4 Levitas	X	Y	Y	Y	Y	N	Y
5 Young	Y	Y	Y	N	Y	N	N
6 Flynt	N	N	Y	Y	Y	N	Y
7 McDonald	N	Y	N	Y	N	Y	Y
8 Stuckey	Y	Y	Y	N	Y	Y	Y
9 Landrum	N	Y	?	N	Y	Y	Y
10 Stephens	Y	?	Y	N	Y	?	✓
HAWAII							
1 Matsunaga	Y	Y	Y	N	Y	N	Y
2 Mink	Y	Y	Y	N	Y	N	N
IDAHO							
1 Symms	N	N	N	Y	N	Y	Y
2 Hansen, G.	N	N	N	Y	N	Y	Y
ILLINOIS							
1 Metcalfe	Y	Y	?	?	?	?	X
2 Murphy	Y	Y	Y	N	Y	N	N
3 Russo	Y	Y	Y	N	Y	N	Y
4 Derwinski	N	N	Y	Y	Y	Y	Y
5 Fary	Y	Y	Y	N	Y	N	Y
6 Hyde	N	N	Y	Y	Y	Y	Y
7 Collins	Y	Y	Y	N	Y	N	N
8 Rostenkowski	Y	Y	Y	N	Y	N	Y
9 Yates	Y	Y	N	N	Y	N	N
10 Mikva	Y	Y	N	N	Y	N	N
11 Annunzio	Y	Y	Y	N	Y	N	N
12 Crane	N	Y	N	Y	N	Y	Y
13 McClory	N	N	Y	Y	Y	Y	Y
14 Erlenborn	N	N	Y	Y	N	Y	Y
15 Hall	Y	Y	Y	N	Y	N	Y
16 Anderson	N	Y	Y	N	Y	N	Y
17 O'Brien	N	Y	Y	Y	Y	?	Y
18 Michel	N	N	Y	Y	N	Y	Y
19 Railsback	Y	Y	Y	Y	N	Y	Y
20 Findley	N	N	Y	Y	N	Y	Y
21 Madigan	Y	Y	Y	?	?	?	?
22 Shipley	Y	Y	Y	N	Y	N	N
23 Price	Y	Y	Y	N	Y	N	N
24 Simon	Y	Y	Y	N	Y	N	N
INDIANA							
1 Madden	Y	Y	Y	N	Y	N	N
2 Fithian	Y	Y	Y	N	Y	N	Y
3 Brademas	Y	Y	Y	N	Y	N	N
4 Roush	Y	Y	Y	Y	Y	N	Y
5 Hillis	Y	N	Y	N	Y	?	?
6 Evans	Y	Y	Y	Y	Y	N	Y
7 Myers	N	N	Y	Y	N	Y	Y
8 Hayes	Y	Y	Y	N	Y	N	N
9 Hamilton	Y	Y	Y	N	Y	N	Y
10 Sharp	Y	Y	Y	N	Y	N	Y
11 Jacobs	Y	Y	N	Y	N	N	N
IOWA							
1 Mezvinsky	Y	Y	Y	N	Y	N	N
2 Blouin	Y	Y	Y	N	Y	N	N
3 Grassley	Y	Y	Y	Y	N	Y	Y
4 Smith	Y	Y	Y	N	Y	N	N
5 Harkin	Y	Y	Y	N	Y	N	N
6 Bedell	Y	Y	Y	N	Y	N	Y

Democrats *Republicans*

COPYRIGHT 1976 CONGRESSIONAL QUARTERLY INC
Reproduction prohibited in whole or in part except by editorial clients

	13	14	15	16	17	18	19
KANSAS							
1 Sebelius	N	Y	Y	?	?	?	?
2 Keys	Y	Y	Y	N	Y	N	N
3 Winn	Y	N	?	?	?	?	?
4 Shriver	Y	Y	?	?	?	?	?
5 Skubitz	N	Y	Y	?	?	?	?
KENTUCKY							
1 Hubbard	Y	Y	Y	N	Y	N	Y
2 Natcher	Y	Y	Y	N	Y	N	Y
3 Mazzoli	Y	Y	Y	N	Y	N	Y
4 Snyder	N	Y	N	Y	N	Y	Y
5 Carter	Y	Y	Y	N	Y	Y	Y
6 Breckinridge	Y	N	Y	N	Y	N	Y
7 Perkins	Y	Y	Y	N	Y	N	Y
LOUISIANA							
1 Hebert	Y	N	Y	✓	†	?	✓
2 Boggs	Y	Y	Y	N	Y	Y	Y
3 Treen	N	N	Y	N	Y	Y	Y
4 Waggonner	N	N	Y	N	Y	Y	Y
5 Passman	Y	N	Y	N	Y	N	Y
6 Moore	Y	Y	Y	N	N	Y	Y
7 Breaux	Y	Y	Y	N	Y	Y	Y
8 Long	Y	Y	Y	N	Y	N	Y
MAINE							
1 Emery	Y	Y	Y	Y	Y	N	Y
2 Cohen	Y	Y	Y	Y	Y	N	Y
MARYLAND							
1 Bauman	N	N	Y	Y	N	Y	Y
2 Long	Y	Y	Y	Y	Y	N	N
3 Sarbanes	Y	Y	Y	N	Y	N	N
4 Holt	N	Y	Y	Y	N	Y	Y
5 Spellman	Y	Y	Y	N	Y	N	Y
6 Byron	Y	Y	Y	Y	N	Y	Y
7 Mitchell	Y	Y	Y	N	Y	N	N
8 Gude	Y	Y	Y	N	Y	N	Y
MASSACHUSETTS							
1 Conte	Y	Y	Y	N	Y	Y	Y
2 Boland	Y	Y	Y	N	Y	N	N
3 Early	Y	Y	Y	N	Y	N	N
4 Drinan	Y	Y	Y	N	Y	N	N
5 Tsongas	Y	Y	Y	N	Y	N	N
6 Harrington	Y	Y	Y	N	Y	N	N
7 Macdonald	Y	Y	Y	N	Y	N	N
8 O'Neill	Y	Y	Y	N	Y	N	N
9 Moakley	Y	Y	Y	N	Y	N	N
10 Heckler	Y	Y	Y	N	Y	Y	Y
11 Burke	Y	Y	Y	N	Y	N	Y
12 Studds	Y	Y	Y	N	Y	N	N
MICHIGAN							
1 Conyers	Y	Y	N	N	†	?	N
2 Esch	Y	Y	Y	N	Y	Y	Y
3 Brown	Y	N	Y	Y	N	Y	Y
4 Hutchinson	N	Y	Y	Y	N	Y	Y
5 Vander Veen	Y	Y	Y	N	Y	N	N
6 Carr	Y	Y	Y	N	Y	N	N
7 Riegle	Y	Y	Y	N	Y	?	X
8 Traxler	Y	Y	Y	N	Y	N	?
9 Vander Jagt	N	N	Y	N	Y	Y	Y
10 Cederberg	N	Y	Y	N	N	Y	Y
11 Ruppe	Y	N	Y	N	?	?	?
12 O'Hara	Y	Y	Y	N	Y	N	Y
13 Diggs	✓	✓	?	?	?	?	X
14 Nedzi	Y	Y	Y	N	Y	N	Y
15 Ford	Y	Y	Y	N	Y	N	N
16 Dingell	Y	Y	Y	N	Y	N	N
17 Brodhead	Y	Y	Y	N	Y	N	N
18 Blanchard	Y	Y	Y	-	Y	N	Y
19 Broomfield	N	Y	Y	N	Y	Y	Y
MINNESOTA							
1 Quie	N	Y	Y	Y	N	?	?
2 Hagedorn	N	Y	Y	Y	N	N	Y
3 Frenzel	N	Y	Y	Y	N	Y	Y
4 Karth	Y	Y	?	X	?	?	X
5 Fraser	Y	?	Y	N	Y	?	?
6 Nolan	Y	Y	Y	N	Y	N	N
7 Bergland	Y	Y	Y	N	Y	N	N
8 Oberstar	Y	Y	Y	N	Y	N	N
MISSISSIPPI							
1 Whitten	Y	Y	N	N	Y	N	Y
2 Bowen	Y	N	Y	Y	Y	N	Y
3 Montgomery	N	N	N	Y	Y	N	Y
4 Cochran	Y	N	Y	Y	Y	Y	Y
5 Lott	Y	Y	Y	Y	Y	Y	Y
MISSOURI							
1 Clay	Y	Y	Y	N	Y	N	X
2 Symington	Y	Y	Y	N	Y	N	Y
3 Sullivan	Y	Y	Y	N	Y	N	?
4 Randall	Y	N	Y	Y	Y	?	?
5 Bolling	Y	Y	Y	N	Y	N	N
6 Litton	Y	Y	Y	N	Y	N	Y
7 Taylor	N	N	N	Y	N	Y	Y
8 Ichord	N	N	N	Y	N	N	✓
9 Hungate	Y	Y	Y	Y	Y	N	N
10 Burlison	Y	Y	N	Y	N	N	Y
MONTANA							
1 Baucus	Y	Y	Y	N	Y	N	N
2 Melcher	Y	Y	Y	N	Y	N	N
NEBRASKA							
1 Thone	N	Y	Y	Y	N	Y	Y
2 McCollister	N	N	Y	?	?	?	?
3 Smith	N	Y	Y	Y	N	Y	Y
NEVADA							
AL Santini	Y	Y	Y	N	Y	N	Y
NEW HAMPSHIRE							
1 D'Amours	Y	Y	Y	N	Y	N	Y
2 Cleveland	N	N	Y	Y	N	Y	Y
NEW JERSEY							
1 Florio	Y	Y	Y	N	Y	N	Y
2 Hughes	Y	Y	Y	N	Y	N	Y
3 Howard	Y	Y	Y	N	Y	N	N
4 Thompson	Y	Y	Y	X	Y	N	N
5 Fenwick	Y	Y	Y	N	Y	N	Y
6 Forsythe	N	Y	Y	N	Y	Y	Y
7 Maguire	Y	Y	Y	N	Y	N	N
8 Roe	Y	Y	Y	N	Y	N	Y
9 Helstoski	Y	Y	Y	N	Y	N	N
10 Rodino	Y	Y	Y	N	Y	N	N
11 Minish	Y	Y	Y	N	Y	N	Y
12 Rinaldo	Y	Y	Y	N	Y	N	Y
13 Meyner	Y	Y	Y	N	Y	N	N
14 Daniels	Y	Y	Y	N	Y	N	Y
15 Patten	Y	Y	Y	N	Y	N	Y
NEW MEXICO							
1 Lujan	Y	N	N	Y	N	Y	Y
2 Runnels	Y	Y	N	Y	N	N	✓
NEW YORK							
1 Pike	Y	Y	Y	N	Y	N	N
2 Downey	Y	Y	Y	N	Y	N	N
3 Ambro	Y	Y	Y	N	Y	N	N
4 Lent	N	N	Y	N	Y	Y	Y
5 Wydler	N	N	Y	Y	Y	Y	Y
6 Wolff	Y	Y	Y	N	Y	N	N
7 Addabbo	Y	Y	Y	N	Y	N	N
8 Rosenthal	Y	Y	Y	N	Y	N	N
9 Delaney	Y	Y	Y	N	Y	N	Y
10 Biaggi	Y	Y	Y	N	Y	N	Y
11 Scheuer	Y	Y	Y	N	Y	N	N
12 Chisholm	Y	Y	Y	N	Y	N	N
13 Solarz	Y	Y	Y	N	Y	N	N
14 Richmond	Y	Y	Y	N	Y	N	N
15 Zeferetti	Y	Y	Y	N	Y	N	Y
16 Holtzman	Y	Y	Y	N	Y	N	N
17 Murphy	Y	N	?	?	†	?	?
18 Koch	Y	Y	Y	N	Y	N	N
19 Rangel	Y	Y	Y	N	Y	N	N
20 Abzug	Y	Y	Y	N	Y	N	N
21 Badillo	Y	Y	Y	N	Y	N	N
22 Bingham	Y	Y	Y	N	Y	N	N
23 Peyser	Y	Y	Y	N	Y	?	?
24 Ottinger	Y	Y	Y	N	Y	N	N
25 Fish	N	Y	Y	N	Y	Y	Y
26 Gilman	Y	N	Y	N	Y	N	Y
27 McHugh	Y	Y	Y	N	Y	N	N
28 Stratton	Y	N	Y	N	Y	N	Y
29 Pattison	Y	Y	Y	N	Y	N	N
30 McEwen	?	?	?	Y	N	?	✓
31 Mitchell	N	N	Y	N	Y	Y	Y
32 Hanley	Y	Y	Y	N	Y	Y	✓
33 Walsh	Y	N	Y	N	Y	Y	Y
34 Horton	Y	Y	Y	Y	Y	Y	Y
35 Conable	N	N	Y	Y	N	Y	Y
36 LaFalce	Y	Y	Y	N	?	?	?
37 Nowak	Y	Y	Y	N	Y	N	Y
38 Kemp	N	N	Y	Y	Y	Y	Y
39 Vacancy							
NORTH CAROLINA							
1 Jones	Y	Y	N	Y	N	N	Y
2 Fountain	Y	Y	Y	Y	Y	N	Y
3 Henderson	Y	Y	Y	N	Y	N	Y
4 Andrews	Y	Y	Y	Y	Y	N	Y
5 Neal	Y	Y	N	N	Y	N	Y
6 Preyer	Y	Y	Y	N	Y	N	Y
7 Rose	Y	Y	?	?	?	?	✓
8 Hefner	Y	Y	Y	N	Y	N	Y
9 Martin	N	N	N	N	Y	Y	Y
10 Broyhill	N	Y	Y	Y	N	Y	Y
11 Taylor	Y	?	N	Y	Y	N	Y
NORTH DAKOTA							
AL Andrews	N	Y	Y	?	?	?	?
OHIO							
1 Gradison	N	N	N	Y	N	Y	Y
2 Clancy	N	Y	N	Y	N	Y	Y
3 Whalen	Y	Y	Y	N	Y	N	Y
4 Guyer	Y	Y	Y	✓	?	?	✓
5 Latta	N	N	N	Y	N	Y	Y
6 Harsha	Y	Y	Y	Y	N	Y	Y
7 Brown	N	Y	Y	Y	N	Y	Y
8 Kindness	N	N	?	Y	N	Y	Y
9 Ashley	Y	Y	Y	Y	Y	Y	Y
10 Miller	N	Y	N	Y	N	Y	Y
11 Stanton	N	Y	Y	N	Y	Y	Y
12 Devine	N	N	Y	Y	N	Y	Y
13 Mosher	Y	Y	Y	N	Y	N	Y
14 Seiberling	?	Y	Y	N	Y	N	N
15 Wylie	Y	Y	Y	Y	N	?	?
16 Regula	N	Y	Y	N	Y	Y	Y
17 Ashbrook	N	N	Y	Y	N	Y	Y
18 Hays	Y	Y	Y	N	Y	N	Y
19 Carney	Y	Y	Y	N	Y	N	N
20 Stanton	Y	Y	Y	N	Y	N	N
21 Stokes	Y	Y	Y	N	Y	N	N
22 Vanik	Y	Y	Y	N	Y	N	N
23 Mottl	Y	Y	N	?	?	?	✓
OKLAHOMA							
1 Jones	N	Y	Y	N	Y	?	?
2 Risenhoover	Y	Y	Y	N	Y	?	?
3 Albert							
4 Steed	Y	N	Y	Y	Y	N	Y
5 Jarman	N	N	N	Y	N	Y	Y
6 English	N	Y	Y	Y	Y	N	Y
OREGON							
1 AuCoin	Y	Y	Y	N	Y	?	?
2 Ullman	Y	Y	Y	N	Y	N	N
3 Duncan	Y	Y	Y	N	Y	N	Y
4 Weaver	Y	Y	?	N	Y	N	N
PENNSYLVANIA							
1 Barrett	Y	Y	Y	N	Y	N	Y
2 Nix	Y	Y	Y	N	Y	N	X
3 Green	Y	Y	Y	X	?	?	X
4 Eilberg	Y	Y	Y	N	Y	N	N
5 Schulze	Y	N	Y	Y	Y	Y	Y
6 Yatron	Y	Y	Y	N	Y	N	Y
7 Edgar	Y	Y	Y	N	Y	N	Y
8 Biester	Y	N	Y	N	Y	N	Y
9 Shuster	N	Y	Y	Y	N	Y	Y
10 McDade	Y	Y	Y	N	Y	Y	Y
11 Flood	Y	Y	Y	N	Y	N	Y
12 Murtha	Y	N	Y	N	Y	N	Y
13 Coughlin	Y	Y	N	N	Y	Y	Y
14 Moorhead	Y	Y	Y	N	Y	N	N
15 Rooney	Y	Y	Y	N	Y	N	Y
16 Eshleman	N	N	Y	Y	N	Y	Y
17 Schneebeli	N	N	Y	Y	N	Y	Y
18 Heinz	Y	Y	?	N	Y	N	?
19 Goodling, W.	Y	Y	Y	N	Y	Y	Y
20 Gaydos	Y	Y	Y	N	Y	N	Y
21 Dent	Y	Y	Y	N	Y	N	Y
22 Morgan	Y	Y	Y	N	Y	?	?
23 Johnson	N	N	†	Y	N	Y	Y
24 Vigorito	Y	Y	Y	N	Y	Y	Y
25 Myers	N	Y	Y	Y	Y	N	Y
RHODE ISLAND							
1 St Germain	Y	Y	Y	N	Y	N	N
2 Beard	Y	Y	Y	N	Y	N	N
SOUTH CAROLINA							
1 Davis	Y	Y	Y	N	Y	N	N
2 Spence	N	N	Y	Y	Y	Y	Y
3 Derrick	N	Y	Y	Y	Y	N	Y
4 Mann	N	N	Y	Y	Y	Y	Y
5 Holland	Y	Y	Y	✓	?	?	X
6 Jenrette	Y	Y	Y	N	Y	N	Y
SOUTH DAKOTA							
1 Pressler	Y	Y	Y	N	Y	N	Y
2 Abdnor	N	Y	Y	Y	N	Y	Y
TENNESSEE							
1 Quillen	N	N	Y	N	N	Y	Y
2 Duncan	Y	N	Y	N	Y	Y	Y
3 Lloyd	Y	Y	N	N	Y	N	Y
4 Evins	Y	Y	Y	Y	Y	N	Y
5 Allen	Y	Y	N	N	Y	N	Y
6 Beard	N	N	Y	Y	N	Y	Y
7 Jones	Y	Y	N	N	Y	N	Y
8 Ford	Y	Y	N	N	Y	N	N
TEXAS							
1 Patman	Y	Y	Y	?	?	N	?
2 Wilson	Y	N	Y	Y	Y	N	Y
3 Collins	N	Y	N	Y	N	Y	Y
4 Roberts	Y	N	N	Y	N	Y	Y
5 Steelman	N	Y	Y	Y	N	Y	Y
6 Teague	N	N	Y	N	Y	Y	Y
7 Archer	N	Y	N	Y	N	Y	Y
8 Eckhardt	Y	?	Y	N	Y	?	?
9 Brooks	Y	Y	N	Y	Y	N	?
10 Pickle	Y	Y	Y	Y	N	N	Y
11 Poage	N	N	N	Y	N	Y	Y
12 Wright	Y	Y	Y	N	Y	N	Y
13 Hightower	N	Y	Y	Y	Y	N	Y
14 Young	?	?	Y	Y	Y	Y	Y
15 de la Garza	Y	Y	N	N	Y	N	Y
16 White	Y	Y	Y	N	Y	N	Y
17 Burleson	N	N	N	Y	N	Y	Y
18 Jordan	Y	Y	Y	Y	Y	N	N
19 Mahon	Y	N	N	Y	Y	Y	Y
20 Gonzalez	Y	Y	Y	N	Y	N	Y
21 Krueger	Y	Y	Y	N	Y	N	Y
22 Vacancy[1]							
23 Kazen	Y	Y	N	N	Y	N	Y
24 Milford	N	N	N	Y	Y	N	Y
UTAH							
1 McKay	Y	Y	Y	N	Y	N	N
2 Howe	Y	Y	Y	N	Y	Y	N
VERMONT							
AL Jeffords	Y	Y	Y	N	Y	Y	Y
VIRGINIA							
1 Downing	N	N	Y	N	Y	Y	Y
2 Whitehurst	N	N	Y	Y	N	Y	Y
3 Satterfield	N	N	Y	Y	N	Y	Y
4 Daniel	N	N	Y	Y	N	Y	Y
5 Daniel	N	N	Y	Y	N	Y	Y
6 Butler	N	N	Y	Y	N	Y	Y
7 Robinson	N	N	Y	Y	N	Y	Y
8 Harris	Y	Y	Y	N	Y	N	N
9 Wampler	Y	N	Y	Y	N	Y	Y
10 Fisher	Y	Y	Y	N	Y	Y	Y
WASHINGTON							
1 Pritchard	Y	Y	Y	N	Y	Y	N
2 Meeds	Y	Y	Y	N	Y	?	X
3 Bonker	Y	Y	Y	Y	Y	N	Y
4 McCormack	Y	Y	Y	N	Y	N	Y
5 Foley	Y	Y	Y	Y	Y	N	N
6 Hicks	Y	N	Y	Y	Y	N	Y
7 Adams	Y	Y	?	N	Y	N	N
WEST VIRGINIA							
1 Mollohan	Y	Y	Y	N	Y	N	Y
2 Staggers	Y	Y	Y	N	Y	N	Y
3 Slack	Y	Y	Y	N	Y	N	Y
4 Hechler	Y	Y	Y	N	Y	N	N
WISCONSIN							
1 Aspin	Y	Y	Y	N	Y	N	N
2 Kastenmeier	Y	Y	Y	N	Y	N	N
3 Baldus	Y	Y	Y	N	Y	N	Y
4 Zablocki	Y	Y	Y	N	Y	N	Y
5 Reuss	Y	Y	Y	N	Y	N	N
6 Steiger	N	N	Y	N	Y	Y	Y
7 Obey	Y	Y	Y	N	Y	N	N
8 Cornell	Y	Y	Y	N	Y	N	N
9 Kasten	N	N	N	Y	Y	Y	Y
WYOMING							
AL Roncalio	Y	Y	Y	N	Y	N	N

Democrats ***Republicans***

[1] *Rep. Bob Casey (D Texas) resigned, effective Jan. 22, 1976.*

COPYRIGHT 1976 CONGRESSIONAL QUARTERLY INC
Reproduction prohibited in whole or in part except by editorial clients

GERALD R. FORD LIBRARY

CQ Senate Votes 4-11

Corresponding to Congressional Record Votes 8, 9, 10, 11, 12, 13, 14, 15

	4	5	6	7	8	9	10	11
ALABAMA								
Allen	Y	Y	Y	N	Y	Y	Y	N
Sparkman	N	Y	Y	N	Y	Y	Y	Y
ALASKA								
Gravel	?	Y	Y	Y	N	Y	N	Y
Stevens	Y	Y	Y	N	Y	Y	Y	Y
ARIZONA								
Fannin	N	?	Y	Y	N	Y	Y	N
Goldwater	Y	Y	Y	Y	N	Y	Y	N
ARKANSAS								
Bumpers	✓	Y	N	N	Y	Y	Y	Y
McClellan	N	?	Y	N	Y	Y	Y	N
CALIFORNIA								
Cranston	N	Y	N	Y	N	Y	N	Y
Tunney	?	?	?	Y	N	Y	N	Y
COLORADO								
Hart	N	Y	N	Y	N	Y	N	Y
Haskell	N	Y	N	Y	N	Y	Y	Y
CONNECTICUT								
Ribicoff	N	Y	Y	N	Y	Y	Y	Y
Weicker	N	Y	P	N	Y	Y	Y	Y
DELAWARE								
Biden	?	Y	N	N	Y	Y	Y	Y
Roth	N	?	Y	N	Y	Y	Y	N
FLORIDA								
Chiles	N	?	†	Y	N	Y	N	Y
Stone	N	Y	N	Y	N	Y	N	Y
GEORGIA								
Nunn	Y	Y	Y	Y	N	Y	Y	N
Talmadge	N	Y	Y	N	Y	Y	Y	X
HAWAII								
Inouye	?	Y	N	N	Y	Y	Y	Y
Fong	?	?	Y	Y	N	Y	N	Y
IDAHO								
Church	N	?	N	N	N	Y	Y	Y
McClure	Y	Y	Y	N	N	Y	N	N
ILLINOIS								
Stevenson	N	Y	Y	Y	N	Y	N	Y
Percy	N	Y	Y	Y	N	Y	Y	Y
INDIANA								
Bayh	?	?	?	?	?	?	?	Y
Hartke	Y	Y	Y	Y	N	Y	Y	Y

	4	5	6	7	8	9	10	11
IOWA								
Clark	N	?	N	Y	N	Y	N	Y
Culver	N	Y	N	Y	N	Y	N	Y
KANSAS								
Dole	Y	Y	Y	N	Y	Y	Y	?
Pearson	N	Y	Y	N	Y	Y	Y	Y
KENTUCKY								
Ford	Y	Y	N	N	Y	Y	Y	Y
Huddleston	Y	Y	N	Y	Y	Y	Y	Y
LOUISIANA								
Johnston	Y	Y	N	?	?	?	Y	Y
Long	Y	Y	Y	N	Y	Y	Y	Y
MAINE								
Hathaway	?	Y	Y	N	Y	Y	Y	Y
Muskie	N	Y	Y	N	Y	Y	Y	Y
MARYLAND								
Beall	N	Y	Y	N	Y	Y	Y	Y
Mathias	N	Y	Y	N	Y	Y	Y	Y
MASSACHUSETTS								
Kennedy	N	Y	N	N	Y	N	Y	Y
Brooke	N	Y	Y	N	Y	N	Y	Y
MICHIGAN								
Hart	?	Y	N	N	Y	Y	Y	✓
Griffin	N	Y	Y	Y	N	Y	N	N
MINNESOTA								
Humphrey	N	Y	Y	N	N	Y	Y	Y
Mondale	N	Y	N	N	Y	Y	Y	Y
MISSISSIPPI								
Eastland	N	?	Y	N	Y	Y	Y	N
Stennis	?	Y	Y	N	Y	Y	Y	N
MISSOURI								
Eagleton	Y	Y	Y	N	Y	Y	Y	Y
Symington	Y	?	†	?	?	?	?	✓
MONTANA								
Mansfield	✓	Y	Y	N	Y	Y	Y	Y
Metcalf	Y	Y	N	N	Y	Y	Y	Y
NEBRASKA								
Curtis	Y	Y	Y	?	?	?	?	?
Hruska	Y	Y	Y	Y	N	Y	N	N
NEVADA								
Cannon	Y	Y	Y	N	Y	Y	Y	Y
Laxalt	?	Y	Y	N	Y	Y	Y	N

	4	5	6	7	8	9	10	11
NEW HAMPSHIRE								
Durkin	N	Y	N	N	Y	Y	Y	Y
McIntyre	Y	Y	N	N	Y	Y	Y	Y
NEW JERSEY								
Williams	X	Y	N	N	Y	Y	Y	Y
Case	N	Y	Y	N	Y	Y	Y	Y
NEW MEXICO								
Montoya	N	Y	Y	N	Y	Y	Y	Y
Domenici	Y	Y	Y	N	N	Y	Y	N
NEW YORK								
Buckley*	N	Y	Y	N	N	Y	Y	N
Javits	N	?	Y	Y	N	Y	N	Y
NORTH CAROLINA								
Morgan	✓	Y	N	N	N	Y	Y	Y
Helms	Y	Y	N	N	N	Y	Y	N
NORTH DAKOTA								
Burdick	N	Y	Y	N	Y	Y	Y	Y
Young	N	?	Y	N	Y	Y	Y	N
OHIO								
Glenn	N	Y	Y	Y	N	Y	N	Y
Taft	-	Y	Y	N	Y	Y	Y	Y
OKLAHOMA								
Bartlett	Y	Y	Y	Y	N	Y	N	N
Bellmon	N	Y	Y	N	Y	Y	Y	Y
OREGON								
Hatfield	-	†	Y	N	Y	Y	Y	Y
Packwood	N	Y	Y	N	Y	Y	Y	Y
PENNSYLVANIA								
Schweiker	N	Y	?	N	Y	Y	Y	Y
Scott	-	Y	Y	Y	N	Y	N	Y
RHODE ISLAND								
Pastore	X	†	Y	N	Y	Y	Y	Y
Pell	N	†	†	N	Y	Y	Y	Y
SOUTH CAROLINA								
Hollings	Y	?	?	N	Y	Y	Y	Y
Thurmond	Y	Y	Y	Y	N	Y	Y	N
SOUTH DAKOTA								
Abourezk	?	Y	N	N	Y	Y	Y	Y
McGovern	N	Y	Y	N	Y	Y	Y	Y
TENNESSEE								
Baker	N	?	Y	?	?	?	?	?
Brock	Y	Y	Y	Y	N	Y	Y	N

KEY

- Y Voted for (yea)
- ✓ Paired for.
- † Announced for.
- N Voted against (nay).
- X Paired against.
- \- Announced against.
- P Voted "present."
- • Voted "present" to avoid possible conflict of interest.
- ? Did not vote or otherwise make a position known.

	4	5	6	7	8	9	10	11
TEXAS								
Bentsen	?	?	Y	N	Y	Y	Y	Y
Tower	Y	Y	Y	Y	N	Y	N	N
UTAH								
Moss	?	Y	Y	N	Y	Y	Y	Y
Garn	Y	Y	Y	Y	N	Y	Y	N
VERMONT								
Leahy	N	Y	N	N	Y	Y	Y	Y
Stafford	N	Y	Y	Y	N	Y	Y	Y
VIRGINIA								
Byrd**	N	Y	Y	N	Y	Y	Y	N
Scott	?	Y	Y	N	Y	Y	Y	N
WASHINGTON								
Jackson	X	†	Y	N	Y	Y	Y	Y
Magnuson	Y	†	N	N	Y	Y	Y	Y
WEST VIRGINIA								
Byrd	Y	Y	Y	N	Y	Y	Y	Y
Randolph	Y	†	Y	N	Y	Y	Y	Y
WISCONSIN								
Nelson	N	Y	N	N	Y	Y	Y	Y
Proxmire	N	Y	N	Y	N	Y	N	Y
WYOMING								
McGee	?	Y	Y	Y	N	Y	Y	Y
Hansen	?	?	?	Y	N	Y	Y	N

Democrats ***Republicans***

*Buckley elected as Conservative.

**Byrd elected as Independent.

4. HR 9852. Flood Insurance Program. Eagleton (D Mo.) amendment to repeal a ban on lending to finance new construction in flood-prone areas that had not adopted land use standards developed by the Department of Housing and Urban Development (HUD) and to allow an owner of existing property to participate in the national flood insurance program if he agreed to comply individually with the HUD standards even though his community had not adopted them. Rejected 29-46: R 13-18; D 16-28 (ND 9-21; SD 7-7), Jan. 23, 1976. (The Senate subsequently passed the bill by voice vote. The bill would repeal a ban on mortgage lending for the purchase of existing property in flood-prone areas that had not approved the HUD standards.) *(Story, p. 245)*

5. S 2115. Reserve Call-up Authority. Passage of the bill to authorize the President to order up to 50,000 members of the Selective Reserve to active duty for up to 90 days without a declaration of war or state of emergency. Passed 77-0: R 30-0; D 47-0 (ND 34-0; SD 13-0), Jan. 26, 1976. A "yea" was a vote supporting the President's position. *(Story, p. 209)*

6. Bush Nomination. Confirmation of President Ford's nomination of George Bush of Texas to be the Director of Central Intelligence. Confirmed 64-27: R 34-1; D 30-26 (ND 20-20; SD 10-6), Jan. 27, 1976. A "yea" was a vote supporting the President's position. *(Story, p. 210)*

7. S 961. 200-Mile Fishing Limit. Cranston (D Calif.) motion to table (and thus kill) the Muskie (D Maine) amendment *(see vote 8, below)*. Motion to table rejected 31-64: R 15-21; D 16-43 (ND 12-30; SD 4-13), Jan. 28, 1976. *(Story, p. 206)*

8. S 961. 200-Mile Fishing Limit. Muskie (D Maine) amendment, to the Cranston (D Calif.)-Griffin (R Mich.) amendment, to delete all language in the Cranston-Griffin amendment except for the findings concerning the status of international negotiations on instituting an agreement on fishery management and jurisdiction. Adopted 58-37: R 17-19; D 41-18 (ND 28-14; SD 13-14), Jan. 28, 1976. (The Cranston amendment, which would have dropped the unilateral extension of the exclusive U.S. fishing zone to 200 miles from the coast, from the existing 12-miles, was withdrawn after the Muskie amendment was adopted.) A "nay" was a vote supporting the President's position. *(Story, p. 206)*

9. S 961. 200-Mile Fishing Limit. Thurmond (R S.C.) amendment to delay until July 1, 1977, from Jan. 1, 1977, the effective date of the bill. Adopted 93-2: R 35-1; D 58-1 (ND 41-1; SD 17-0), Jan. 28, 1976. A "yea" was a vote supporting the President's position. *(Story, p. 206)*

10. HR 200. 200-Mile Fishing Limit. Passage of the bill to extend the 12-mile exclusive U.S. fishing zone off the nation's coasts to 200 miles in order to protect American fishing interests from foreign competitors. Passed 77-19: R 28-8; D 49-11 (ND 33-9; SD 16-2), Jan. 28, 1976. *(Story, p. 206)*

11. HR 8069. Labor-HEW Appropriations, Fiscal 1976. Passage, over the President's Dec. 19, 1975, veto, of the bill to make fiscal 1976 appropriations of $36,073,748,318 and transition period appropriations of $8,953,070,000 for the Departments of Labor and Health, Education and Welfare (HEW) and related agencies. Passed 70-24: R 17-18; D 53-6 (ND 42-0; SD 11-6), Jan. 28, 1976. A two-thirds majority vote of those present and voting (63 in this case) is required to override a veto. The President had requested fiscal 1976 appropriations of $35,157,909,000 and transition period appropriations of $8,933,216,000. A "nay" was a vote supporting the President's position. *(Story, p. 221)*

COPYRIGHT 1976 CONGRESSIONAL QUARTERLY INC.
Reproduction prohibited in whole or in part except by editorial clients.

	12	13	14	15	16
ALABAMA					
Allen	N	Y	Y	Y	Y
Sparkman	Y	N	N	N	Y
ALASKA					
Gravel	Y	N	N	N	Y
Stevens	Y	Y	Y	N	Y
ARIZONA					
Fannin	N	Y	Y	Y	N
Goldwater	?	?	?	?	?
ARKANSAS					
Bumpers	Y	Y	N	N	Y
McClellan	N	Y	Y	N	N
CALIFORNIA					
Cranston	Y	N	N	Y	Y
Tunney	?	?	?	?	?
COLORADO					
Hart	N	N	N	N	Y
Haskell	N	N	N	N	Y
CONNECTICUT					
Ribicoff	Y	N	N	N	Y
Weicker	Y	Y	N	N	Y
DELAWARE					
Biden	Y	N	N	N	Y
Roth	Y	Y	Y	Y	N
FLORIDA					
Chiles	Y	Y	Y	Y	N
Stone	N	N	N	N	Y
GEORGIA					
Nunn	N	Y	Y	Y	N
Talmadge	N	Y	Y	Y	N
HAWAII					
Inouye	Y	N	N	N	Y
Fong	Y	Y	N	Y	Y
IDAHO					
Church	?	Y	Y	Y	Y
McClure	N	Y	Y	Y	N
ILLINOIS					
Stevenson	Y	N	N	N	Y
Percy	Y	N	N	N	Y
INDIANA					
Bayh	?	N	?	?	?
Hartke	Y	N	N	N	Y

	12	13	14	15	16
IOWA					
Clark	Y	N	N	N	Y
Culver	Y	N	N	N	Y
KANSAS					
Dole	?	†	†	†	-
Pearson	Y	Y	N	N	Y
KENTUCKY					
Ford	Y	N	N	N	Y
Huddleston	Y	N	Y	N	Y
LOUISIANA					
Johnston	N	N	N	N	Y
Long	Y	N	N	N	Y
MAINE					
Hathaway	Y	N	N	N	Y
Muskie	Y	N	N	N	Y
MARYLAND					
Beall	Y	Y	N	N	Y
Mathias	Y	N	N	N	Y
MASSACHUSETTS					
Kennedy	Y	N	N	N	Y
Brooke	Y	N	N	N	Y
MICHIGAN					
Hart	?	N	N	N	Y
Griffin	?	Y	Y	Y	N
MINNESOTA					
Humphrey	Y	N	N	N	Y
Mondale	Y	N	N	N	Y
MISSISSIPPI					
Eastland	Y	?	?	N	Y
Stennis	N	Y	Y	N	Y
MISSOURI					
Eagleton	Y	N	N	N	Y
Symington	†	?	?	?	?
MONTANA					
Mansfield	X	N	?	?	?
Metcalf	Y	N	?	?	?
NEBRASKA					
Curtis	?	?	?	?	?
Hruska	Y	Y	Y	Y	N
NEVADA					
Cannon	N	N	Y	Y	Y
Laxalt	?	Y	Y	Y	Y

	12	13	14	15	16
NEW HAMPSHIRE					
Durkin	Y	N	N	N	Y
McIntyre	Y	N	N	N	Y
NEW JERSEY					
Williams	Y	N	N	N	Y
Case	Y	N	N	N	Y
NEW MEXICO					
Montoya	Y	N	N	?	†
Domenici	X	?	?	Y	Y
NEW YORK					
*Buckley**	Y	N	N	N	N
Javits	Y	N	N	N	Y
NORTH CAROLINA					
Morgan	Y	Y	Y	Y	N
Helms	N	Y	Y	Y	N
NORTH DAKOTA					
Burdick	Y	N	N	N	Y
Young	N	Y	Y	N	N
OHIO					
Glenn	Y	N	N	N	Y
Taft	N	Y	Y	Y	N
OKLAHOMA					
Bartlett	N	Y	Y	Y	N
Bellmon	N	Y	Y	Y	N
OREGON					
Hatfield	Y	Y	N	N	Y
Packwood	Y	Y	Y	Y	Y
PENNSYLVANIA					
Schweiker	Y	N	N	N	Y
Scott	Y	Y	Y	N	Y
RHODE ISLAND					
Pastore	✓	✓	Y	Y	N
Pell	Y	N	N	N	Y
SOUTH CAROLINA					
Hollings	Y	N	N	Y	Y
Thurmond	N	Y	Y	Y	N
SOUTH DAKOTA					
Abourezk	?	N	N	?	Y
McGovern	Y	N	N	N	Y
TENNESSEE					
Baker	-	Y	Y	N	N
Brock	N	Y	Y	Y	Y

KEY

- Y Voted for (yea)
- ✓ Paired for
- † Announced for.
- N Voted against (nay).
- X Paired against.
- - Announced against.
- P Voted "present."
- • Voted "present" to avoid possible conflict of interest.
- ? Did not vote or otherwise make a position known.

	12	13	14	15	16
TEXAS					
Bentsen	Y	Y	N	Y	Y
Tower	N	Y	Y	†	-
UTAH					
Moss	Y	N	N	N	Y
Garn	N	Y	Y	Y	N
VERMONT					
Leahy	Y	N	N	N	Y
Stafford	Y	N	N	N	Y
VIRGINIA					
Byrd**	N	Y	Y	Y	N
Scott	N	Y	Y	Y	N
WASHINGTON					
Jackson	✓	X	-	-	†
Magnuson	Y	N	N	N	Y
WEST VIRGINIA					
Byrd	N	N	N	Y	Y
Randolph	Y	N	N	N	Y
WISCONSIN					
Nelson	Y	N	N	N	Y
Proxmire	N	N	N	N	N
WYOMING					
McGee	Y	N	N	N	Y
Hansen	N	Y	Y	Y	N

Democrats *Republicans*

*Buckley elected as Conservative.

**Byrd elected as independent.

12. S 2718. Railroad Rehabilitation. Adoption of the conference report on the bill to authorize $6.098-billion in grants and loans for the nation's railroads and to ease federal regulation of the rail industry by the Interstate Commerce Commission. Adopted 58-26: R 18-13; D 40-13 (ND 30-5; SD 10-8), Jan. 28, 1976. *(Story, p. 215)*

13. HR 9803. Day Care Staffing Standards. Packwood (R Ore.) amendment to repeal staffing requirements for federally funded day care centers serving the poor and to allow states to use additional social services grants authorized by the bill for programs other than day care. Rejected 37-54: R 26-8; D 11-46 (ND 1-39; SD 10-7), Jan. 29, 1976. *(Story, p. 222)*

14. HR 9803. Day Care Staffing Standards. Bartlett (R Okla.) amendment to delay the effective date of the day care staffing standards to Oct. 1, 1977, from Feb. 1, 1976. Rejected 33-56: R 21-13; D 12-43 (ND 3-35; SD 9-8), Jan. 29, 1976. *(Story, p. 222)*

15. HR 9803. Day Care Staffing Standards. Bartlett (R Okla.) amendment to allow states to exempt day care centers in which 30 per cent or less of the children served received federal support from the staffing requirements. Rejected 31-57: R 18-16; D 13-41 (ND 5-31; SD 8-10), Jan. 29, 1976. (The bill would permit exemptions for centers in which 20 per cent or less receive federal aid. *(Story, p. 222)*

16. HR 9803. Day Care Staffing Standards. Passage of the bill to authorize $250-million a year to help states comply with staffing standards for federally funded day care centers, to delay the effective date of the standards to July 1, 1976, from Feb. 1, 1976, and to give day care centers tax credits or cash payments for the hiring of welfare recipients for their staff. Passed 65-24: R 18-16; D 47-8 (ND 35-2; SD 12-6), Jan. 29, 1976. *(Story, p. 222)*

GERALD R. FORD LIBRARY

COPYRIGHT 1976 CONGRESSIONAL QUARTERLY INC.
Reproduction prohibited in whole or in part except by editorial clients.

U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20210

20 JUL 1976

Honorable Robert H. Michel
House of Representatives
Washington, D. C. 20215

Dear Congressman Michel:

You have asked me to evaluate my letter to Congressman Obey, dated June 23, 1976, regarding the effect of a proposed amendment to the Labor-HEW Appropriations Bill in light of the debate in the House of Representatives on June 24, 1976 on that amendment.

The amendment in question was proposed by Congressman Findley. It provided:

> None of the funds provided by this Act shall be used to formulate or carry out a program under which first instance citations for violations of the Occupational Safety and Health Act of 1970 must be issued against firms employing 25 or fewer persons.

My letter to Congressman Obey stated that enactment of this amendment would present a serious danger that all appropriations for implementation of the Occupational Safety and Health Act would be barred.

This view was based solely on the language of the amendment. However, when my letter was read into the Congressional Record by Congressman Obey, Congressman Findley stated in response that he intended the amendment to apply only to firms employing 10 or fewer persons.

It would appear, therefore, that in light of this legislative history, the amendment could be construed so as not to bar all appropriations for OSHA enforcement. However, I wish to reiterate the concern of this Department from a policy

GERALD R. FORD LIBRARY

standpoint regarding any amendment to the Appropriations Bill that would exempt a class of employers from OSHA coverage.

Sincerely,

William J. Kilberg
Solicitor of Labor

GERALD R. FORD LIBRARY

JUL 20 1976

Honorable Warren G. Magnuson
Chairman, Subcommittee on Labor-
Health, Education and Welfare
Committees on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are taking this opportunity to inform you and the members of the House-Senate Conference Committee on the 1977 Labor-HEW Appropriations Bill of the Department of Labor position on several of the appropriation items which will be considered by the Conferees. Both the House and Senate versions of the appropriations bill contain several allowances which the Department has strongly opposed. We recognize, however, that the Conferees will act on only those appropriation items on which the House and Senate differ. While neither the House nor the Senate version is completely acceptable to the Department in most cases, we have carefully reviewed the bills and the accompanying Committee reports to determine the more acceptable of the two versions.

We are sure that you and the other Conferees can appreciate that the Department's recommendations represent some extremely difficult choices. However, it is our view that these recommendations are in the best interest of the programs affected. We strongly urge the Conference Committee to accept these recommendations, which are outlined below.

EMPLOYMENT AND TRAINING ADMINISTRATION:

Program Administration

The House added to the President's budget request 50 new positions and $750,000 in Federal funds to be used for the administration of the Comprehensive Employment and Training Act and for administration of the Unemployment Insurance Service. The Senate increased this add-on to 90 new

GERALD R. FORD LIBRARY

CONCURRENCES							
Office Symbol ►	AAA	AA	ASPER	A	SU	SA	
Last Name ►	Pugh	Zuck	RPM	CLARK	Moskow		
Date ►	7/14/76	7/15/76	7/15/76	7-15		7/20	

OFFICIAL FILE COPY Return to: Room - _____ Bldg. _____ DL 1-441 Rev. Nov. 1973

positions and $1,350,000 to be used in a wide variety of areas within the Employment and Training Administration. It is the Department's belief that the House allowance of 50 new positions and $750,000 is all that is needed in this area at the present time. A management study is now in progress which will be completed in December 1976. At that time the Department will be better able to determine what staffing levels are most appropriate for the Employment and Training Administration. We do not feel that it would be wise to increase the staffing level for this area over that approved by the House until the exact needs have been determined. Therefore, we recommend that the Conferees adopt the House allowance.

Community Service Employment for Older Americans

Both the House and the Senate approved $90,600,000 for the Older Americans Program operated under Title IX of the Older Americans Act, as amended. The House allowance, however, provided for 18,000 job opportunities for a period of 15 months. The Senate allowance provided for 22,600 job opportunities for a period of 12 months, both beginning when the current program ends on July 1, 1977. Funding under the House bill would, therefore, expire on September 30, 1978, the end of the fiscal year, while the Senate funding would expire on June 30, 1978. The Department feels that it is preferable to have the funding expire at the end of the fiscal year as it would preclude a requirement for a supplemental appropriation request in Fiscal Year 1978 or/and a request with the 1978 budget for additional funding. The House allowance of 18,000 job opportunities is an increase of 3,000, or an increase of 20 percent, over the currently authorized level of 15,000. The Department recommends that the Conferees accept the House allowance.

Grants to States for Unemployment Insurance and Employment Services

The House appropriated over the President's Fiscal Year 1977 request $7,600,000 in general funds and $58,400,000 in Unemployment Trust Funds, for a total increase of $66,000,000. The Senate also appropriated a total of $66,000,000; however, all of the Senate increase was in general funds. The increases approved by both the House and Senate were to maintain the currently-authorized staffing level of the Employment Service at 30,000 staff-years and to provide an additional $15,000,000 for computerized job matching.

GERALD R. FORD LIBRARY

The Department believes that an increase of $7,600,000 in general funds, the House mark, and no increase in Unemployment Trust Funds, the Senate mark, is desirable. We do not feel that a higher funding level is justified at this time for the Employment Service. A 30,000 staff-year level is unrealistically high considering the improvement in the economic climate. A staff-year level nearer the President's request of 27,300 is felt to be more appropriate. The funds for computerized job matching approved for Fiscal Year 1976 ($15,000,000) and the transition quarter ($3,750,000) will be obligated in the near future. These funds will carry the program through most, if not all, of Fiscal Year 1977, thereby obviating the need for additional funds during this period. The increase of $7,600,000 over the President's request will provide some additional staff years for the Employment Service and provide additional funds for computerized job matching if such become necessary.

Occupational Safety and Health Administration:

Salaries and Expenses

The conference items relating to the Occupational Safety and Health Administration appropriation involve a number of critical program areas, including four (4) amendments to the appropriation language which would affect the scope of safety and health coverage for workers. On the issues of increased Federal compliance staffing and the proposed reduction in new funds requested for economic impact studies, the Department recommends that the Conference Committee adopt the House allowance. The Department's recommendations on all of these issues are more fully explained in the enclosure to this letter.

Bureau of Labor Statistics:

Salaries and Expenses

The House reduced the number of new positions requested for the Bureau of Labor Statistics by 45 and the funds by $1,255,000. Of this amount, 16 positions and $433,000 were deleted from the program request to continue development of the International Price program by expanding coverage to 70 percent of the value of U.S. exports and 60 percent of the value of U.S. imports. A reduction of this magnitude would delay the completion of this program by at least 1 year from its expected completion date of 1992. The remaining 29 positions and $822,000 were eliminated from the

GERALD R. FORD LIBRARY

proposal to increase funding for the Consumer Price Index (CPI). Since the $45,000,000 project to revise the CPI is now in its final year, this decrease would mean that components of the CPI Revision would be curtailed or eliminated. As a result, funds previously appropriated by the Congress and already spent for design and development of this project would be largely wasted. We believe that both of these reductions would be harmful to the programs included and would not be in the best interests to the nation or of budget efficiency. We, therefore, urge that the Senate, or budget request, level be accepted.

Departmental Management:

Salaries and Expenses

The Senate reduction of the House approved appropriation for Executive Direction by five positions and $130,000 would seriously affect the top level executive function within the Department of Labor. The activities most affected by such a cut include the immediate staff of the Secretary and Under Secretary, the Department's policy, planning, research, and evaluation staff, the staff serving as the personal representative to the Secretary in the 10 regions, the staff responsible for legislative coordination and staff responsible for adjudicating claims related to the many public laws administered by the Department.

All of these activities are necessary so that the Secretary and Under Secretary can effectively manage the day-to-day operations of the Department. Such a reduction in dollars and staff years would seriously affect the ability, and reduce the effectiveness, of both the Secretary and the Under Secretary to formulate and analyze departmental policy and give direction.

The complexities of new labor legislation enacted over the last several years -- Comprehensive Training and Employment Act of 1973, Employee Retirement Income Security Act of 1974, Occupational Safety and Health Administration, Special Unemployment Assistance, Federal Supplemental Benefits, the 1974 Amendments to the Fair Labor Standards Act, to name a few -- make it essential that more extensive planning, research and evaluation take place at the Secretary's level so that the programs are consistently administered, duplication is avoided, and clear policy direction is set.

The functions of the Secretary's Office are executed with one goal in mind, namely, to ensure that the programs of the

GERALD R. FORD LIBRARY

Department are administered to better serve American workers. A dilution of the capability of the Secretary and Under Secretary affects the Department's ability to achieve this goal and adversely affects all of the programs of the Department. We recommend that the Senate concur with the House position.

If there are any questions or if any additional information is needed regarding these recommendations, we will be happy to assist you. Identical letters have been sent to Senator Warren G. Magnuson, Senator Edward W. Brooke, and Congressman Robert H. Michel.

Sincerely,

W. J. USERY JR.

SIGNED OSHA
RETURNED TO BUREAU (Date) JUL 20 1976

Secretary of Labor

Enclosure

cc: Secretary (2)
Under Secretary
Executive Secretariat
OLA
Mr. Clark
Mr. Weiss
Mr. Zuck
Mr. Pugh

IDENTICAL LETTERS SENT TO:

Honorable Edward W. Brooke
Honorable Robert H. Michel
Honorable Warren G. Magnuson

OASAM/AA/AAA/AAAB/CEPugh:cpp
Room 4508, ext. 36888
7/14/76

GERALD R. FORD LIBRARY

Occupational Safety and Health Administration

Congressional mandate of changes in the implementation of the Occupational Safety and Health Act (OSH Act) comes at a time when the Department is, in fact, working strenuously to correct the deficiencies for which it has been criticized. Under the leadership of the new Assistant Secretary for Occupational Safety and Health, Dr. Morton Corn, OSHA's organizational goals have been redefined and real progress is being made towards achieving a better balance between enforcement activities and efforts to assist employers to maintain a safe and healthful workplace voluntarily. These new initiatives include public hearings to review the former safety consensus standards, increased training of the compliance staff to improve its professionalism, expanded education and consultation programs for employers and employees, and a redefinition of OSHA's inspection priorities. The Committee and the Congress should, therefore, consider carefully the effects of such appropriation actions on the ability of the Department to insure safe and healthful working conditions for all of the Nation's working men and women.

GERALD R. FORD LIBRARY

I. Employment-size and Agricultural Exemptions

The House adopted two floor amendments which, if retained in the appropriations bill, would have a deleterious effect upon

OSHA's ability to safeguard the workplaces of this Nation.

The amendment offered by Congressman Skubitz states:

> "That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation and employs 10 or fewer employees."

All employees, regardless of the size of their employer's work establishment, are entitled to safety and health protection on the job. This overriding policy was often stated in the legislative debates preceding enactment of the OSH Act, which expressly states as its fundamental purpose, "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions..." (Sec. 2(b) of the OSH Act, P.L. 91-596). During the OSH Act's legislative development, every amendment or other proposal which would have resulted in any employee being left outside its coverage was rejected by Congress. The reason for excluding no employee derives from the vital purpose of the OSH Act, which is to preserve the life and health of human beings in the context of their employment. That reason is, of course, as vital today as it was in 1970 when Congress enacted this law.

It is evident that agriculture is a hazardous industry. Approximately one of every ten employees in the agricultural sector suffered an occupational injury or illness in 1974 according to the Bureau of Labor Statistics. An exemption of farms with ten or fewer employees would preclude from OSHA protection 87.5% of the Nation's farms, without evidence

GERALD R. FORD LIBRARY

that this class of farms suffers any fewer injuries or illnesses than those with more than ten employees. In fact, in the majority of American industries there is evidence that small businesses are at least as hazardous as those with greater numbers of employees.

In addition to the contravention of the principle that all American working men and women deserve protection, implementation of this amendment would present administrative difficulties for OSHA. OSHA would be required to determine the exact number of employees on every farm selected for an OSHA inspection. This would necessitate a detailed administrative mechanism including recordkeeping by farm employers to enable OSHA to make a determination as to whether a given farm unit employed ten or more individuals. An unfortunate by-product of this request could be the temptation by some farm employers to permanently or temporarily reduce employment in order to secure the perceived benefits of the exemption.

The difficulties which employers of small farms have in understanding and complying with OSHA's requirements can best be relieved through a program of consultation, education, and information, which OSHA is currently implementing. An exemption of this class of employers from provisions of the OSH Act, on the other hand, would serve neither the welfare of their employees nor the interest we all share in improving the administration of OSHA.

GERALD R. FORD LIBRARY

The second amendment adopted on the House floor, which was introduced by Congressman Findley, provides that:

> "None of the funds provided by this Act shall be used to formulate or carry out a program under which first-instance citations for violations must be issued against firms employing 10 or fewer persons."

This amendment would also violate the principle that all employees are entitled to full and complete protection under the OSH Act. By eliminating the requirement for mandatory issuance of first-instance citations, which, in effect, set enforceable abatement dates, it would effectively deny the protection of the Act to employees in 83% of the work establishments of the Nation.

The OSH Act covers more than 5 million workplaces. It is clearly recognized that OSHA does not and cannot have the resources to inspect all these establishments. OSHA has inspected more than 350,000 workplaces in its five year existence, but that figure represents inspections of only seven percent of the covered workplaces. State job safety and health programs provided another 106,000 inspections last year, but this does not approach complete coverage. If citations and penalties are not issued when OSHA inspectors initially discover violations of the OSH Act's requirements, employers would have far less incentive to make corrections of unsafe and unhealthful working conditions before their workplaces are inspected. In light of the fact that

GERALD R. FORD LIBRARY

many establishments with ten or fewer employees are engaged in such hazardous occupations as logging and construction, the effect of this amendment would be to jeopardize large numbers of those employees with the greatest need for protection.

This amendment is not only inequitable to employees of establishments with 10 or fewer but it would also create an uneven enforcement policy toward those employers fully covered by the OSH Act. An employer with ten or fewer employees might not be required to correct a hazardous situation while an employer with more than ten employees would receive a mandatory citation and abatement requirement for an identical workplace condition.

OSHA is making a major effort to assist small businss employers. A thorough review of Agency policy toward this sector has been conducted. In addition, OSHA is providing sources of assistance such as the publication of explanations of the most frequently violated standards, the initiation of a project to revise and clarify existing safety standards, increased training to sensitize OSHA inspectors to the problems of small businesses, and consultative services by both State and private sector consultants. The effect of this amendment would be to remove the impetus for employer participation in these programs, which can effectuate improved workplace conditions.

GERALD R. FORD LIBRARY

The Senate adopted a floor amendment offered by Senator Durkin, Senate Amendment No. 1978, which would also have major impact on the OSHA program. The first provision of this amendment states:

> "that none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard rule or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act."

OSHA proposed penalties for only 31% of all non-serious violations cited in Fiscal Year 1975, with an average penalty per violation of $41.95. Consideration is currently being given to suspending all penalties of $50 or less, a change recommended by the National Advisory Committee on Occupational Safety and Health. While not affecting the penalty structure for serious, repeat, or willful violations, the adjustment would probably result in removing one factor irritating to small business employers--the "unfairness" of penalties for minor violations of the OSH Act. In addition, the enhanced training given to OSHA inspectors is emphasizing the necessity of focusing on the serious hazards found in American workplaces, rather than those of a non-serious nature, thus effectuating the intentions of the Senate amendment.

GERALD R. FORD LIBRARY

The second provision of Senate Amendment No. 1978 provides:

> "That none of the funds provided by this Act shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation and employs a daily average of five or fewer employees, but no more than twelve on any single day, excluding members of the immediate family."

Implementation of this provision would have an adverse effect upon the OSHA program for reasons similar to those noted in the discussion of the House amendment introduced by Congressman Skubitz. These include breach of the principle that all American workers are entitled to safety and health protection on the job, the administrative problems involved in determining which employees are exempted by the provisions, the possible economic consequences of an arbitrary cut-off, and the lack of incentive for farmers with small farms to participate in consultative, educational, and informational programs. In addition, the provision creates even more administrative difficulties, because of the additional recordkeeping that would be necessary due to the formula in the amendment under which coverage would be based on an average daily employment of five.

What the Department believes to be the intent of Congress--and believes that the Conference should also make clear--is that the term "farming operation," as used in the Skubitz and Durkin amendments, refers to those activities that are commonly understood as taking place on farms, specifically the growing of crops and the raising of livestock.

GERALD R. FORD LIBRARY

Having stated the Department's estimation of the effects of the Senate and House floor amendments, it should be noted that the first provision of the Durkin amendment is a change which OSHA could accept since it does not contravene the principle that every working man and woman in the Nation deserves protection while on the job. In addition, this provision, which would eliminate non-serious penalties, is consistent with the direction towards which OSHA is moving administratively.

II. Increased Compliance Positions

Many of the difficulties and much of the criticism which OSHA has experienced have been due to the overly rapid expansion of its field compliance staff with inadequate training. Because of an extreme shortage of qualified occupational safety and health professionals, especially in the health field, it is still difficult for OSHA to recruit and train individuals with adequate prior knowledge of occupational hazards and industrial hygiene techniques. In addition to hiring and adequately training the 333 new positions authorized by Congress in FY 1976, continuing training is planned for all of OSHA current compliance officers to upgrade their skills and improve their professionalism. This includes: a full year of classroom and on-the-job training for new compliance officers; an additional two years of selective training to fully qualify junior health inspectors; advanced training for industrial hygienists; and additional training for all safety inspectors in health hazards recognition. The scope of this effort, the

GERALD R. FORD LIBRARY

physical limitations to the number of persons who can be trained in OSHA's current classroom facilities, and the limited availability of senior compliance officers to provide on-the-job training make impractical further increases in the size of the compliance staff during FY 1977. The Senate proposal to increase the authorization for the Federal inspection activity by $10,000,000 and 444 positions over the House allowance would impede OSHA's ability to coherently recruit, train, and effectively utilize its present compliance staff. It is recommended, therefore, that the Conference Committee reject this proposal and restore the reduction of $4,500,000 from consultation funds, which was proposed as a partial offset for the cost of the proposed staff increase.

III. Economic Impact Studies

The Department requested an increase in funds for economic impact studies from $2,300,000 to $6,300,000. The House reduced this request by $2,000,000. The Senate reduced the original request by $3,000,000. As a result, the total amount available for this activity in FY 1977 would be $3,300,000. The Department recommends that the Conference Committee restore $1,000,000 of the $3,000,000 reduction. The Department feels it is absolutely necessary to conduct a full program of technological feasibility and economic impact studies to complement the development of OSHA standards. Standards promulgation can only occur in the context of an understanding of related technology, costs and benefits. The OSH Act permits the Department to consider feasibility

GERALD R. FORD LIBRARY

in developing OSHA standards and the courts have construed this language to include both technological and economic feasibility. In FY 1977, $4,300,000 represents the very minimum amount needed to conduct the data gathering and analysis activities for the approximately 25 major health actions and 17 major safety actions anticipated to be conducted during the year.

The conduct of these important studies requires a balance of in-house staff to conduct such studies as well as a program to award and monitor related contractor performance, and to provide expert advice to OSHA on technology and economics. It should be recognized that OSHA, for at least the immediate period, will continue to rely on private sector resources for the conduct of these studies because of the need for highly specialized expertise intermittently, often only for one specific study.

Finally, the areas of major public interest in the various aspects of OSHA standards are technological feasibility of their provisions and economic impact (cost as well as benefit) of those standards.

Since OSHA rulemakings involve public participation, it is critical that the Agency present, insofar as possible, the objective facts related to feasibility and impact to allow the public the fullest possible understanding of

GERALD R. FORD LIBRARY

the issues in order to provide informed opinions. In the past, the Agency has been criticized for not conducting adequate research into those areas. Therefore, OSHA seeks an adequate financial base for the conduct of economic as well as technological feasibility and benefit assessment studies.

GERALD R. FORD LIBRARY

FILE

STATE AND PARTY REPORT 10 AUG. 1976 6:05 PM PAGE 1

ROLL NO. 634

H R 14232 RECORDED VOTE CLOSED 10 AUG. 1976 6:02 PM

AUTHOR(S):

RECEDE FROM SENATE AMEND NO 68 (HYDE AMENDMENT CONCERNING FUNDS FOR ABORTIONS)

LABOR, HEW, APPROPRIATIONS, 1977

	AYES	NOES	PRES	NV
DEMOCRATIC	131	123		32
REPUBLICAN	19	100		26
OTHER				
TOTAL	150	223		58

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**	REPUBLICAN	
ALABAMA				
BEVILL	NAY		BUCHANAN	YEA
FLOWERS	NAY		DICKINSON	NV
JONES (AL)	NAY		EDWARDS (AL)	NAY
NICHOLS	NAY			
ALASKA				
			YOUNG (AK)	NV
ARIZONA				
UDALL	YEA		CONLAN	NV
			RHODES	NAY
			STEIGER (AZ)	NAY
ARKANSAS				
ALEXANDER	NAY		HAMMERSCHMIDT	NAY
MILLS	NAY			
THORNTON	NAY			
CALIFORNIA				
ANDERSON (CA)	YEA		BELL	YEA
BROWN (CA)	YEA		BURGENER	NAY
BURKE (CA)	YEA		CLAUSEN, DON H.	NAY
BURTON, JOHN	YEA		CLAWSON, DEL	NAY
BURTON, PHILLIP	YEA		GOLDWATER	NAY
CORMAN	YEA		HINSHAW	NV
DANIELSON	NV		KETCHUM	NV
DELLUMS	YEA		LAGOMARSINO	NAY
EDWARDS (CA)	YEA		MC CLOSKEY	YEA
HANNAFORD	YEA		MOORHEAD (CA)	NAY
HAWKINS	YEA		PETTIS	YEA
JOHNSON (CA)	YEA		ROUSSELOT	NAY
KREBS	YEA		TALCOTT	NAY
LEGGETT	YEA		WIGGINS	NV
LLOYD (CA)	YEA		WILSON, BOB	NAY
MC FALL	NAY			
MILLER (CA)	YEA			
MINETA	YEA			
MOSS	YEA			
PATTERSON (CA)	YEA			
REES	YEA			
ROYBAL	YEA			
RYAN	YEA			
SISK	YEA			
STARK	YEA			
VAN DEERLIN	YEA			
WAXMAN	YEA			
WILSON, C. H.	YEA			
COLORADO				
EVANS (CO)	YEA		ARMSTRONG	NAY
SCHROEDER	YEA		JOHNSON (CO)	YEA
WIRTH	YEA			

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**		REPUBLICAN	
CONNECTICUT					
COTTER	NAY			MC KINNEY	NV
DODD	YEA			SARASIN	NV
GIAIMO	YEA				
MOFFETT	YEA				
DELAWARE					
				DU PONT	NV
FLORIDA					
BENNETT	NAY			BAFALIS	NAY
CHAPPELL	NV			BURKE (FL)	NAY
FASCELL	YEA			FREY	NAY
FUQUA	NV			KELLY	NAY
GIBBONS	NV			YOUNG (FL)	NAY
HALEY	NAY				
LEHMAN	YEA				
PEPPER	YEA				
ROGERS	NAY				
SIKES	NV				
GEORGIA					
BRINKLEY	NAY				
FLYNT	NV				
GINN	NAY				
LANDRUM	NV				
LEVITAS	YEA				
MATHIS	NAY				
MC DONALD	NAY				
STEPHENS	NV				
STUCKEY	YEA				
YOUNG (GA)	NV				
HAWAII					
MATSUNAGA	YEA				
MINK	NV				
IDAHO					
				HANSEN	NAY
				SYMMS	NAY

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC	**OTHER**	REPUBLICAN
ILLINOIS		
ANNUNZIO NAY		ANDERSON (IL) NV
COLLINS (IL) YEA		CRANE NAY
FARY NAY		DERWINSKI NAY
HALL (IL) YEA		ERLENBORN NAY
METCALFE YEA		FINDLEY NV
MIKVA YEA		HYDE NAY
MURPHY (IL) NAY		MADIGAN NAY
PRICE NAY		MC CLORY NAY
ROSTENKOWSKI NAY		MICHEL NAY
RUSSO NAY		O'BRIEN NAY
SHIPLEY NV		RAILSBACK NAY
SIMON NAY		
YATES YEA		
INDIANA		
BRADEMAS YEA		HILLIS YEA
EVANS (IN) NAY		MYERS (IN) NAY
FITHIAN NAY		
HAMILTON NAY		
HAYES (IN) NAY		
JACOBS YEA		
MADDEN NAY		
ROUSH NAY		
SHARP NAY		
IOWA		
BEDELL YEA		GRASSLEY NAY
BLOUIN NAY		
HARKIN YEA		
MEZVINSKY YEA		
SMITH (IA) YEA		
KANSAS		
KEYS YEA		SEBELIUS NAY
		SHRIVER NV
		SKUBITZ NAY
		WINN NAY
KENTUCKY		
BRECKINRIDGE YEA		CARTER NAY
HUBBARD NAY		SNYDER NAY
MAZZOLI NAY		
NATCHER NAY		
PERKINS NAY		
LOUISIANA		
BOGGS NAY		MOORE NAY
BREAUX NAY		TREEN NV
HEBERT NV		
LONG (LA) NAY		
PASSMAN NV		
WAGGONNER NV		

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**	REPUBLICAN	
MAINE				
			COHEN	YEA
			EMERY	NAY
MARYLAND				
BYRON	NAY		BAUMAN	NAY
LONG (MD)	YEA		GUDE	NAY
MITCHELL (MD)	YEA		HOLT	NV
SARBANES	YEA			
SPELLMAN	YEA			
MASSACHUSETTS				
BOLAND	NAY		CONTE	NAY
BURKE (MA)	NAY		HECKLER (MA)	NAY
DRINAN	YEA			
EARLY	NAY			
HARRINGTON	YEA			
MOAKLEY	NAY			
O'NEILL	NAY			
STUDDS	YEA			
TSONGAS	YEA			
MICHIGAN				
BLANCHARD	NAY		BROOMFIELD	NAY
BRODHEAD	YEA		BROWN (MI)	YEA
CARR	YEA		CEDERBERG	NAY
CONYERS	YEA		ESCH	NV
DIGGS	YEA		HUTCHINSON	NAY
DINGELL	YEA		RUPPE	NAY
FORD (MI)	YEA		VANDER JAGT	NAY
NEDZI	NAY			
O'HARA	NAY			
RIEGLE	YEA			
TRAXLER	NAY			
VANDER VEEN	YEA			
MINNESOTA				
BERGLAND	NAY		FRENZEL	YEA
FRASER	YEA		HAGEDORN	NAY
KARTH	NV		QUIE	NAY
NOLAN	NAY			
OBERSTAR	NAY			
MISSISSIPPI				
BOWEN	NV		COCHRAN	NV
MONTGOMERY	NAY		LOTT	NAY
WHITTEN	NAY			

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**	REPUBLICAN	
MISSOURI				
BOLLING	YEA		TAYLOR (MO)	NAY
BURLISON (MO)	YEA			
CLAY	YEA			
HUNGATE	NAY			
ICHORD	NAY			
RANDALL	NAY			
SULLIVAN	NAY			
SYMINGTON	NAY			
MONTANA				
BAUCUS	NAY			
MELCHER	NAY			
NEBRASKA				
			MC COLLISTER	NAY
			SMITH (NB)	NAY
			THONE	NAY
NEVADA				
SANTINI	NAY			
NEW HAMPSHIRE				
D'AMOURS	NAY		CLEVELAND	YEA
NEW JERSEY				
DANIELS (NJ)	NAY		FENWICK	NV
FLORIO	NAY		FORSYTHE	NV
HELSTOSKI	YEA		RINALDO	NAY
HOWARD	YEA			
HUGHES	YEA			
MAGUIRE	YEA			
MEYNER	YEA			
MINISH	NAY			
PATTEN (NJ)	NAY			
RODINO	NAY			
ROE	NAY			
THOMPSON	YEA			
NEW MEXICO				
RUNNELS	NAY		LUJAN	NV

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**	REPUBLICAN	
NEW YORK				
ABZUG	YEA		CONABLE	NV
ADDABBO	YEA		FISH	NAY
AMBRO	NAY		GILMAN	YEA
BADILLO	YEA		HORTON	YEA
BIAGGI	NAY		KEMP	NAY
BINGHAM	YEA		LENT	NAY
CHISHOLM	YEA		MC EWEN	NAY
DELANEY	NAY		MITCHELL (NY)	NAY
DOWNEY (NY)	YEA		PEYSER	NV
HANLEY	NAY		WALSH	NAY
HOLTZMAN	YEA		WYDLER	NAY
KOCH	YEA			
LAFALCE	NAY			
LUNDINE	YEA			
MC HUGH	NAY			
MURPHY (NY)	NAY			
NOWAK	NAY			
OTTINGER	YEA			
PATTISON (NY)	YEA			
PIKE	NAY			
RANGEL	YEA			
RICHMOND	YEA			
ROSENTHAL	YEA			
SCHEUER	YEA			
SOLARZ	YEA			
STRATTON	NAY			
WOLFF	YEA			
ZEFERETTI	NAY			
NORTH CAROLINA				
ANDREWS (NC)	YEA		BROYHILL	YEA
FOUNTAIN	NV		MARTIN	YEA
HEFNER	NAY			
HENDERSON	YEA			
JONES (NC)	NV			
NEAL	NV			
PREYER	YEA			
ROSE	YEA			
TAYLOR (NC)	YEA			
NORTH DAKOTA				
			ANDREWS (ND)	NV

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC	**OTHER**	REPUBLICAN
OHIO		
ASHLEY	NAY	ASHBROOK NAY
CARNEY	NV	BROWN (OH) NAY
HAYS (OH)	NV	CLANCY NAY
MOTTL	NAY	DEVINE NAY
SEIBERLING	YEA	GRADISON NAY
STANTON, JAMES V.	NAY	GUYER NAY
STOKES	YEA	HARSHA NAY
YANIK	NAY	KINDNESS NAY
		LATTA NAY
		MILLER (OH) NAY
		MOSHER YEA
		REGULA NAY
		STANTON, J. WILLIAM NAY
		WHALEN NAY
		WYLIE NAY
OKLAHOMA		
ALBERT		JARMAN NAY
ENGLISH	NAY	
JONES (OK)	NAY	
RISENHOOVER	NV	
STEED	YEA	
OREGON		
AUCOIN	YEA	
DUNCAN (OR)	YEA	
ULLMAN	YEA	
WEAVER	NV	
PENNSYLVANIA		
DENT	NAY	BIESTER NV
EDGAR	YEA	COUGHLIN NAY
EILBERG	NAY	ESHLEMAN NAY
FLOOD	NAY	GOODLING NAY
GAYDOS	NAY	HEINZ NV
GREEN	NV	JOHNSON (PA) NAY
MOORHEAD (PA)	NV	MC DADE NAY
MORGAN	NAY	MYERS (PA) NAY
MURTHA	NAY	SCHNEEBELI NV
NIX	YEA	SCHULZE NAY
ROONEY	NAY	SHUSTER NAY
VIGORITO	NAY	
YATRON	NAY	
RHODE ISLAND		
BEARD (RI)	NAY	
ST GERMAIN	NAY	

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**	REPUBLICAN	
SOUTH CAROLINA				
DAVIS	YEA		SPENCE	NAY
DERRICK	YEA			
HOLLAND	NV			
JENRETTE	YEA			
MANN	NAY			
SOUTH DAKOTA				
			ABDNOR	NAY
			PRESSLER	NAY
TENNESSEE				
ALLEN	YEA		BEARD (TN)	NAY
EVINS (TN)	NV		DUNCAN (TN)	NAY
FORD (TN)	YEA		QUILLEN	NAY
JONES (TN)	YEA			
LLOYD (TN)	NAY			
TEXAS				
BROOKS	YEA		ARCHER	NAY
BURLESON (TX)	NAY		COLLINS (TX)	NAY
DE LA GARZA	NAY		PAUL	NAY
ECKHARDT	YEA		STEELMAN	NV
GONZALEZ	NAY			
HALL (TX)	NAY			
HIGHTOWER	NAY			
JORDAN	YEA			
KAZEN	NAY			
KRUEGER	YEA			
MAHON	NAY			
MILFORD	YEA			
PICKLE	NV			
POAGE	NAY			
ROBERTS	NAY			
TEAGUE	NAY			
WHITE	NAY			
WILSON, (TX)	YEA			
WRIGHT	NAY			
YOUNG (TX)	NAY			
UTAH				
HOWE	NV			
MC KAY	NAY			
VERMONT				
			JEFFORDS	YEA
VIRGINIA				
DANIEL, DAN	NAY		BUTLER	YEA
DOWNING (VA)	NV		DANIEL, R. W.	YEA
FISHER	YEA		ROBINSON	NAY
HARRIS	YEA		WAMPLER	NAY
SATTERFIELD	NAY		WHITEHURST	NAY

GERALD R. FORD LIBRARY

ROLL NO. 634

DEMOCRATIC		**OTHER**	REPUBLICAN	
WASHINGTON				
ADAMS	YEA		PRITCHARD	YEA
BONKER	NAY			
FOLEY	YEA			
HICKS	YEA			
MC CORMACK	YEA			
MEEDS	YEA			
WEST VIRGINIA				
HECHLER (WV)	NAY			
MOLLOHAN	YEA			
SLACK	NAY			
STAGGERS	NV			
WISCONSIN				
ASPIN	NV		KASTEN	NAY
BALDUS	NAY		STEIGER (WI)	NAY
CORNELL	NAY			
KASTENMEIER	YEA			
OBEY	NAY			
REUSS	YEA			
ZABLOCKI	NAY			
WYOMING				
RONCALIO	YEA			

* * * * * * * END OF REPORT * * * * * * *

GERALD R. FORD LIBR.