SENATE—*Monday, September 18, 1986*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He that dwelleth in the secret place of the most high shall abide under the shadow of the Almighty. I will say of the Lord, He is my refuge, and my fortress, my God: in Him will I trust.—Psalm 91:1-2.

Father in Heaven, we come to You this morning with heavy hearts, smitten by the tragedies in Karachi and Istanbul. Our minds struggle to understand this mindless violence. We commend to Your grace and loving comfort and care the families of those who suffered and died in these tragedies. May they experience Your peace when it seems peace is impossible.

We mourn the loss of Harley M. Dirks and with profound gratitude remember his many years of dedicated service as clerk of the Subcommittee on Labor, Health and Human Services, and Education. Be near to his family and friends in their loss.

Gracious God, encourage Nicholas Daniloff and his loved ones in this hour of uncertainty and frustration. Guide those who are most closely involved in the efforts for his release and grant, dear God, that he may soon be home safely.

Now, Lord, we pray for Your gracious intervention as the Senate enters these final weeks of the 99th Congress. Give to Your servants wisdom and strength for the difficult days ahead. May Thy will be done in the Senate as it is in heaven for Your glory and honor. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE, of Kansas, is recognized.

Mr. DOLE. I thank the distinguished Presiding Officer, Senator THURMOND.

SCHEDULE

Mr. DOLE. Mr. President, first, I welcome all my colleagues back after the recess, as well as members of the Senate staff and my own staff.

We do have a rather large number of items to complete, but it is not unprecedented. I hope we can complete our business by October 3.

I will hand to the distinguished minority leader a list of the items I think most Members believe are so-called must items, and I will be discussing that with the minority leader a little later.

So far as today is concerned, under the standing order, the leaders have 10 minutes each. There is a special order in favor of Senator PROXMIRE for not to exceed 5 minutes.

There will be routine morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

Because a large number of Members have not yet returned but are on their way back, we will not have any rollcall votes today. If any rollcall votes are ordered, they will occur on tomorrow. Notwithstanding that, I hope we can dispose of at least one appropriation bill.

I am advised by the distinguished Senator from Idaho [Mr. MCCLURE] that he will be available between 3 and 4 o'clock to bring up the Interior appropriation bill, if that can be cleared on the other side.

I am also advised by Senator WEICKER that he is prepared on Labor-HHS, and we are in the process of seeing if there will be a lot of amendments to those matters.

We do need to start on appropriations bill today and continue on appropriations bills throughout tomorrow.

We will begin the Rehnquist nomination at an early hour on Wednesday or Thursday and conclude action on it by the end of the week. The distinguished chairman of the Judiciary Committee is here, and I hope we can conclude action on the Rehnquist and Scalia nominations by Friday evening. If that should be the case, that would be all we would do this week.

The must items include at least the Superfund conference report, the debt limit conference report. I do not see the conference report on tax reform on this list, but that is a must item. In any event, I will deliver that list to the distinguished minority leader.

NICK DANILOFF MUST BE FREED

DANILOFF'S INDICTMENT OMINOUS DEVELOPMENT

Mr. DOLE. Mr. President, the distinguished minority leader and I are going to make statements on the indictment of Mr. Daniloff, and we will both submit a resolution expressing the sense of outrage of the U.S. Senate.

The announcement yesterday in Moscow that Nick Daniloff, the U.S. News & World Report correspondent illegally detained by the Russians, has been indicted for espionage raises this matter to a new and much more ominous level, both for Daniloff personally and for United States-Soviet relations.

It is high time that the Kremlin understands that this "cruel game" it is playing with an innocent man's life has outraged the American people and Congress, and is endangering constructive relations between our governments, including the upcoming summit. It is high time that Soviet leader Gorbachev wakes up to the stakes now on the table and puts a little sanity back into the Russians' handling of this matter.

DANILOFF MUST BE FREED

Nick Daniloff is innocent—there is not a shred of credible evidence to the contrary. Nick Daniloff's case has absolutely no connection to the case of the Soviet spy recently caught at the United Nations. To equate them is unjustified as to be ludicrous. Nick Daniloff should be freed—immediately and unconditionally. It is as simple as that.

Immediately after Nick Daniloff was detained, I cabled Mr. Gorbachev, urging his immediate release. As we all know, the President has also sent a personal message to Mr. Gorbachev. I know that many other Members of Congress, on both sides of the aisle, have done so, as have journalists and private Americans by the scores, by the hundreds, and by the thousands.

I also sent a telegram to U.S. News executive editor Mort Zuckerman, promising him that the Senate was not going to ignore this important matter.

I ask unanimous consent that the text of both of my telegrams be printed in the RECORD.

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

[Telegram]

HIS EXCELLENCY MIKHAIL GORBACHEV,
General Secretary of the Central Committee, Communist Party of the Union of Soviet Socialist Republics, the Kremlin, Moscow.

I am deeply disturbed by the wholly unjustified detention of U.S. News & World Report journalist Nicholas Daniloff by Soviet authorities. I know that many Members of Congress share my concern and will be prepared to act further on this matter should it remain unresolved when Congress reconvenes next week.

In the interest of simple justice and continued constructive relations between our countries, I urge your personal intervention

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to bring about the immediate and unconditional release of Mr. Daniloff.

BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

U.S. SENATE,
Washington, DC, September 2, 1986.

Mr. MORTIMER ZUCKERMAN,
Chairman and Editor-in-Chief, U.S. News & World Report, Washington, DC.

DEAR MORT: I share your deep concern over the wholly unjustified detention of Nicholas Daniloff by the Soviet Union.

This morning, I sent a personal message to Soviet General Secretary Gorbachev, urging Daniloff's immediate, unconditional release. Should this situation remain unresolved when Congress reconvenes, I will do everything I can to insure that the Senate immediately expresses its concern over this serious incident.

If there is anything further you feel that I can usefully do to speed Daniloff's release, please let me know.

Sincerely yours,

BOB DOLE,
Majority Leader.

DANILOFF RESOLUTION

Mr. DOLE. Mr. President, the Senate cannot ignore this important issue. We are now circulating a resolution—myself and the distinguished minority leader—expressing what I think will be the unanimous feeling of this body, that Nick Daniloff should be released immediately and unconditionally as a matter of justice and in the interests of workable relations between our country and the U.S.S.R.

I certainly urge all Senators to join in cosponsoring this resolution, so the Kremlin gets the message loud and clear.

I hope that when we introduce the resolution—it is undergoing some revision; it is being worked on by staff on both sides of the aisle—that we could introduce the resolution, have it cleared and then perhaps have a rollcall vote on this rather important resolution by 2 o'clock tomorrow.

But I will not make that request at this time.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MATTINGLY). Under the previous order, the minority leader is recognized.

HOSTAGE-TAKING IN MOSCOW

Mr. BYRD. Mr. President, I join with the distinguished majority leader in protesting and condemning the actions by the Soviet Government and I also join with the majority leader in preparation for the joint cosponsorship of the resolution and in urging all Senators to sign that resolution and to support it at the time the vote is taken, hopefully tomorrow at 2 p.m., as the distinguished majority leader has suggested.

Mr. President, Nicholas Daniloff sits in a prison in Moscow at this moment. As we all know, while the Senate was in recess, the Soviet KGB arrested this respected reporter for U.S. News & World Report. While he was exchanging some novels for newspaper clippings with a Soviet contact, eight—E-I-G-H-T—KGB agents pounced on this unsuspecting Moscow correspondent and arrested him for possession of maps stamped "Top Secret." The Soviet regime just yesterday has compounded its error by indicting Mr. Daniloff.

There is little doubt that this was a crude contrived, heavy-handed frameup. As such, the Soviet leadership is engaged in a dangerous, foolish, and miscalculated ploy that could backfire in their faces. It is a game that has only one side, since the United States is not playing that game.

To Americans, human beings are not pawns to be used and abused in power plays between superpowers. We must not be manipulated into exchanging an accused spy for a journalist. We cannot barter an innocent American citizen for a Soviet espionage suspect.

If Daniloff was indeed framed by the KGB, and if he is being detained only to affect the treatment by the United States of a suspected Soviet spy being detained here—as clearly seems to be the case—then he is nothing more or less than a hostage. We are all too familiar with the recently much-employed game of hostage-taking. It is one of the favorite techniques of terrorists. The United States should not be any more willing to negotiate with the Soviets in a hostage crisis than with terrorists in Lebanon for the return of Americans being held there. We must make it clear to the Soviet leaders that the American Government will not accede to extortionist techniques.

If we were to succumb to such techniques, the world will know that any American journalist, or businessman, or any other American citizen for that matter, is fair game for international blackmail. Mr. Daniloff is just a very good, hard-working journalist, nothing more. Everybody knows that. Mr. Gorbachev knows that. Nobody's fooling anybody here. The only answer to the problem is his immediate and unconditional release. No strings. No conditions. No deals.

In the absence of such a satisfactory solution to this outrageous ploy, Soviet-American relations will be badly damaged at a delicate and critical time. It comes at a time when preparations are underway for what could be a summit meeting of historic proportions between the leaders of our two nations. It comes at a time when our two nations should be pursuing constructive approaches in dealing with each other, instead of introducing such potentially destructive events—events certain to cause a negative chain reaction which will badly sour the international atmosphere.

The opportunity to obtain a satisfactory new arms control and reduction agreement between our two nations has been building for some time and, if the opportunity is lost because of these juvenile and misguided antics, it may not come around again for years. This should be very clear. We all know that there are individuals and factions in both American and Soviet governments and societies, some at official levels, who are opposed to any productive summit meeting. There are those who are opposed to any kind of arms control agreement whatsoever. Although these ideologues only represent a small minority, they are capable of substantial mischief. The negative actions they can precipitate, which can easily cause a dangerous chain reaction, must be guarded against and headed off whenever they appear. If the purpose of this action by the Soviet Union was something other than damaging the overall relationship, and even scuttling the summit, that nevertheless, has been and continues to be such an effect.

Some Senators, including the distinguished chairman of the Senate Foreign Relations Committee, have already said that this episode could jeopardize the prospective summit meeting. That is certainly obvious, and the jeopardy will mount each day that Mr. Daniloff remains in a Moscow prison. The interest of improved relations between our two nations, which Mr. Gorbachev continuously publicly professes that he wants, dictates the immediate release of this innocent American.

Mr. President, the continued incarceration of Mr. Daniloff serves as a constant, vivid reminder of the harshness of the political system we are dealing with. It is a system that has astonished the world with its disregard for basic human rights, a system that continues to trample on the lives and freedoms of the people of Afghanistan, that has stamped out the seeds of liberty in Poland, and is now depriving one of our fellow citizens of his liberties—and at the same time showing its utter disdain and its paranoid fear of a free press.

I remind my colleagues and the Soviet leadership that it was the Soviet invasion of Afghanistan that sealed the fate of the SALT II accords in 1979. Is history repeating itself today?

Recent history shows a pattern of Soviet contempt for a free press, and for the Western press. In 1982, the Soviet Government ousted Newsweek reporter Andrew Nagorshi. In 1977, Associated Press reporter George Krimsky was accused of being an intelligence agent and was ordered to leave.

And in that same year, the KGB detained Los Angeles Times reporter Robert Toth for 5 days on bogus charges of having received official state secrets. So, this is just another reminder of the type of system operated by our chief adversary.

When Mr. Gorbachev took power in the Soviet Union, most of the world hailed the arrival of a new era, as he appeared to promise a new openness in relations with the West. Others, however, warned against such optimism, claiming that Mr. Gorbachev constituted nothing more than new wine in the same old bottle. The snatching of Mr. Daniloff is the style of the era of Joseph Stalin, not the style of a media-conscious, PR razzle-dazzle, "new look" Muscovite leadership. Is this Mr. Gorbachev's way of wooing and dazzling the Western press? Is this the way his honeymoon ends?

Whatever ill-considered machinations drove the Soviet leadership to decide to pick on Nicholas Daniloff, a clear gesture on the part of Mr. Gorbachev is what the world is looking for and is what this Senator is looking for. The unconditional release of Mr. Daniloff will certainly help Mr. Gorbachev to live up to his promise of a new openness, and it would help avoid the further deterioration of Soviet-American relations that is already occurring with his continued imprisonment.

It must be clear to those Soviet leaders with any common sense that this incident is not panning out any gold at all for them. I have personally written to the former Soviet Ambassador to the United States, Mr. Anatoly Dobrynin, on this matter and asked him to exercise his substantial influence to bring this poor chapter in the Soviet-American relationship to a swift and satisfactory ending.

Despite the residue the event surely will leave in the minds of freedom-loving people everywhere, the release of Mr. Daniloff could still avert substantial deterioration of Soviet-American relations that is bound to occur if he continues to be unjustly incarcerated. Such a deterioration, assuredly is in the best interests of neither the United States and its allies nor the people of the Soviet Union. I fervently hope that Mr. Daniloff is released immediately.

Mr. President, I yield the floor.

□ 1220

Mr. DOLE addressed the Chair.

THE PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I also have a statement and I think the distinguished minority leader may have a statement on the acts of terrorism.

Mr. BYRD. Yes.

Mr. DOLE. Do you intend to do that now?

Mr. BYRD. Yes, I do have a statement. It would be all right with me if the distinguished majority leader wishes to delay pursuing that until the special order has been taken care of. I do have a statement and I am ready when the majority leader wishes to go forward.

Mr. DOLE. Maybe we could do that when they finish.

Mr. BYRD. That will be all right.

RECOGNITION OF SENATOR PROXMIRE

THE PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

NICHOLAS DANILOFF

Mr. PROXMIRE. Mr. President, I wish to congratulate the majority leader and the minority leader on their excellent, strong statements on the Daniloff case. I certainly support every word they say enthusiastically.

MY DAY AT CRAY

Mr. PROXMIRE. Mr. President, what firm produces the world's fastest computer? Is it Japan? No! Germany? No! America? Yes. Is it located in Silicon Valley, CA? No. The MIT-Harvard technology complex in Massachusetts? No. This company has shot into the high-technology business like a meteor. Where other computer firms are struggling to keep their heads above water, this company is zooming ahead with sales smashing all records. The name is Cray Research. The Japanese have challenged Cray for computer speed supremacy. Cray has consistently won. International Business Machine, the great corporate colossus whose name has become synonomous with high technology has thrown its massive economic power, its great scientific genius into battle with Cray. And who won? Cray!! In Washington, whether it is the mammoth Defense Department, the National Aeronautics and Space Agency, or any other Federal agency that takes pride in its technology, the proudest boast it can make is, "We have a Cray." So where is this remarkable company located? Who are the geniuses behind its success? Where were they educated? Where does the whiz bang work force that produces this magical computer technology come from? Mr. President, this is quite a story. It is an American small town, hard work, take-a-risk, sheer genius story. Cray Research is hundreds of miles removed from the great MIT-Harvard technology complex that has made the State of Massachusetts bloom. It is 2,000 miles away from the famous Silicon Valley technology explosion in California.

So where is Cray Research? It is a little town of 12,270 souls named Chippewa Falls in northwest Wisconsin. It is 87 miles from Minneapolis, 250 miles from Milwaukee. Who are the geniuses that built this remarkable research meteor? One person did it. His name is Seymour Cray. And who is Seymour Cray? Where did he develop this genius? Cray was born in Chippewa Falls. He has lived there most of his life. He was educated in its schools. His father was the Chippewa Falls city engineer. Where did Cray go to hire the brilliant technicians who produce this world's fastest computer? He didn't go anywhere. He hired his neighbors from Chippewa Falls and the towns and villages and farms nearby. Oh, yes he has established an administrative and marketing headquarters in Minneapolis. Cray has sales offices in major American cities, in Japan, and in a number of European countries. But Cray research, Cray engineering, Cray design, Cray fabrication and production is done in that little, remote town in northwestern Wisconsin, Chippewa Falls.

On August 27, this Senator spent the day working as a kind of incompetent apprentice technician at Cray. It was quite an experience. I worked in three different departments. My jobs were simple. They were also repetitive, agonizingly precise and exacting. They involved fabrication and inspection work. The supervisors constantly insisted on a meticulous dedication to making every movement precisely right. They are reminded that every part be exact—meticulously exact. And yet the relation between all the workers was warm, friendly, happy. If something went wrong, everyone seemed to step up to take the blame. Workers made a special effort to help each other. It was astonishing. Here was a company producing one of the most complex pieces of equipment that the marvelous technology of this age can produce in any country, anywhere. Was this work being done by supermen and superwomen? No, it was the accomplishments of ordinary American citizens inspired by a bona fide American genius who grew up among them in a little town that could easily pass for Garrison Keillor's Lake Woebegon. For anyone who has the notion that this country is run by some kind of an exotic elite that hails from one of two or three rare oases of glamour on the east or west coast of the United States or from Japan or the United Kingdom or Germany, consider Cray Research of Chippewa Falls, WI. Glamorous? No. A winner? You betcha!

GOLDEN FLEECE FOR AUGUST

Mr. PROXMIRE. Mr. President, my Golden Fleece Award for August goes to the Food and Nutrition Service [FNS] in the Department of Agriculture for chucking away over $1 million

between 1981 and 1985 by allowing a private company to cover its losses with taxpayers' money intended for children in day-care homes. The FNS fed corporate coffers instead of hungry children. And, adding insult to injury, FNS ignored numerous warnings from departmental auditors that this money was being devoured by the wrong people.

The Federal Government pays the bill when some hungry children are fed. But the FNS contracts with private firms which actually do the work in conformance with Government guidelines which specify how the taxpayers' money should be spent. This fleece proves that this arrangement failed in at least one instance.

Back in 1981, the FNS asked the Agriculture Department's Inspector General to take a look at how this program was working. Auditors found a multitude of problems: The private firm's accounting system was a joke and Federal money was being spent without a paper trail to show who got it and why. These problems were longstanding. An independent CPA firm had found similar problems as far back as 1979. What did the auditors recommend? They thought that FNS should either immediately help the company improve its management or, failing that, terminate the contract. What did the FNS do? They responded in the best bureaucratic fashion by delaying, by temporizing, by passing the buck, and by saying, just watch for improvements in next year's audit.

Meanwhile, the FNS helped the company stay one step ahead of the bailiff by letting the taxpayers' money be used to pay the company's bills. In 1981, auditors found that about $71,000 had been used for this purpose. But by 1985, this sum had grown to a whopping $1.1 million. All this money was to no avail. The company declared bankruptcy in 1985.

Now the taxpayers will be standing in line in bankruptcy court to see if any of their money can be recovered. They stand a slim chance of that ever happening.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business until the hour of 1 p.m., with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, so ordered.

TERRORISM

Mr. BYRD. Mr. President, just a few days ago, the world was reminded that international terrorism remains a principal threat to human life and democratic values, and that all civilized nations must redouble their efforts to eradicate this scourge.

The bloody end to the hijacking of Pan American flight 73 in Karachi, Pakistan, and the murder of 22 Turkish Jews as they worshiped in their Istanbul synagogue, underscore the continuing need for action against international terrorism and the grievances which inspire it.

Our hearts go out to the victims of these latest terrorism crimes, and to their families. They have our deepest sympathies and condolences. They are the innocent victims in the diplomatic, political, and military struggles which comprise the context of international terrorism. We mourn those who have been killed, and we hope that those who have been injured will recover quickly.

Yet as we decry these latest terrorist crimes in Pakistan and Turkey, and offer sustenance to the victims of these outrages, we should deepen our resolve to act in concert with our friends and allies to combat international terrorism.

As the most powerful nation in the free world, the United States should lead these efforts. However, as I have stated before, the United States deserves the support of its allies and friends in this battle—not only of its allies, but the support of all civilized nations.

It was for that reason that I offered an amendment to the Diplomatic Security and Antiterrorism Act to encourage increased cooperation among our NATO allies to combat terrorism. That amendment urged the President to propose to our NATO allies that the alliance should create a permanent political committee to deal with terrorism.

I am pleased that this amendment was included in the final version of this act, because if such a NATO antiterrorism committee is established, it could become an important forum for government-to-government cooperation against terrorism.

The latest terrorism attack in Turkey, a NATO ally, should demonstrate to the alliance the need for such a forum.

The latest terrorism act in Pakistan demonstrates that such government-to-government cooperation among our friends and allies naturally extends beyond the membership of the NATO alliance. The war against international terrorism must be waged on a far wider scale.

Mr. President, the U.S. Government has increased its international efforts against terrorism, but it must give even further consideration to escalating this war through all possible means—diplomatic, political, economic, and, when appropriate, military.

To reinforce our ongoing antiterrorism campaign, I urge the President to make increased antiterrorism cooperation a high-priority subject of discussion in every new communication he has with any of our friends and allies, and even to consider proposing a special "antiterrorism summit meeting" to increase the multilateral efforts against terrorism.

I will join with the distinguished majority leader this afternoon in introducing a resolution condemning these latest terrorist acts. And I hope that the full Senate will consider this measure as early as tomorrow. Also it would be well if the Senate could have a rollcall vote immediately following the vote on the Daniloff matter tomorrow so that again the Senate might register its unanimous support for this resolution and its unanimous condemnation and protest against such horrifying terrorist acts.

No discussion of international terrorism can be complete without mentioning the role that the Soviet Union may play in encouraging such attacks. The Soviets condemn terrorism, and yet there is some evidence that they give both material and political support to it. I noted in the press during the last few days that some of the terrorists may be receiving their training in the Soviet Union.

If the Soviets are genuine in their opposition to international terrorism, they will cooperate with the United States and its friends and allies against it. I urge the President to challenge the Soviet leader at the summit—if, indeed, a summit occurs—to demonstrate this cooperation.

Ultimately, international terrorism affects all nations, so we must do all we can to mobilize as many nations as possible in the campaign to eradicate it.

I join with the majority leader in the effort to get other Senators on both sides of the aisle to join in cosponsorship of the resolution. I hope all Senators will do so. I hope that the vote when it comes on tomorrow will receive the unanimous support of the Senate.

I yield the floor.

Mr. DOLE. Mr. President, I want to thank the distinguished minority leader for his statement, particularly the suggestion that the Soviet Union be a part of any process here if we are ever going to get to the root of terrorism. I think it is another challenge the Soviet Union needs to look at very carefully.

I would guess that over the past week millions of Americans and millions around the world wondered about precisely what was going on—first, the terrorist attack in Karachi,

and, second, the attack in Instanbul. I guess just watching as I watched the news time after time after time it is pretty hard to comprehend or to describe the horror and revulsion that all of us feel over these inhuman acts.

Our hearts go out to the victims and their families, including the many Americans victimized in the Karachi hijack. Our appreciation goes to the Government of Pakistan, which I believe did provide some assistance although there is some doubt whether there was lax security at the airport or an adequate effort made to abort the hijacking. But in any event, we express our appreciation in the effort to contain and end the Karachi incident with minimum bloodshed.

Once again, we are painfully reminded of the fact that there are fanatical elements at loose in the international community, willing to murder and maim defenseless men, women, and children, in pursuit of their warped political beliefs. Once again, we must confront the bitter reality that there are no easy answers; that international terror is not going to go away; that, as sure as today turns into tomorrow, we will face even more attacks in the months ahead.

A TIME OF TESTING FOR THE NATION

This is a time of testing for America and for Americans, no less than we have faced in open war. It is a time for all of us to resolve once again to show quiet courage, not bravado; unity, not diviseness or partisanship; resolute determination, not knee-jerk reaction.

We must remain steadfast to a threefold strategy: We must be vigilant and strong, and be prepared to pay the high cost of that posture. We must never give in to the demands of terrorists, no matter what the circumstances. And, in the long run, we must make terrorists pay for their deeds—with the cooperation of our allies and friends and; as the distinguished minority leader indicated, the Soviet Union if we are ever going to bring an end to terrorism around the world.

If necessary, if all that fails, then we have to go it our own way if that becomes a necessity.

In this context, I might also note that the Israeli Parliament, the Knesset, will be holding a special session this week to express solidarity with the victims of the Istanbul attack. The distinguished minority leader and I, on behalf of the Senate, will be sending a message to the speaker of the Knesset, adding the Senate's voice to those of the Israeli parliamentarians expressing outrage at the Istanbul attack.

I ask unanimous consent that the text of that message be included in the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1.)

Mr. DOLE. As the distinguished minority leader has indicated we will be working together on joint cosponsorship of a resolution urging unanimous Senate support for the resolution, and that will be circulated this afternoon.

Again I think it is a good idea to have the votes back-to-back perhaps after the policy luncheons tomorrow to express the feelings of the Senate on the tragedy of Karachi and Istanbul and reaffirming our determination to stand strong and together against international terrorism.

I want to thank the distinguished minority leader and his staff and the members of my staff who have been working on these matters in the past few days.

Mr. BYRD. Mr. President, I want to thank the distinguished majority leader and his staff.

EXHIBIT No. 1

MESSAGE TO ISRAELI KNESSET FROM DOLE AND BYRD ON TERRORIST ATTACK IN ISTANBUL

To His Excellency SHLOMO HILLEL,
Speaker, the Knesset, Jerusalem, Israel.

DEAR MR. SPEAKER: On the solemn occasion of the Knesset's special session, and on behalf of the Senate of the United States, we would like to join in expressing outrage at the terrorist attack on the Neve Shalom Synagogue in Istanbul and solidarity with the victims of that tragic incident.

Our countries and people have stood together on many occasions and on many issues. But never do we stand more united than in our condemnation of international terror and our sympathy for its innocent victims.

From the tragedy of Istanbul, let us take new resolve to continue to work together to contain and eventually to stamp out the scourge of terrorism.

Sincerely yours,

BOB DOLE,
Majority Leader.
ROBERT C. BYRD,
Minority Leader.

DROPOUT PREVENTION AND REENTRY DEMONSTRATION PROJECTS

The PRESIDING OFFICER. The clerk will now read H.R. 3042.

The assistant legislative clerk read as follows:

A bill (H.R. 3042), to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

Mr. BRYD. Mr. President, I object to any further proceedings on H.R. 3042 at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AMENDMENT OF TRADE EXPANSION ACT 1972

The PRESIDING OFFICER. The clerk will now read S. 2765.

The assistant legislative clerk read as follows:

A bill (S. 2765) to amend section 232(a) of the Trade Expansion Act of 1972 to improve its administration, and for other purposes.

Mr. DOLE. Mr. President, I object to any further proceeding on S. 2765 at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

THE TAX BILL

Mr. LEVIN. Mr. President, at some point within the next month, we are going to consider the conference report on the tax bill. When we do, I believe it is important that we focus on what is in that bill rather than what is being said about it. There is a big difference between the two. For example, we are told that the public is clamoring for the bill. But the polls say that is not the case. And when I talked with my constituents in Michigan over the past few weeks they told me that was not the case.

The lack of public demand for this bill, indeed skepticism and cynicism, will grow as folks find out about some of the other differences between what they want in tax reform and what they would get if this bill passes.

They want a law to give middle-income Americans a break. They would get a law forcing one out of every five middle-income taxpayers to pay more in taxes.

They want a law to make the tax system fair. They would get a law creating and perpetuating a whole host of inequities.

They want a law to help reduce the deficit. They would get a law making deficit reduction harder and more unfair.

They want a law to encourage economic growth. They would get a law threatening to push the economy over the edge and pull a lot of us over along with it.

Those are some of the reasons why this is just the wrong bill at the wrong time.

Notwithstanding what the people want, virtually everyone in Washington says that Congress is poised to approve the conference report on the tax reform bill. They say that everyone supports reforming the Tax Code. Well, I support reforming the Tax Code, too. I support toughening the minimum tax on profitable corporations and on wealthy individuals to make sure that they do not shelter all their income. I agree with the aide to Chairman ROSTENKOWSKI of the Ways and Means Committee who described this as "the fire in the belly behind this issue." But, as was the case with the Senate version, I do not support the conference report.

If the passage of the conference report is a foregone conclusion, some may think that my remarks today and over the next few days, attempting to

demythologize this bill, are just footnotes to a battle already fought. But I believe that there is a chance—admittedly a small chance—that they may not be just footnotes. I believe there is a chance that when people look at this bill closely, they will see that it is like a new house which is fashionable on the outside, but which is supported by too many matchstick beams.

Let me start out today with what is perhaps the most common myth about this bill—the myth that this bill is unambiguously good news for the average taxpayer. The day after the conference committee reported agreement, one of the television economics reporters said simply, "If you make under $50,000, you get a tax cut; if you make over $75,000, you get a tax increase." One of the chief proponents of the conference report has added:

What the Government is saying to middle-income Americans with this bill is: If you work hard, if you earn more money, you'll keep more of the money you earn.

That is a myth. The reality is a lot more clouded. Surely, according to the best information available from the Joint Committee on Taxation, most average Americans would get a small tax cut under this bill. But millions of average Americans would get a tax increase under this bill. In 1988, when fully phased in, this bill would increase taxes on 10 million taxpayers with incomes between $20,000 and $50,000. So much for the myth that this bill is good news for all middle-income people.

Some may respond by saying that although some average Americans would get tax increases under this bill, most of the people who would get tax increases are wealthy individuals who abuse tax shelters. Unfortunately, this is another myth. Based on the material from the joint committee, of the 20 million taxpayers who would get tax increases in 1988, 77 percent are making $50,000 or less. That 20 million includes not only the 10 million I mentioned a moment ago who make between $20,000 and $50,000, but also 5.8 million taxpayers making less than $20,000. Therefore, most of the people who would get tax increases under this bill come from the ranks of middle- and low-income taxpayers.

These are not the taxpayers who are investing in vacant office buildings to shelter their income, but rather taxpayers who have to work hard just to afford shelter for themselves and their families. They do not engage in exotic tax schemes, but rather are among the 35 million taxpayers with incomes under $50,000 who deduct State sales taxes, or the 31 million with incomes under $50,000 who deduct consumer interest. They are also among the 25 million taxpayers making under $50,000 who take the deduction for two-earner couples, which is designed to partially compensate for the fact that married couples with both spouses working would otherwise pay more in taxes than would two single individuals making the same total income—what is known as the marriage penalty tax.

Simply put, most of the taxpayers who would be asked to pay more in taxes under this bill are not among the privileged and powerful but rather are among the average and the struggling.

One particular group that appears likely to have more than its share of people getting tax increases under this bill are two-wage earner couples. There is a tendency among proponents of this bill to say flatly that it is pro-family because of the increase in the size of the dependency exemption for children. What this characterization ignores is that the bill is skewed to a particular definition of "family." It is not a valid generalization if both spouses work, as do over 50 percent of married couples. There are many two-wage earner couples for whom the increase in the dependency exemption and the lower tax rates would not compensate for the loss of the two-earner deduction and for deductions such as the ones for consumer interest and sales taxes. In many of these families, both spouses work because that is what is necessary to make ends meet. How are these families going to feel when, if this bill passes, they find out that they will get a tax increase because their definition of "family" does not match that of the people who supported the bill?

I will have more to say about the conference report over the next few days, based on the information that is available at this point and on additional information which I have requested of the Joint Committee on Taxation and the Finance Committee, and which I hope will be available shortly.

One thing that opponents and supporters of this bill have in common is that they recognize its monumental significance. That is why I trust that this bill will not be rushed to the floor for passage before there has been an adequate time for it to be carefully reviewed—by not only the Members of Congress but also by our constituents.

The supporters of this bill like to present it as a bill reflecting the general interest. It is only proper, then, that there be enough time after the conference report has actually been printed for our constituents to reflect on it and report to us. If it is as popular as its supporters suggest, this will only add to its momentum. If it is, in fact, not so popular among the people, we should certainly want to know that as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have indicated to the distinguished majority leader that if the Senate is not prepared to transact any business at the present time, I am prepared to proceed with a speech on the subject of the U.S. Senate rather than continue with a prolonged recess. It is my understanding that the managers of the appropriation bill will be prepared later this afternoon to proceed with the action on that bill. But at the present time there is not the possibility that action would go forward. So rather than have the Senate engage in a very long quorum call, I thought it might be well to proceed with another in my series of speeches on the history of the U.S. Senate. I, therefore, ask unanimous consent that I may proceed to speak in morning business until such time as I yield the floor, and I will yield the floor at any time the distinguished majority leader wishes to transact any business.

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

Mr. BYRD. I will also yield the floor if any other Senator should wish to have the floor, but until then I shall proceed.

May I say to those who are watching television that I have, since 1980, the month of March thereof, made a series of speeches on the history of the U.S. Senate, and more than 80 of such speeches have been made. Today, I shall speak on the subject "Mike Mansfield's Senate: The Great Society Years."

THE UNITED STATES SENATE

MIKE MANSFIELD'S SENATE: THE GREAT SOCIETY YEARS

Mr. BYRD. Mr. President, United States senators, like baseball fans, love statistics. From time to time we stop to congratulate colleagues on their years of service, the number of votes they have cast, their tenure in a committee chairmanship. The cloakrooms present a "golden gavel" award to senators who preside for a hundred hours in the chamber. Various interest groups collect our roll call statistics, and rate how liberal or conservative we are, or how often we support or oppose the president's program, or how we voted on their favorite legislation. The American Enterprise Institute regularly publishes a volume of

Vital Statistics on Congress, which accounts for everything from our religious affiliations to the number of staff we hire and the amount of mail we send out, measured in the millions of pieces. In this vast array of statistics, some record-holders stand out from the others. These senatorial Ty Cobbs and Babe Ruths have set standards of longevity and accomplishment that we know will take generations before they are surpassed, if ever.

On August 15, 1974, the Senate paid tribute to one of its champions, Montana's Mike Mansfield, on the 225th day of his 13th year as Senate Democratic Leader. On that occasion he passed the record held by Arkansas' Joseph T. Robinson, who served as Democratic leader from 1924 through 1937. Unlike Robinson, who had spent nine years as minority leader and four as majority leader, Mike Mansfield served only as Majority Leader. Indeed, when he retired in January 1977, he had spent the entire sixteen years of his leadership in the majority. By contrast, the Senate has had three majority leaders in the ten years since Senator Mansfield departed. If this were not a grand enough statistic to make the *Guinness Book of Records*, our former colleague has gone on to set another record as the longest serving American ambassador to Japan, a post he has held in both the Carter and Reagan administrations and which he continues to hold.

Mr. President, these statistics are not oddities to be dealt with lightly. They are the measure of a remarkable man. They reflect his lifelong commitment to public service, his persistence and endurance, and an abiding bipartisan respect for his wisdom and ability. The purpose of these remarks, in my continuing series of addresses on the history of the United States Senate, is to discuss Mike Mansfield's leadership. His service was so long, and covered an era so turbulent, that I plan to divide my discussion into two sections, one on the domestic policy issues and one on the foreign policy issues of the "Mansfield Senate." While some may consider this period more as one of current events than history, let me add one additional, startling statistic: sixty-three of the present one hundred members of the United States Senate came here after Mike Mansfield retired. It is to those sixty-three in particular that I direct my remarks today, as well to those who will read the history of the United States Senate in the years and decades and centuries to come.

Mike Mansfield and Montana are so synonymous that it is hard to believe he was not born on some windswept prairie or in a bustling mining town, but in Greenwich Village, New York, on March 16, 1903. "I was born of immigrants in New York City," he once recalled, "among immigrants, drawn from everywhere in the world. They had one thing in common: it was a belief in the promise of America." When Mike was three years old, his mother died, and his father sent the child to Great Falls, Montana, to live with an aunt and uncle. "From the age of three, my home was a general store in Montana," Mike said. "The people who came and went were miners, farmers and cowpunchers. They were prospectors, railroaders and teachers. They came from the South and from the Middle West. They were free souls who drifted or were driven to seek a new life on the Western frontier."

Before finishing the eighth grade, Mike Mansfield dropped out of school to begin an odyssey that took him around the world, and deep into the mines of Montana. Mike was fourteen when America entered World War I. Being patriotic, although underage, he ran away from home and enlisted in the United States Navy. For a man who likes to set records, it should perhaps not be too surprising that after service in the Navy, from 1918 to 1919, Mike went on to enlist in the Army, where he served from 1919 to 1920, and then in the Marine Corps, from 1920 to 1922. Mike Mansfield has been the only United States Senator to serve in these three branches of the military—and if there had been an Air Force in those days, he probably would have joined it as well! "The Army gave me the rank of private," he said; "the Navy, seaman 2d class; and the Marine Corps, P.F.C. In the training camps in the United States, on the North Atlantic, in barracks in the Philippines and China—I served with enlisted men from everywhere in the nation." [1]

After seeing the world, Mike returned to Montana as a mucker (or a shoveler) in the copper fields of Butte. When he was twenty-four, he enrolled in the Montana School of Mines to become a mining engineer. There he met and fell in love with Maureen Hayes. Maureen was a school teacher, and Mike was an eighth-grade dropout. She recognized his intelligence and wanted him to achieve his full potential. No matter how much he might have learned as the world traveler he was, she refused to marry him until he got a formal education. So Mike set out to win her hand by finishing high school and going to college. They married while he was a student at Montana State University. "It was my wife who really got me started, who pushed me, and thank the Lord she did," Mike said. He added that while his heroes were Montana Senator Tom Walsh and Western artist Charlie Russell, his heroine was his wife.[2]

Mike got his bachelor of arts degree in 1933, and set out to teach high school, but two Montana towns refused to hire him because he was a Roman Catholic—how deep grew the roots of religious intolerance in those days! Maureen, however, cashed in her life insurance policy to help her husband go back to Montana State University. There, in 1934, he earned his masters degree and joined the faculty as a professor of Latin American and Far Eastern history and political science. But the classroom could not hold him. Politics—Democratic politics—was in his blood. The Democratic party, he said, was "woven into all the years of my life," in the military, in the mining towns, and on campus.[3] So, it followed that the young professor, intrigued by politics; motivated by a concern for Montana, the nation and the world; and encouraged by his wife; would run for office as a Democrat. He lost a bid for nomination to Congress in 1940, running third in a three-man race. But in 1942, using his Montana State University students as his political organization, Mike Mansfield won the Democratic nomination and the election for a seat in the United States House of Representatives from the Western Montana district.

Interestingly enough, Mike replaced Representative Jeannette Rankin, whom the state of Montana recently memorialized with a statue in the U.S. Capitol Building. A Republican, Miss Rankin was a pacifist who had won notoriety by casting the sole vote in Congress against American entry into World War II. In this act she was consistent, for during her first term in the House she had opposed entry into the First World War. Her vote against the Second World War—when Pearl Harbor had just been attacked—was so unpopular that Miss Rankin stood no chance of reelection. Although she did not run in 1942, voters showed their disapproval of their Republican isolationist representative by choosing as her successor a Democratic internationalist with a military record in three branches of the armed forces. For all their differences, however, in later years, both Mike Mansfield and Jeannette Rankin found themselves in common opposition to the war in Vietnam—he as Senate Majority Leader, growing steadily disenchanted with the war; she as a peace activist, marching with protest groups in the streets.

The House Democratic leadership, under Speaker Sam Rayburn, was delighted to have the new Western moderate Democrat, elected at a time when Republican and conservative margins were increasing.

I am speaking of the House leadership. They rewarded him with an appropriate committee assignment on the House Foreign Affairs Committee, where he ranked in seniority just below another promising young Democrat elected in 1942, J. William Fulbright of Arkansas. That same class also included future senators J. Glenn

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Footnotes at end of article.

Beall and Frank Barrett, future Secretary of State Christian Herter, and such later influential House members as Brooks Hays, Chet Holifield, Walter Judd, and Ray Madden. Other House members whom Mansfield first met in the 78th Congress, and with whom he would still be working decades later in the Senate, included Democrats Lyndon Johnson, Clinton Anderson, Warren Magnuson, Henry Jackson, Jennings Randolph, John Sparkman, Albert Gore, Sr., Estes Kefauver, Mike Monroney, and Republicans Everett Dirksen, Hugh Scott, and Margaret Chase Smith.

As one of the few members of the House of Representatives with an extensive knowledge of Far Eastern affairs, Congressman Mansfield came to the attention of President Franklin D. Roosevelt. Just after Mike finished his freshman term in the House, President Roosevelt sent him on a confidential mission to China, to inspect conditions there. Mike had first visited China as a Marine Private First Class in the 1920's. When he arrived on the Chinese Mainland in 1944, he found conditions there in turmoil. On one hand, the Chinese were waging war against Japan; on the other, they were engaged in a civil struggle between Nationalists under Chiang Kai-shek and Communists under Mao Tse-tung. Although Mansfield endorsed Chiang as "the one man who can make Chinese unity and independence a reality," he reported widespread disunity and dissatisfaction with the Nationalists. Reflecting the opinions of China specialists at the time, he also described the Communists as "more agrarian reformers than revolutionaries." This assessment may have accurately reflected the situation in the winter of 1944, but events changed much more rapidly than anyone anticipated. By 1949, Chiang's government had collapsed and the Chinese Communists had seized control. In the angry and bewildered debate over "Who Lost China?" Mansfield came in for fire for his report, and his race for the Senate in 1952 led to a smear campaign which labeled him "China Mike."

No political innocent, Mike did not absorb himself in foreign policy to the exclusion of his constituents. He went to the Far East armed with information on the location of every Montana serviceman in the region. John Kamps, later an Associated Press reporter on Capitol Hill, remembered returning one day to his camp in the jungles of Burma to find a note from Congressman Mansfield, who had ridden ten miles in a jeep to visit him. Montana may be a big state in geographic size—the fourth largest in the nation—but it has a small population, among whom word quickly spreads, and such diligent attention to constituents does not go unnoticed.[4]

Congressman Mansfield's support of the Roosevelt and Truman foreign policies, and his increasingly respected voice in the House of Representatives, led President Truman in 1949 to offer him the post of Assistant Secretary of State for Public Affairs. Mansfield declined the offer. He preferred to remain in Congress and had his ambition set on the Senate. In 1952, Republican Senator Zales Ecton was standing for reelection after a not particularly distinguished freshman term. Ecton was the first Republican elected to the Senate from Montana since 1913, and Mansfield considered him vulnerable. But the race was hard and bitter. Eisenhower's presidential campaign provided broad coattails for Republican candidates. Senator Joseph McCarthy also came to Montana to campaign for Ecton. In his typically irresponsible fashion, McCarthy accused Mansfield of being a Communist "dupe." Despite these tactics, Mike Mansfield won the election and entered the 83rd Congress as United States Senator from Montana. (Others in the Class of 1952 included John F. Kennedy, Henry Jackson, Albert Gore, Sr., Stuart Symington, John Sherman Cooper, and Barry Goldwater.)

The Senate Democratic leadership, under the command of the new Democratic leader Lyndon Johnson, recognized Mansfield's talents and appointed the freshman senator to the Foreign Relations Committee. Throughout most of the 1950's, Mansfield devoted himself primarily to foreign policy issues, about which I will have more to say at a later time. During this period, he established a reputation as a quiet, hardworking, thoughtful senator—a man of honor and integrity. After the 1956 election, when Democratic Whip Earle Clements was defeated, Majority Leader Johnson selected Mansfield as his new whip, unlike the way the whips have been selected in recent years when the whips have been selected by vote of the Democratic Conference. But at that time, the majority leader then, Lyndon Johnson, selected the Democratic whip.

Reporters Rowland Evans and Robert Novak have written that Johnson really wanted Florida Senator George Smathers for the post of whip, but that Democratic liberals objected to Smathers. Conservatives would not accept Johnson's next choice, Hubert Humphrey. Mansfield, as a moderate, appealed to both sides.[5]

There were some who said Johnson picked a whip whom he knew would never challenge his leadership, and that could very well be true. Certainly Johnson and Mansfield employed very different styles of Senate leadership, and it would be hard to find two different men. Johnson was loud; Mansfield quiet. Johnson was impatient, Mansfield had infinite patience. Johnson twisted arms, Mansfield took a low-key, conciliatory approach. Johnson wanted it known that he was totally in charge; Mansfield believed he was simply one among equals and treated all other senators as equals. Johnson in fact made little use of either Clements or Mansfield as whips, preferring to use party secretary Bobby Baker to count heads and control the flow of business on the floor. Former Assistant Secretary of the Senate Darrell St. Claire recalled how during Johnson absences "Again and again Mike Mansfield would try austerely to rise and be acting leader . . . and find he had no troops behind him because Bobby was circulating around the back of the Democratic side saying, 'Johnson wants this kept on the burner for a while.' "[6]

In 1960, Lyndon Johnson won election as vice president, and in January 1961, the Democratic conference selected Mike Mansfield to succeed him as Majority Leader, with Hubert Humphrey as Whip. To Bobby Baker's surprise, Mansfield asked him to stay on as Democratic Secretary. Although they had had their differences, and Mansfield had every right to feel resentful towards Baker, he recognized his talents for counting heads and keeping track of every detail, assignments Mansfield was more than happy to delegate. And I can vouch for his penchant for delegating such details myself, having worked as secretary to the Democratic Conference under Mike Mansfield for 4 years and then as majority whip under Mr. Mansfield for 6 years.

"Working for Mike Mansfield, compared to working for Lyndon Johnson, was like lolling on the beach as opposed to picking for cotton," Bobby Baker later recalled. "I truly liked Senator Mansfield. He was a decent, gentle, kind man, and keenly intelligent. Sometimes, however, I missed the fiery performances and gusto provided by Lyndon Johnson." Mansfield, Baker complained, would frequently disappear into his office to meditate. Because the new majority leader seemed to lack aggression in his political pursuits, Baker and Senator Robert Kerr, chairman of the Finance Committee, moved to fill what they saw as a political vacuum. "We wheeled and dealed while Senator Mansfield sat alone in a favorite hideway office, puffing his pipe and reading book after book."[7]

There were many who wondered how the Senate could ever operate without Lyndon Johnson at its helm—including Lyndon Johnson himself. He had been a part of Washington long enough not to expect much influence in his new post, nor did he anticipate much of a role in the executive branch. Instead, Johnson hoped to keep his hand in the Senate's leader-

ship as a lobbyist for the Kennedy administration's legislative program. He even asked to keep the old office which was his as majority leader, which the press had dubbed the "Taj Mahal." Mansfield turned down the room request, but agreed to make a motion that Johnson be permitted to continue presiding over the Democratic Conference after he became vice president. Upon hearing this motion, after a moment of stunned silence, the Conference erupted into furor. Senators Joe Clark, Albert Gore, Sr., Clinton Anderson, Olin Johnston, and A. Willis Robertson, certainly representing a mixed bag of political ideology and influence, expressed outrage over this violation of the separation of powers. Johnson's sometimes heavy-handed tactics as majority leader apparently had built up much steam in the Senate, and Mansfield's motion finally blew off the lid.

Although the conference allowed Johnson to preside on that occasion the vocal opposition from old friends had wounded his pride, and he rarely returned to conference meetings.[8]

Mike Mansfield stepped into the Senate leadership at the start of the administration of his friend and former Senate colleague, John F. Kennedy. From all accounts, Kennedy deeply admired Mansfield. Arthur Schlesinger, Jr., wrote that Kennedy "particularly liked and valued Mike Mansfield, approved of Mansfield's announced principles of 'courtesy, self-restraint, and accommodation' and considered him underrated because he did his job with so little self-advertisement and fanfare." Theodore Sorenson recorded that Kennedy sometimes "was frustrated by what he felt were Mansfield's excessive pessimism, caution and delays. But in view of his consistent string of successes in the Senate, he was deeply appreciative of Mansfield's loyalty and labors, held him in close personal affection, and felt that no Senate leader those years could have done better in the long run."[9]

The Democrats had strong majorities in both houses of the 87th Congress—65 to 35 in the Senate, 262 to 174 in the House. But these numbers hid the ideological coalitions between conservatives from both parties opposed to Kennedy's liberal programs. Elected with an agenda that included civil rights legislation, medical care for the elderly, improvements in housing and education, and a desire to get the country economically moving again, Kennedy found that he could not command automatic majorities in either house, or even count on the support of committee chairmen from his own party. The administration suffered embarrassing defeats in its farm legislation, and on Medicare. Civil rights seemed bottled up in committee, and faced a probable filibuster on the Senate floor. In 1963, the respected political scientist James MacGregor Burns published a book, The Deadlock of Democracy, in which he despaired that any dynamic new programs could emerge from the ideologically divided and conservatively entrenched Congress.[10]

Given these frustrations to the Kennedy program, there were many who thought a majority leader like Lyndon Johnson could muscle recalcitrant senators into line. But this was not Mansfield's style. John G. Stewart, who served as special assistant to Democratic Whip Hubert Humphrey, published a revealing comparison of Johnson and Mansfield's methods of leadership. "Temperamentally unsuited to operate in the style of Lyndon Johnson, Mansfield based his leadership strategy on an appeal to the senatorial interests of institutional pride and personal participation, interests seemingly far removed from Johnson's harsh world of political reality," Stewart wrote. "As one observer remarked, 'Mansfield seemed to believe that belovedness would become the guiding force in the Senate.' " As Mike himself said at the end of his sixteen years as majority leader: "I don't collect any IOU's. I don't do any special favors. I try to treat all senators alike, and I think that's the best way to operate in the long run, because that way you maintain their respect and confidence. And that's what the ball game is all about."[11]

There is no question that the Senate changed dramatically between 1953 when Mike Mansfield arrived and 1977 when he left. And much of that change was attributable to his style of leadership. As political scientist Robert Peabody has written: "From the early 1950's to the mid-1970's, the Senate changed from a largely Southern-dominated, senior-controlled, committee centralized institution . . . to a relatively decentralized, much a more egalitarian institution characterized by democratized leadership and greatly expanded role for its junior members." In some ways, Lyndon Johnson started this ball rolling with his appointment of new senators to prestigious committees. But where Johnson had dominated the Policy and Steering committees and sought to make or influence all committee appointments, Mansfield allowed these committees fairly free reign, and permitted contested committee assignments to be decided by secret ballot. Under Mansfield, the Democratic Conference met more frequently than it had under Johnson, and acted more as a forum for party discussion. Mansfield encouraged committee chairmen and other senators to manage their own bills on the floor and take public credit for their passage. During his leadership, the number of subcommittees expanded, and with it the number of staff, giving freshmen senators more of a chance to be heard and to influence legislation.[12]

Not everyone appreciated Senator Mansfield's passive style. In a debate over President Kennedy's foreign aid bill in 1963, Senator Thomas J. Dodd of Connecticut, argued that the Senate should be working harder and for longer hours. "Mike Mansfield is a gentleman," said Senator Dodd. "But I worry about his leadership . . . . He must say 'No' at times. He must say 'Yes' at times." Such criticism disturbed Senator Mansfield, and one Friday in November 1963, he asked the Senate for unanimous consent that he be recognized the following Monday morning to address the Senate on the subject of leadership, in order to set his critics straight. But that Friday was November 22, the day President Kennedy was shot. The death of the President had a profound affect on Senator Mansfield, who had lost a friend as well as a leader. We still recall his moving eulogy to the President, with its haunting refrain: "And so she took her ring from her finger and placed it in his hands."[13] In the aftermath of those tragic days, Senator Mansfield said he had no heart to read his remarks about Senate leadership and instead inserted them in the record. As a result, the statement did not get the attention it deserved. In many ways it expresses the Mansfield credo of leadership.

"Mr. President, some days ago blunt words were said on the floor of the Senate," he began. "They dealt in critical fashion with the quality of the majority leadership and the minority opposition." Several senators had found the performance of the Senate wanting, and had raised a hue and cry that had been further magnified in the press. "There is reference, to be sure, to time-wasting, to laziness, to absenteeism, to standing still, and so forth. But who are the timewasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each Member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment on any other Member."

The Senate was not more or less efficient, he maintained because it worked from 9 to 5 or around the clock. "It will be of no avail to install a time-clock at the entrance to the Chamber for Senators to punch when they enter or leave the floor." And he was proud of the Senate's record of productivity under his leadership, despite the many important bills still waiting for consideration. "It is not the record of the majority leader or the minority leader," Mansfield said. "It is the Senate's record and as the Senator from Montana, I, for one, will not make light of these achievements in the first two years of the Kennedy administra-

tion. And the achievement is no less because the 87th Congress did not meet at all hours of the night, because it rarely titillated the galleries or because it failed to impress the visiting newsmen and columnists."

Turning to the criticism of his personal style of leadership, Mansfield said: "Of late, Mr. President, the descriptions of the majority leader . . . have ranged from a benign Mr. Chips, to glamourless, to a tragic mistake . . . It is true, Mr. President, that I have taught school, although I cannot claim either the tenderness, the understanding, or the perception of Mr. Chips for his charges. I confess freely to a lack of glamour. As for being a tragic mistake, if that means, Mr. President, that I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, or a wheeler and dealer, then I must accept, too, that title . . . But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I would not, ever if I could, presume to a toughmindedness which, with all due respects to those who use this cliche, I have always had difficulty in distinguishing from soft-heartedness or simplemindedness. I shall not don any Mandarin's robe or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader—however a majority leader is supposed to look or sound. I am what I am and no title, political facelifter, or imagemaker can alter it."

"Within this body," he concluded, "I believe that every Member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the Nation. And to the extent that the Senate may be adequate in this connection, the remedy lies not, in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body." [14]

Whether one agreed or disagreed with Mike Mansfield's theories of leadership, there was no question of his straightforwardness in presenting and defending his position. In the years after inserting these remarks in the RECORD, Senator Mansfield never deviated from them.

One of the cornerstones of Mansfield's leadership strategies was that of developing good relations with the Republican minority leader, Everett McKinley Dirksen. Mansfield courted Dirksen, played straight and fair with him, and as a result won his cooperation at critical times in the legislative process. Without Dirksen's support, it is doubtful that the Senate would have ratified the Nuclear Test Ban Treaty in 1963, one of the most important treaties of the post-World War II era. Similarly, Dirksen played a pivotal role in passage of the Civil Rights bill of 1964. President Kennedy had proposed this legislation in June 1963, but it languished in committee. In his first address to Congress following Kennedy's death, President Johnson made the Civil Rights bill a top priority. As he faced election in his own right in 1964, Johnson knew that passage of the bill would be seen as a major test of his administration. But for all the influence Johnson could exert over legislation, not he but Mike Mansfield was Senate majority leader.

In their book, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act,* former Representative Charles Whalen and his wife Barbara point out that Mansfield decided not to become involved in the day-to-day discussions and manuevering over the bill, as a way of preserving his negotiating status. But, they write, "in his own strong and deliberate way, he made two decisions that vitally affected the fate" of the Civil Rights bill. One was to appoint his Whip, Hubert Humphrey, as floor manager. The second was to reject President Johnson's plan to try to wear out filibustering Southern senators by enforcing Rule XIX, which limited each senator to two speeches during one "legislative day." Johnson wanted to keep the Senate in session day and night to wear down the opposition. But Mansfield decided that the best strategy was to go for cloture, and he began lining up the necessary 67 votes (at that time two-thirds of the Senate was needed to invoke cloture). This was the reason why Everett Dirksen was so vital to this strategy. Mansfield needed enough Republican votes to compensate for the Democrats who opposed the bill—and a few others who opposed cloture under any circumstances.

I was one of those who had never voted for cloture up to that time, and I had also opposed cloture under any circumstances.

Richard Russell, leading the opposition forces, also worked hard to entice Dirksen to his side, but in the end, Mansfield's long courtship of the Republican leader won him over. On June 10, 1964, the Senate voted 71 to 29, four votes more than the necessary two-thirds margin, to invoke cloture on the filibuster against the Civil Rights bill. Those 71 votes included 27 Republicans. A little over a week later, the same coalition passed the historic Civil Rights Act by a vote of 73 of 27.[15]

Mr. President, this capsule summary does not do justice to the long, involved and often passionate struggle over the Civil Rights Act of 1964, but the point I wish to make is that while Dirksen had his face on the cover of Time magazine, and Humphrey received kudos from the liberal community for floor managing the bill, and Johnson earned national praise for enactment of this landmark legislation, Mike Mansfield's quiet, behind-the-scenes strategies and efforts also deserved some of the credit for the victory.

The year 1964 belonged to Lyndon Johnson, and his sweeping victory in the presidential election that year, against our colleague BARRY GOLDWATER, carried along with him vastly expanded Democratic majorities in both houses of Congress. The election gave Democrats the widest margin of control in Congress since the depths of the Great Depression, thirty years earlier. In the House there were 295 Democrats to 140 Republicans—a gain of 38 seats; and in the Senate there were 68 Democrats to 32 Republicans—a gain of two seats. Although the increase in Senate Democrats was not as numerically significant as in the House, it was still a significant victory, for it meant the reelection of the predominantly liberal freshmen of the "Class of '58," who would direct much of the legislative explosion of the "Great Society" years.

Lyndon Johnson gave the title "Great Society" to his program, which represented Democratic aspirations for a fairer, more equitable, and economically secure nation. Reform legislation which had been bottled up in committees, stymied by the conservative House Rules Committee, and seemingly immobile during the Eisenhower and Kennedy years, suddenly burst forth into the floor and was passed with breathtaking speed. Stewart McClure, chief clerk of the Senate Labor and Public Welfare Committee, from which much of the Great Society's legislation originated, in his oral history described the change: "Lyndon . . . came in like a tiger, and everything that had been dormant and stuck in conference or committee went woosh, like a great reverse whirlpool spinning it out. We passed everything within the next year or two." Recalling these events years later, McClure was still amazed: "I had never seen so much activity around here!" he said. "We passed major bills every week. It was unbelievable. Just a great dam broke. Everything but national health insurance, everything that had been piled up since Truman plus of lot of new stuff. It was fun!" [16]

A shining example was the Elementary and Secondary Education Act of 1965. For years education bills had bogged down over the issue of aid to parochial schools, and the issue of separation of church and state. The Johnson administration proposed a new ap-

proach—from an idea developed by the staff of the Senate Labor Committee. As Stewart McClure recalled, the committee had just been dealing with the issue of impacted aid—that is federal aid to school districts to compensate for the children of military personnel stationed there, but who paid no local taxes. Charles Lee of the committee staff commented on what a good idea impacted aid was, and then connected it to federal aid to education in general. As McClure explained it: "A child going to a poor school in a poor district should be considered suffering a national impact caused by the failure of the whole society to upgrade his disadvantaged area." To this they added the entitlement idea behind the GI bill. "We thought that poor children living in disadvantaged areas should be entitled, as were veterans, to special attention and assistance to help them climb out of the hole in which they had been placed by the entire society."

The staff took their plan to Senator Wayne Morse, chairman of the education subcommittee, who immediately recognized its value. Since the aid went to the children in poor areas, rather than to their schools, it avoided the whole church-state controversy. Senator Morse presented the concept to the Johnson administration, which embraced it warmly and then sold it to the education community. As McClure described it: "I think the ground was ready and the populace was prepared / for federal aid to education/, but the Congress was not, until Lyndon, using the Kennedy martyrdom, so to speak, raised the torch and cracked the whip and made the phone calls." The Education bill, stymied for so long, now moved so quickly, as the *Congressional Quarterly* observed, that "the word was passed to approve the bill and worry about perfecting details later." In January the President requested the bill; by March 26, the House had passed it. Two weeks later the Senate committee reported it without amendment, and three days after that the Senate voted 73 to 18 to make it law. Significantly, the majority leader played no appreciable public role in passing this landmark legislation. As McClure recalled: "In terms of the operation of the Senate you didn't even know he was around. . . . I don't recall Mansfield's intervening in anything at any time." But he added: "Nor did he have to, much." [17]

Mr. President, the Congress enacted so many major pieces of legislation during that period that I cannot tell the story of each individually. Let me just list in chronological order the domestic legislative achievements of the Johnson administration and the "Mansfield Senate" in the years from 1964 to 1966. Beginning in February of 1964, there was the Tax Reduction Act, which reduced both personal and corporate income taxes. In April, came the Economic Opportunity Act, which embodied President Johnson's call for a War on Poverty. This Act created the Office of Economic Opportunity, the Job Corps, and VISTA (Volunteers in Service to America), to fight against illiteracy, unemployment, and inadequate public services for the poor. In July the Civil Rights Act was passed. That same month also saw passage of the Urban Mass Transportation Act. In September we enacted the Wilderness Act.[18]

April 1965, saw passage of the Elementary and Secondary Education Act. In July, Medicare was enacted. In August came the Voting Rights Act, and the Omnibus Housing Act. In September we created the Department of Housing and Urban Development. Also in September the National Endowments for the Arts and Humanities were established. In October the Water Quality Act, the Air Quality Act, the Higher Education Act, and the Immigration Act all became law. The year 1966 saw passage of the Veterans' Educational Benefits in March. The National Traffic and Motor Vehicle Safety Act was passed in September. Also in September, Congress raised the minimum wage, extending wage, extending coverage to restaurant and retail workers, and farm workers previously excluded from minimum wage requirements. In October we created the Department of Transportation. In November the Clean Water Restoration Act passed, as did the Model Cities bill.

By any standard, this was the greatest legislative record of any Congress with the exception of the First Hundred Days of the New Deal. Lyndon Johnson, who had begun his political career during the Franklin Roosevelt years, had donned the mantle of his hero. Now, in recent years it has become fashionable for critics to dismiss much of the Great Society as "too much, too soon," to charge that the Great Society programs did not amount to all that Johnson has promised, and to imply that Johnson's programs has been undone. It is true that for a variety of reasons Johnson never again achieved the legislative momemtum he enjoyed in 1965. It is also true that he exagerated and oversold many of his programs, and perhaps raised hopes too high for quick solution of long and entrenched social programs. But from this list of legislation which I have just enumerated—and there is more—I can only conclude that Johnson's Great Society legislation had a lasting impact on American society, from health to environment and equal opportunity. Also in reading through this list, it is striking how much of the Great Society's legislation remains even today.

Despite the efforts of succeeding administrations to dismantle the Great Society, Medicare survives, as do the departments of Transportation and Housing and Urban Development and the many programs they administer. The National Endowments for the Arts and Humanities still do their good work in promoting our cultural resources. The Federal Government still aids education, promotes traffic safety, and protects the environment. We have continued and strengthened the Civil Rights Act and Voting Rights Act. In addition, we have, during the current administration, enacted new tax cuts in the spirit of the tax reduction passed during the Johnson administration. The work of the Johnson administration, and of Congress, in the 1960's was not in vain. Like Social Security and other reforms of the 1930's, its legacy has become entrenched in our way of life.

During all this legislative activity, Mike Mansfield presided, seemingly passive, puffing on his pipe, behaving no differently in the leadership than he had during the previous, frustrating years of inactivity. He still had his critics, but by now many had come to appreciate his purpose, his style and his contributions. As Senator Edmund Muskie reminded us of the majority leader: "We must never forget that the legislative accomplishments of these years were also his accomplishments." [19]

For his own part, Senator Mansfield willingly conceded the spotlight and shared the credit for these accomplishments with his colleagues. When asked by the press about his proudest accomplishments, the bill that he delighted in citing was not one of the monumental Great Society laws, but the Twenty-Sixth Amendment to the Constitution, ratified in 1971, which gave eighteen-year-olds the right to vote. The idea had gained popularity during the Vietnam War, when so many teenage young men were inducted into the armed services. If one was old enough to die for his country, the reasoning went, he was old enough to vote. Several senators had considered the idea, but it seemed to be getting nowhere. The Senator Warren Magnuson raised the issue with Mike Mansfield. Magnuson recalled having proposed the eighteen-year-old voting level while he served in the state legislature in the State of Washington back in 1933, and he still thought it a good idea. "Suppose you introduce the amendment," Magnuson suggested. Mansfield thought it over and agreed. With his prestige behind it, the amendment cleared the Senate and House by wide margins, and was quickly ratified by the States. It was an appropriate act by a man whose first political organization consisted of the students from his university classes.[20]

After listing the eighteen-year-old-vote as his proudest accomplishment,

Mansfield cited three other items: his role in initiating the Watergate investigation, his part in initiating the Senate inquiry into the activities of American intelligence agencies (chaired by Senator Frank Church), and finally, the "evolution, unpublicized, in the conduct of the Senate." He repeated to the reporter his by now familiar refrain: "All senators are equal in my opinion . . . there are no superstar senators, there are no second-rate senators, no senators who should spend months or years saying nothing, while their elders speak out on any and all subjects. There is no club in the Senate any more." [21] This was the way Mike Mansfield ran the Senate. No one ever accused him of twisting a single arm, of going back on his word, of using unfair tactics. He held the Senate up to its full responsibilities, and expected it to behave properly by itself. This philosophy carried over even to the election of other party leaders. Senator Mansfield never intervened in the Democratic Conference elections, never endorsed one candidate over another. During his years as majority leader the Conference elected four Whips: Hubert Humphrey in 1961, Russell Long in 1965, Edward Kennedy in 1969, and Robert C. Byrd in 1971. In none of those elections, even when incumbents were challenged, did Senator Mansfield take sides.

Mr. President, in future addresses I will talk about other aspects of the Senate during the years in which Mike Mansfield served as majority leader, about the wrenching Vietnam war years, about the traumatic Watergate period. For now however, let me conclude my focus on Mike Mansfield's career in the Senate with a mention of his retirement. Among his favorite mementoes was a huge photograph from 1962 showing congressional leaders milling aimlessly around the White House rose garden, while Senator Mansfield can be seen walking resolutely away from the group. On the photograph, President Kennedy inscribed: "To Mike, who knows when to stay and when to go." [22] After ten years in the House and twenty-four in the Senate, he decided it was time to go. "It is not a long time," he said, "but it is time enough." The Mike Mansfield who left was remarkably unchanged from the much younger man who had arrived years before. His administrative assistant, Peggy DeMichele, who had worked for him for many years, testified that he had "stayed the same." She commented that "There are so many little things he has done for the people in his state, things no one has ever heard about and he doesn't want anyone to know about. He has always tried to let others take the credit. Time after time he has worked hard for some project, and when the ribbon cutting time came he let others hold the scissors." [23]

On the last day that the Senate was in session during his term, his colleagues paid him special tribute. I was pleased to introduce Senate Resolution 551, designating room S-207 in the Capitol as the Mike Mansfield Room. I knew Senator Mansfield, out of his typical modesty, would have objected when the resolution was introduced, so I waited until he was off the floor in the cloakroom. So the room was named, and in it a large portrait of Mike, pipe in hand, watches down upon us today, as it will upon Senators in the future.

Mr. President, during that last tribute to Senator Mansfield, in September 1976, I said these words: "Each Member of the Senate, I believe, looks forward to the culmination of his years of service here with the hope that his actions and decisions have advanced the Nation toward the realization of the ideals of our American heritage. Each of us wants to help the American dream to acquire a more evident reality. Mike Mansfield has not been disappointed in these aspirations during his years in the Senate. In an historian's terms, he will deserve more than a footnote in the annals of the Congress; he has already warranted a full chapter in any such account." [24]

Mr. President, I am a man of my word. With this address I have made Senator Mansfield a full chapter in my history of the United States Senate. He deserves no less.

Mr. President, I ask unanimous consent to insert at the close of my remarks Notes for Mike Mansfield's Senate.

There being no objection, the notes were ordered to be printed in the RECORD, as follows:

NOTES FOR MIKE MANSFIELD'S SENATE

[1] "Remarks of Senator Mike Mansfield (D-Montana) at the 1976 Democratic Congressional Dinner, Washington Hilton Hotel, May 11, 1976, Senate Historical Office files.

[2] Louise Sweeney, "Mansfield: A Low-Key Rock of Integrity," reprinted in the *Congressional Record*, 94th Cong., 2nd sess., S11546; *Current Biography, 1978*, 282.

[3] "Remarks of Senator Mansfield, May 11, 1976," *op. cit.*

[4] Richard L. Riedel, *Halls of the Mighty: My 47 Years at the Senate* (Washington, 1969), 153-5.

[5] Rowland Evans and Robert Novak, *Lyndon B. Johnson: The Exercise of Power* (New York, 1966), 98-9.

[6] "Darrell St. Claire, Assistant Secretary of the State," Senate Historical Office Oral History, 134. See also John G. Steward, "Two Strategies of Leadership: Johnson and Mansfield," in Nelson W. Polsby, ed., *Congressional Behavior* (New York, 1971).

[7] Bobby Baker, *Wheeling and Dealing: Confessions of a Capitol Hill Operator* (New York, 1978), 87, 140.

[8] Evans and Novak, *Lyndon B. Johnson*, 305-8.

[9] Arthur M. Schlesinger, Jr. *A Thousand Days: John F. Kennedy in the White House* (Boston, 1965), 711; Theodore C. Sorensen, *Kennedy* (New York, 1965), 357.

[10] James MacGregor Burns, *The Deadlock of Democracy* (Englewood Cliffs, NJ, 1963).

[11] Stewart, "Two Strategies of Leadership," 71; Randall B. Ripley, *Congress: Process and Policy* (New York, 1978), 198.

[12] Robert L. Peabody, "Senate Party Leadership: From the 1950s to the 1980s," in Frank Mackaman, ed., *Understanding Congressional Leadership* (Washington, 1981), 103; Norman J. Ornstein, Robert L. Peabody, and David W. Rhode, "The Changing Senate: From the 1950s to the 1970s," in Lawrence C. Dodd and Bruce I. Oppenheimer, eds., *Congress Reconsidered* (New York, 1977), 9-13; Roger H. Davidson and Walter J. Oleszek, *Congress and Its Members* (Washington, 1985), 183, 281.

[13] The text of this moving eulogy is reprinted in *Tributes to the Honorable Mike Mansfield of Montana in the United States Senate*, S. Doc. 94-270, 94th Cong., 2nd sess., 44.

[14] *Congressional Record*, 88th Cong., 1st sess., 22857-62.

[15] Charles and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (Cabin John, MD, 1985), 128-9.

[16] "Stewart E. McClure, Chief Clerk, Senate Committee on Labor, Education and Public Welfare," Senate Historical Office Oral History, 97, 125.

[17] Ibid, 127-9, 205; Congressional Quarterly, *Congress and the Nation, 1965-1968* (Washington, 1969) II:3.

[18] For an account of the impact of this political environment on the passage of the Wilderness Act, see Richard Allan Baker, *Conservation Politics: The Senate Career of Clinton P. Anderson* (Albuquerque, N.M., 1985), chapter 7.

[19] *Tributes to the Honorable Mike Mansfield*, 45.

[20] Samuel Shaffer, *On and Off the Floor, Thirty Years as a Correspondent on Capitol Hill* (New York, 1980), 115-6.

[21] Sweeney, "Mansfield: A Low-Key Rock of Integrity," S11546.

[22] *Washington Star*, 17 September 1976.

[23] *Congressional Record*, 94th Cong., 2nd sess., 34012.

[24] *Tributes to the Honorable Mike Mansfield*, 41-2.

Mr. BYRD. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings of the quorum call be rescinded.

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

DEATH OF ROLAND BERARDO

Mr. PELL. Mr. President, a very real community leader in Rhode Island who was also an old and dear friend, Roland Berardo, died shortly before the recent congressional recess.

Roland Berardo was a leading citizen of Westerly, RI, whom I knew, worked with and admired for many years. He was a warm and caring person who inspired respect and affection among all who met and worked with him. These qualities were well expressed in a fine tribute to Roland Berardo by Henry Nardone of Westerly. I ask that this tribute as it appeared in the Westerly Sun be printed in the RECORD at the conclusion of my remarks.

I want to take this opportunity also to express my own sense of sadness and loss at the departure of Roland Berardo.

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

[From the Westerly Sun, Aug. 13, 1986]

A TRIBUTE TO ROLAND A.J. BERARDO

July 30, 1986. Roland Berardo was a good man. This large gathering is a tribute to Roland and an outward demonstration to his family of the high regard in which he is held by his many friends.

Our hearts go out to you, Mariette and Stephen, and to Roland's brothers and sisters. We share your great loss and are saddened—not because Roland has gone on but because we remain without him—and we shall miss him.

But we shall also remember him. We'll remember the kid from Dayton Street who started working as a young boy—not even in his teens—for Charlie Lem. Many Westerly students at R.I. State College got extra portions and indeed even free meals at the dinner in Wakefield—through Roland (and Charlie Lem—although unknown to him many times). I know, because I was one of those students.

Roland had an insatiable desire for education—and despite the adversities of a depression, a large family headed by a widowed mother, Roland resolved to complete high school in spite of interruptions to work. He continued on, encouraged by Emily, to complete college after serving in the Army during World War II.

During his successful and full career in the Foreign Service of his country—Roland never forgot his roots—his family—his friends and his home town. No matter where he went in the Foreign Service—no matter how lofty his position he always carried with him a little bit of Dayton Street—Charlie Lem—Sal Serra and the A&P Store—Westerly High School—the Town of Westerly and his family whom he loved so much.

On his retirement from the Foreign Service in 1971 he returned to Westerly much to the joy of his family and friends. How proud we all were of Roland and his accomplishments! We all felt that we shared in his successes and his family was justifiably proud and of course happy to have Rollie back home. Not many kids from Dayton Street rubbed shoulders and raised elbows with the great and near great people in the embassies of the world and with the powerful and important people of national government. It didn't change Roland—but we're sure that in some way, everyone who came in contact with him was affected.

Upon his retirement Roland embarked on a second and third career—always finding time for friends and family. Always participating in the affairs of his state and local government. Roland was always at the scene of action and leadership, always encouraging and helping others to do more and to do better. He was never at a loss for an opinion on almost any subject—and never at a loss of words to express his opinion. We can be sure that there is one good discussion going on up there right now—and Roland is in the middle of it!

A man's life is not measured by the material things he leaves behind but by the things he give to his fellow human beings while he was here. We are all a little better off for having known Roland. We may even be better people because of it. Roland will be remembered for his love of friends, family and country—for his faith in the goodness of God—and for his belief in the honor and dignity of his fellow man and for his pride and loyalty to his ethnic roots and heritage. We are saddened that we can no longer share his presence, but we are joyous that he no longer suffers and that he has gone on to his eternal reward.

Roland was a good husband—he was a good father and a good friend. Roland Berardo was a good man—Henry J. Nardone, Westerly, R.I.

WILLIAM BENNETT, SECRETARY OF EDUCATION

Mr. PELL. Mr. President, my colleagues have often heard me assert that the real strength and health of our Nation lies not in our weapons of destruction, and not in our machinery of construction, but in the education and character of our people. That is a belief that has consistently guided me in my efforts on behalf of education at the elementary, secondary, and post-secondary levels.

When William Bennett was asked by President Reagan to become Secretary of Education over 18 months ago, I strongly supported his nomination. I had worked with him during his tenure as Chairman of the National Endowment for the Humanities and was impressed with the commendable job he had done in that capacity. I saw in him the kind of person who could articulate the importance of both education and character to the strength and vitality of the American nation.

During his service as Secretary, I have retained my confidence in his abilities, even though I have disagreed with him from time to time. He is without question an intelligent and thoughtful person, and I have always found him to be one who is willing to listen and to consider seriously other points of view. I know him as an individual who cares deeply for this Nation and for the betterment of the education and character of our people.

In a sense, the Secretary of Education is our Nation's top educator. In that capacity, he has the opportunity to grab our attention and to focus it upon issues of critical national importance. Over time, Secretary Bennett has increasingly earned high marks for the issues to which he has drawn our attention, be it the importance of values in education, the need for greater discipline in our schools, the critical role of the family in education, or the dire threat which drug abuse poses to our young people.

Because of the faith I have in his abilities, I was very glad to read the "Bill Bennett Reconsidered" column by David Broder that appeared in the Wednesday, September 3, 1986, edition of the Washington Post. That article provides a very fair and balanced view of the Secretary and the work he is doing. It is an article that I would most certainly place on the recommended list for my colleagues and I ask unanimous consent that the text of that article be printed in the RECORD.

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

BILL BENNETT RECONSIDERED . . .

(By David S. Broder)

Back in February 1985, when William J. Bennett had barely been installed as the new secretary of education, I offered the unflattering judgment that he was a strong contender "for the dubious award as the James Watt of the second Reagan Cabinet."

Bennett earned that distinction by his rhetorical assault on the college student-loan program and his ardent defense of David Stockman's misconceived effort to slash its benefits. Bennett, the new boy trying to prove his credentials, said student aid was a boondoggle benefiting kids who wouldn't give up their cars, stereos and "three weeks at the beach" in order to pay their own tuition fees.

He followed up that opening salvo of demagoguery with a dozen other doozies, delivered to such "education groups" as Phyllis Schlafly's Eagle Forum, the U.S. Chamber of Commerce and the Supreme Council of the Knights of Columbus. His performance conveyed the impression that this fellow was a lot less concerned with improving the quality of the nation's schools than with proving to President Reagan's most conservative followers that despite the misfortune of being a PhD, he shared their fervent faith in school prayer, tuition tax credits and American policy in Nicaragua.

I have seen a lot of Bennett lately—at education meetings, not right-wing rallies—and want to update the report and set the record straight. The man has settled down to talking seriously and sensibly about education issues and is beginning to make a significant contribution to the cause of better schools.

He's dropped the bombast in favor of direct, understandable suggestions. He's quit bashing people and is instead lending his support to worthy local, state and national efforts to upgrade education standards and attract better people into teaching.

A speech he made on Aug. 21 to some 6,000 Duval County, Fla., public-school teachers, assembled for the opening of schools in and around Jacksonville, is a good example of the new Bennett. "Given the job they do," he said, "teachers deseve as much praise and thanks and honor as . . . any . . . in our society."

He went on to define, in compelling language, the three tasks Americans expect their schools to perform, tasks so vital that "there is no one more important than teachers to the way of life and the system of government that Americans have chosen":

First, the nurturing of individual abilities to help each child achieve his or her potential, recognizing that "a fulfilled life" is the real definition of freedom.

Second, the transmission to a new generation of "the common culture," the heritage of ideas and experiences, of literature and history, which "define us as the kind of people we are."

And third, the inculcation by precept and example of the values of honesty, generosity, loyalty and self-discipline, which "ultimately determine the kind of nation we are."

Bennett has not stopped at exhortation and praise. Under his leadership, the Department of Education is applying itself to the only function it can really perform in a system where the financing and administra-

tion of schools and colleges are almost entirely in the hands of state and local authorities and private citizens.

That function is to serve as a clearinghouse for good ideas and a prod to useful actions. A while back, Bennett introduced a book called "What Works," a casebook of successful education efforts. A couple of days ago, he followed up with "First Lessons," a report on elementary education with further suggestions of how to shape up the schools. Soon there will be a handbook on what can be done to rid schools of drugs.

At recent meetings with governors and legislators, Bennett has put his prestige behind the effort, now taking shape, to improve the quality of teacher education, to set higher standards for their certification and to recognize schools to enhance both the professional opportunities and the accountability of those in charge. He is supporting much higher pay for superior performance in the classroom, though the Reagan administration has no plans to underwrite these salary improvements.

He does his part in these discussions with a becoming modesty, never failing to point out to those state and local officials, "You have schools. I don't." In corridor conversations he uses what has always been a quick mind to identify areas of agreement with other key players—superintendents, teachers' union officials, students—not to antagonize them.

There are parts of his prescription for education reform that I still oppose—but that's fine. There is plenty of room for experiment and disagreement. But the new Bennett strikes me as a man who is building bridges and using his rhetorical talents to keep the cause of education at the top of the public agenda, where it belongs.

CONSUMER PRODUCT SAFETY

Mr. THURMOND. Mr. President, recently, I read an article authored by Nancy Harvey Steorts, a former Chairman of the U.S. Consumer Product Safety Commission.

I believe her comments to be well informed and thought provoking. Accordingly, I commend it to the attention of my colleagues.

Mr. President, I ask unanimous consent that the article be included in the RECORD.

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

COMBINE FEDERAL REGULATION OF HEALTH AND SAFETY UNDER ONE AUTHORITY

(By Nancy Harvey Steorts)

As chairman of the Consumer Product Safety Commission duing the first term of the Reagan Administration, I feel the agency developed programs that were beneficial to the individual consumer of our nation and resulted in a safer marketplace.

Where does corporate responsibility begin and end? What in fact is the consumer's responsibility? And last buy certainly not least, what is the responsibility of government today?

Deregulation has brought about many pluses, but also some serious minuses. During my tenure as CPSC chairman, we worked closely with industry on the development of standards to protect and benefit the consumer and ultimately the manufacturer as well. Most of the standards improved during my chairmanship were developed with the cooperation of the affected industry and were brought into being on a voluntary basis.

I believe in the "carrot and stick approach" for a regulatory agency. The threat of potential regulation, for most industries, leads to their voluntary development of appropriate standards to ensure a safe product for the customer.

Unsafe products cannot and should not be in the marketplace. Under the Consumer Product Safety Act, any product that is deemed to be unsafe must be reported to the CPSC. The judgment is made after thorough investigation as to whether it will be recalled and/or banned. Some manufacturers fight removal or corrective action programs and spend thousands of dollars in costly legal fees to try to disprove adverse judgment and to avoid penalizing actions. Some are less overt; they deny responsibility and drag their feet. Then there were a few role models from industry who, without a doubt, have the interest and concern of their customers as a No. 1 priority.

Even with the latter, everything is not going to be perfect. There are times in any company's history when the best intentioned manufacturing process has turned out a flawed product. There are times when expected customers' use changes and unexpected problems and crises arise. There are also societal changes that can bring different circumstances and problems to the marketplace.

Over the past few weeks, consumers have once again been threatened and frightened by tampering with consumer products. One headache, one over-the-counter remedy, one death. How sad, how tragic. Tragic for the victim, the family, the manufacturer, the retailer and the free enterprise, over-the-counter system.

Let us examine how this most recent tragic scenario with Tylenol was handled. Johnson & Johnson, under the leadership of chairman James Burke, reacted expeditiously, effectively and wisely. As a management consultant, I find this corporation stands as a leader and the industry role model.

When Burke received the first notification of another potential problem—a possible Tylenol-related death—he did not bury his head, pass the buck, go to the lawyers, close out the press or have a subordinate face the consumer. Let us take a look at what I consider the crucial elements of Johnson & Johnson's responsible corporate behavior:

1. There was no moment of paralysis; there was an immediate take-charge attitude.

2. Concern and attention to detail was at all times apparent. There was gathering of information to see all of the pieces as well the whole.

3. There was two-way communication between the press and the public. The communication has been continuous, welcomed, responded to and appreciated.

4. There was a single spokesman, and one from the top. Burke has been accessible and forthright. (President David Clare was also available and in concert).

As a result Johnson & Johnson appeared united, strong, objective and personally compassionate. This is a corporation on the *offensive* not the *defensive* as they instigated their own investigations and cooperated with others. Their corporate objective was to maintain their company confidence—in their own product and to restore public confidence. Their final decision to recall all of their capsules, to scrap their production and in addition to create new emphasis and direction by promoting the elongated tablets called Caplets will cost Johnson & Johnson as much as $150 million. A small price, however, for credibility and future success.

What was their alternative? Was this the right decision for Johnson & Johnson? They thought so and consumers seem to agree. Should other companies follow suit? This is a tough decision and one that needs to be looked at realistically and individually.

We are not at a stage where, as consumers, we can no longer take our products for granted. We too have a responsibility. We must exert more care when purchasing products to be sure that they have not been tampered with—we need to spend a little longer choosing medication today. We may need to make more choices at the drug counter. If we want a certain brand of medicine, we may not be able to obtain it in the form we have become accustomed to buying; a new consumer attitude may be necessary.

What is the responsibility of government today? Government has the responsibility to serve as a catalyst—to bring about greater awareness of new major consumer issues. Protecting the health and safety of the consumer is an essential function of the federal government. I feel strongly that the time has come for a total review of how the government is addressing these concerns. Is the consumer confused by the various safety agencies and the issues they address? Is the industry confused as to which agency addresses which products?

Just three short years ago, when Johnson & Johnson developed their tamper-resistant packaging through the Food and Drug Administration, it was found (after the new packaging was completed and marketed)—that the tamper resistant packaging affected by $\frac{1}{1000}$ of an inch the child resistant closures that came under the jurisdiction of the CPSC. Confusion! Confusion—both for the manufacturer and for the consumer.

The time has come for a thorough review of the health and safety functions of the United States government. With budget constraints what they are and cutbacks being put into place, the time has come for a coordinated, well-focused health and safety agency that has total regulatory authority, not piecemeal as we have it today.

The time has come to make some changes. A concerned consumer and a concerned industry would be better served if all health and safety functions were put under one agency.

RECESS UNTIL 4:30 P.M.

Mr. DOLE. Mr. President, we are in the process of preparing resolutions with reference to Nick Daniloff, who is being illegally held by the Soviet Government, and also a resolution with reference to the Karachi hijacking incident and the senseless murder in Istanbul that Senators BYRD and myself will introduce but they are not prepared; they have not been cleared with Senators LUGAR and PELL. I guess it would probably take another 30 or 45 minutes to do that. In the meantime, I know the distinguished minority leader is about to meet with 20 mayors and I will be meeting with them following that. So I would ask unanimous consent that we stand in recess until 4:30 p.m.

There being no objection, the Senate, at 3:21 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DURENBERGER].

□ 1630

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

UNBALANCED U.S. ECONOMIC FORCES

Mr. MELCHER. The dominant and demanding unbalanced U.S. economic forces are the trade and Treasury deficits. If only one of these were in the red, one might bail out the other but the combination, each swimming in $170 billion of red ink, is the making of a national economic catastrophe with severe reverberations throughout the world.

When Kansans see cyclone funnels in the sky, they head for the cellar. President Reagan, an adopted Californian, where earthquakes are recorded after the fact, must be awaiting the reading of the Richter scale to measure the threatened economic disaster after it occurs.

Looming ominously over the U.S. economy is the failure of this administration and Congress to attend to these twin hazards. There is no Reagan trade policy and there is no Reagan deficit policy.

Consider trade first. Each year, the U.S. trade imbalance worsens. And it worsens even in basic industries where we are dominant and more competitive and efficient than other countries.

American agriculture excels in productivity, yet for the past 3 months the United States has imported more food than we export, which apparently does not alarm the White House. It is not that Americans are eating more imported foods Rather, it is that our food exports are dwindling dismally.

We have piles of surplus wheat on the ground for lack of storage in the Wheat Belt. Those piles will be matched in the Corn Belt when this fall's corn crop is harvested. We have spent over $1 billion this year buying up dairy cows to lessen surplus dairy commodities. The additional cows slaughtered drove down beef prices, aggravating cattle producers' losses, without appreciably reducing surplus milk. Government purchase of that surplus adds to the dried milk, butter, and cheese stored in Federal warehouses and along with the other surplus commodities adds to the Treasury deficit by some $2 billion annually just in storage costs.

With all this, the administration has not yet adopted the congressionally mandated agricultural trade policy signed into law by the President last December when he signed the 1985 farm bill. The bill, while permitting basic target price subsidies for farmers to encourage large U.S. agricultural production, set a series of legislated goals to increase agricultural exports. It recognized that those goals could only be met with various types of export promotion and enhancement programs which vary from country to country.

But the Reagan administration has been bogged down in conflicting interdepartmental failures. The Agriculture and State Department are intertwined with the Office of Management and Budget, and all are bogged down in a morass of redtape, each thwarting the other. The President has yet to appoint his Special Adviser on Agricultural Trade and Food Assistance, as mandated in the farm bill, to unsnarl this bureaucratic redtape. The loss of exports in agricultural products, down 40 percent from 1981, is both from commercial sales and from the Food-for-Peace trade building shipments to developing countries.

The strong dollar has declined dramatically and cannot be blamed for the lack of Food-for-Peace shipments of surplus commodities. What must be blamed is the lack of policy.

The second deficit, that is, the Federal deficit, can only be partially corrected by the mechanisms of Gramm-Rudman. Cutting Federal expenditures is a necessity but these cuts do not sufficiently reduce the deficit because of dwindling tax receipts. And revenues decline in part because of the trade imbalance with its consequent loss of jobs and loss of economic activity in the United States. Both deficits must be reduced simultaneously. Without a unified and strong effort to address both concurrently, the U.S. economic future is very grave. Gramm-Rudman is cumbersome at best and might not even produce deficit reduction unless the underlying U.S. economy improves.

In sum and substance, the Reagan administration has failed to address both of these deficits simultaneously. Likewise, Congress has failed. It is a big failure now and a disastrous one unless soon corrected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1650

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

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

PAY ADJUSTMENT FOR FEDERAL EMPLOYEES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 166

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 28, 1986, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, the President is required to make a decision each year on what, if any, pay adjustment should be provided for Federal employees under the General Schedule and the related statutory pay systems.

My pay advisers have reported to me that an increase in pay rates averaging 23.79 percent, to be effective in October 1986, would be required under existing procedures to raise Federal pay rates to comparability with private sector pay rates for the same levels of work. However, the law also empowers me to prepare and transmit to the Congress an alternative plan for the pay adjustment if I consider such an alternative plan appropriate because of "national emergency or economic conditions affecting the general welfare." Furthermore, section 15201(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, requires that, in adjusting rates of pay under the Comparability Act, I achieve savings of at least $746 million in fiscal year 1987 compared to the "baseline" the Congress has used in its budget process. Section 15201(a) also requires that the effective date of the pay adjustment be delayed until January 1987.

Accordingly, after reviewing the reports of my Pay Agent and the Advisory Committee on Federal Pay, after considering the adverse effect that a 23.79 percent increase in Federal pay rates might have on our national economy, and in order to implement the requirements of the Reconciliation Act, I have determined that economic conditions affecting the general welfare require the following alternative plan for this pay adjustment:

"In accordance with section 5305(c)(1) of title 5, United States Code, the pay rates of the General Schedule and the related statutory pay schedules shall be increased by an overall percentage of 2 percent for each schedule, with such increase to

become effective on the first day of the first applicable pay period beginning on or after January 1, 1987."

Accompanying this report and made a part hereof are the pay schedules that will result from this alternative plan, including, as required by section 5382(c) of title 5, United States Code, the rates of basic pay for the Senior Executive Service.

RONALD REAGAN.

THE WHITE HOUSE, *August 28, 1986.*

EXTENSION OF NATIONAL EMERGENCY WITH RESPECT TO SOUTH AFRICA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 167

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on September 4, 1986, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the South African emergency is to continue in effect beyond September 9, 1986, to the *Federal Register* for publication.

The failure of the South African Government to take adequate step to eliminate apartheid, that Government's security practices, including the recent imposition of another state of emergency, and the persistence of widespread violence continue to endanger prospects for peaceful change in South Africa and threaten stability in the region as a whole. Under these circumstances, I have determined that it is necessary to continue in effect the national emergency with respect to South Africa after September 9, 1986, in order to deal with this unusual and extraordinary threat to the foreign policy and economy of the United States. Additional measures to deal with this threat will be considered upon the completion of consultations with key Allies on joint, effective measures to eliminate apartheid and encourage negotiations for peaceful change in South Africa.

RONALD REAGAN.

THE WHITE HOUSE, *September 4, 1986.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 19, 1986, during the adjournment of the Senate received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) had signed the following enrolled bills and joint resolution:

S. 410. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service;

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands;

H.R. 1260. An act for the relief of Joe Herring;

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA and for other purposes;

H.R. 3108. An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station;

H.R. 3554. An act to provide for the restoration of the Federal trust relationship with, and Federal services and assistance to, the Klamath Tribe of Indians and the individual members thereof consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and for other purposes;

H.R. 4331. An act to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development;

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982;

H.R. 5395. An act to increase the statutory limit on the public debt;

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world;

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day"; and

H.J. Res. 713. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bills and joint resolutions were signed on August 19, 1986, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on August 21, 1986, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker pro tempore (Mr. HOYER) had signed the following enrolled bills:

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas; and

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bills were signed on August 21, 1986, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1887. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to improve veterans' education benefits, and to improve the Veterans' Administration home loan guaranty program; to amend titles 10 and 38, United States Code, to improve national cemetery programs; and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3129. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

ENROLLED BILL SIGNED

At 4:38 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4329. An act to authorize United States contributions to the International Fund established pursuant to the November 15, 1985 agreement between the United Kingdom and Ireland, as well as other assistance.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolution, received in the Senate on August 15, 1986, was read, and referred as indicated:

H. Con. Res. 383. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of the bill H.R. 4883; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 3042. An act to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects; and

S. 2765. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3129. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 140. An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, particularly child sexual abuse cases, and to establish demonstration programs of temporary child care for handicapped children and crisis nurseries;

S. 410. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service;

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands;

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world;

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day";

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month"; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3651. A communication from the Director of the Congressional Budget Office and the Director of the Office of Management and Budget transmitting, pursuant to law, a report estimating budget levels for 1987 and the initial Sequestration Report for fiscal year 1987; to the Joint Committee on Deficit Reduction.

EC-3652. A communication from the President of the United States transmitting, pursuant to law, a report on the survivability, cost-effectiveness, and combat effectiveness of certain ships for which authorization is being requested for fiscal years 1987 and 1988; to the Committee on Armed Services.

EC-3653. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report assessing the Secretary of Commerce's report on extending foreign policy controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-3654. A communication from the Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction, involving United States exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-3655. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report relative to customers bypassing local telephone companies; to the Committee on Commerce, Science, and Transportation.

EC-3656. A communication from the Secretary of Energy transmitting, pursuant to law, the 1985 Annual Report on Federal Government Energy Management; to the Committee on Energy and Natural Resources.

EC-3657. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on 21 refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-3658. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on 24 refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-3659. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on five refunds of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-3660. A communication from the Commissioner of the Bureau of Reclamation transmitting, pursuant to law, a report on the Safety of Dams Program; to the Committee on Energy and Natural Resources.

EC-3661. A communication from the Acting Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the quarterly report on the number of full-time permanent employees hired and promoted between April 1 and June 30, 1986; to the Committee on Environment and Public Works.

EC-3662. A communication from the Acting Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report relative to nondisclosure of nuclear safeguards information by the NRC during the quarter ended June 30, 1986; to the Committee on Environment and Public Works.

EC-3663. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the number of children in foster care pursuant to voluntary placement agreements; to the Committee on Finance.

EC-3664. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the 1985 annual report of the Council; to the Committee on Foreign Relations.

EC-3665. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to August 18, 1986; to the Committee on Foreign Relations.

EC-3666. A communication from the Director of the Office of Information Resources Management, Department of the Interior, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3667. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on a computer matching program with certain State records; to the Committee on Governmental Affairs.

EC-3668. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, a report on a modified Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3669. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use of funds awarded the Aleut Tribe of Indians; to the Select Committee on Indian Affairs.

EC-3670. A communication from the chief judge of the Ninth U.S. Circuit Court of Appeals transmitting, pursuant to law, the circuit's third biennial report on the implementation of section 6 of the Omnibus Judgeship Act of 1978; to the Committee on the Judiciary.

EC-3671. A communication from the National Commander of American Ex-Prisoners of War transmitting, pursuant to law, organization's 1986 audit report; to the Committee on the Judiciary.

EC-3672. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, the annual report of the Interagency Coordinating Council; to the Committee on Labor and Human Resources.

EC-3673. A communication from the Secretary of Education transmitting, pursuant to law, Final Regulations for the Graduate Academic Facilities Program; to the Committee on Labor and Human Resources.

EC-3674. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, the report on DOD procurement from Small and Other business firms, October 1985–May 1986; to the Committee on Small Business.

EC-3675. A communication from the Assistant Secretary of Defense transmitting a draft of proposed legislation to authorize recoupment of stipends paid to Armed Forces Health Professions Scholarship Program recipients who fail to complete required active duty; to the Committee on Armed Services.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

The following reports of committees were submitted on August 19, 1986, during the adjournment of the Senate:

By Mr. ANDREWS, from the Committee on Appropriations, with amendments:

H.R. 5205. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1987, and for other purposes (with additional views) (Rept. No. 99-423).

Under the authority of the order of the Senate of August 16, 1986, the following reports of committees were submitted on September 3, 1986:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2792. An original bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 99-424).

By Mr. RUDMAN, from the Committee on Appropriations, with amendments:

H.R. 5161. A bill making appropriations for the Department of Commerce, Justice, State and Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes (Rept. No. 99-425).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1416. A bill entitled the "Government Securities Dealers Act of 1985" (Rept. No. 99-426).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2083. A bill to amend the Toxic Substances Control Act to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in the Nation's schools, to mandate abatement of hazardous asbestos in the Nation's schools in accordance with those standards, to require local educational agencies to prepare asbestos management plans, and for other purposes (Rept. No. 99-427).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2794. An original bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents (Rept. No. 99-428).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2417. A bill to establish the Aviation Safety Commission, and for other purposes (Rept. No. 99-429).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2935. A bill to promote the consumption of fish and fish products in the United States through the establishment of seafood marketing councils, and for other purposes (Rept. No. 99-430).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 704. A bill to establish an Intercircuit Panel, and for other purposes (Rept. No. 99-431).

S. 2281. A bill to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and for other purposes (Rept. No. 99-432).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 2683. A bill to make unlawful the laundering of money, and for other purposes (Rept. No. 99-433).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments and an amendment to the title:

S. 2648. A bill to improve the public health through the prevention of childhood injuries (Rept. No. 99-434).

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. 2793. An original bill to amend the Public Health Service Act to make various technical revisions, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the nomination of William H. Rehnquist to be Chief Justice of the United States (with additional, minority, and supplemental views) (Exec. Rept. No. 99-18).

Report to accompany the nomination of Antonin Scalia to be Associate Justice of the U.S. Supreme Court (Exec. Rept. 99-19).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for Mr. BUMPERS (for himself and Mr. PRYOR)):

S. 2795. A bill to improve agricultural price support for the 1987 through 1990 crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHILES:

S.J. Res. 407. A joint resolution designating November 12, 1986, as "Salute to School Volunteers Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. BYRD, Mr. LUGAR, Mr. PELL, Mr. GORTON, Mr. DURENBERGER, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. FORD, Mr. EXON, Mr. BENTSEN, and Mr. DECONCINI):

S. Res. 486. A resolution relating to the arrest of U.S. correspondent Nicholas Daniloff; submitted and read.

By Mr. BYRD (for himself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CRANSTON, Mr. GORTON, Mr. BENTSEN, Mr. FORD, and Mr. DECONCINI):

S. Res. 487. A resolution condemning the recent acts of terrorism in Pakistan and Turkey; submitted and read.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for Mr. BUMPERS, for himself and Mr. PRYOR):

S. 2795. A bill to improve agricultural price support programs for the 1987 through 1990 crops, and other purposes; to the Committee on Agriculture, Nutrition, and Forestry:

AGRICULTURAL PROGRAMS IMPROVEMENT ACT

● Mr. BUMPERS. Mr. President, the bill I am introducing today along with Senator PRYOR is a bold response to a crisis in agriculture that demands bold and decisive action. Thousands of farmers in Arkansas, and hundreds of thousands of farmers across America, are literally hanging on by their thumbs.

It was imperative that we pass a Farm Act late last year, and I joined the effort to get a bill adopted. I realized that there were serious deficiencies in the bill and I promised my farmers that I would work to correct those deficiencies. A few were corrected this spring, but many problems remain.

Too many features of the 1985 farm bill were discretionary with the Secretary, and he has consistently adopted the option that is the least beneficial to our farmers. The lack of effective action by the Secretary, coupled with the flaws found in the 1985 Farm Act, has caused the condition of American agriculture to deteriorate even more.

During the past 5 years, farm income has fallen to $16 billion a year, 55 percent below the 1977-80 average. Also, over the last 5 years, the market value of farmland and equipment has plummeted $76 billion annually, meaning that the financial condition of our farmers has declined $60 billion a year. Over one-third of all commercial farms still face severe financial distress, a sector that accounts for 90 percent of all production. Total agricultural debt exceeds $215 billion, more than the debt owed by Brazil and Mexico combined, an amount far too large for farmers to cash flow at present prices. The United States now imports more food products than it exports and our agriculture exports have plummeted from $41.3 billion in 1981 to the projected $26.5 billion in 1986.

And I have not even talked about the severe emotional distress this situation is causing our farm families. I wish every Member of this body could come back to Arkansas with me and visit with my farmers, and to see the hollow look in some of their eyes. Many of them are so discouraged because they see no hope in sight and they see a government which they think is willing to hang them out to dry.

Mr. President, we must save our family farmers. We in Congress must take bold and decisive action to save our agriculture economy.

I am inserting a detailed summary of the legislation I have drafted. In a nutshell, it would:

Provide export assistance by implementing a marketing loan program for wheat, soybeans, and feed grains to complement the similar programs already in place for rice and cotton. This will help us expand our export sales, protect net farm income, aid U.S. livestock producers, and reduce our burdensome commodity carryovers.

Reduce the spread between the loan rate and the target price by raising the loan rate. This in turn will:

Ease pressure on producers bumping the $50,000 limit;

Reduce total U.S. income support payments while increasing price support protection; and

Provide more up-front money to producers during the critical months;

Eliminate cross compliance and offsetting compliance;

Revise the base and program yield formulas so that our southern crops will not be discriminated against;

Require the Secretary to provide timely advance CCC recourse loans to prevent at least in part the kind of credit disaster many faced attempting to arrange financing for 1986 crop production.

Provide assistance to soybean producers by maintaining the $5.02 loan rate while requiring the Secretary to implement either a marketing loan or a producer option payment program.

Mr. President, I ask unanimous consent that a more detailed summary of the legislation be printed in the RECORD.

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

SUMMARY OF BUMPERS-PRYOR FARM BILL PROPOSAL

The bill simplifies the Food Security Act of 1985 by implementing a variation of the marketing loan concept for each program crop, including soybeans. The bill will also freeze price support loan levels and target prices through 1990, and it provides for a simpler and more equitable method for determining bases and program yields. Here is a summary of the bill's provisions.

(A) *Soybeans.*—The bill will require the Secretary to freeze the price support loan rate at $5.02 per bushel through 1990. The Secretary is required to choose between two export enhancement programs: Plan A, which calls for a marketing loan, or Plan B, which provides for a producer option payment (POP). The POP is set at 20% of the loan rate or $1 per bushel. A producer who agrees to forgo loan protection or who redeems soybeans under loan will be eligible for this payment. Both options will prevent massive amounts of soybeans from being forfeited to the government.

(B) *Cotton.*—The bill freezes the price support loan rate ($.57 per lb.) and the target price ($.81 per lb.) at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 75% of the loan rate to compensate for the higher loan rate.

(C) *Rice.*—As with cotton, the bill makes few changes. The price support loan rate ($8 per cwt.) and the target price ($11.90 per cwt.) are frozen at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 45% in 1987, 55% in 1988, and 65% in 1989 and 1990. The Secretary, as in all the program crop sections, is required to offer loan deficiency protection to rice producers who opt to forgo loan and target protection.

(D) *Wheat.*—For 1987 through 1990, the loan rate will be frozen at the 1985 level of $3.30 per bushel, and the target price will be frozen at $4.38 per bushel. For the same years, the Secretary will be required to implement a marketing loan whereby a producer will be allowed to redeem a wheat loan at the world market price level. For producers who wish to forgo loan and target protection, the Secretary is also required to offer a loan deficiency payment, the difference between the world market price and the loan rate, as an incentive.

The bill gives the Secretary the authority to use marketing certificates, guaranteed in value, in the marketing loan program for up to one-half of the loan deficiency that a producer is allowed to retain. The price floor for the marketing loan program is set at 65% of the loan rate. Also, the Secretary is required to implement a marketing certificate program for exporters should the marketing loan repayment rate exceed the prevailing world marketing price for wheat.

(E) *Feed grains.*—This section of the bill closely resembles the wheat section. The price support loan rate (2.55 per bushel) and the target price ($3.03 per bushel) for the years 1987 through 1990 will be frozen at the 1985 levels. The Secretary will be required to implement a marketing loan and to provide loan deficiency payments to producers who wish to forgo loan and target protection.

As with wheat, the Secretary will have the authority to use marketing certificates in conjunction with the marketing loan program. The price floor for the marketing loan is set at 65% of the loan rate. Also, the Secretary must implement a marketing certificate program for exporters if the marketing loan repayment rate exceeds the prevailing world price for feed grains.

(F) *Cross compliance.*—The bill eliminates the Secretary's authority to announce cross compliance, limited cross compliance, or offsetting compliance in any form.

(G) *Advance recourse commodity loans.*—The Secretary is required to make advance recourse CCC loans available to producers of program crops and soybeans beginning with the 1987 crop year.

(H) *Crop acreage bases.*—The acreage base provisions of the 1985 farm bill are simplified. Producers of rice, cotton, wheat, and feed grains will have bases for these crops equal to the average of the acreage planted or considered planted to these crops over the last five years, excluding those years in which no crop was planted or considered planted. However, no more than three crop years can be excluded.

(I) *Farm program payment yield.*—The revisions included in my bill will eliminate the penalty against productive farmers and it will return the 1985 crop years into the yield calculations. For 1987 through 1990, the payment yield will be the average of the actual yield for that crop over the five crop years immediately preceding, throwing out the high and low years. The Secretary is required to allow use of area averages, not just county averages, for farms with new production of program crops, and he may establish a new yield for farms that have been hit by natural disaster. Also, if the use of the above formula does not adequately reflect the productive potential of any farm, the Secretary must establish a more accurate program yield.

Mr. BUMPERS. Mr. President, I want to urge every Member of the Senate, and especially those Senators from farm States, to take a close look at this legislation. It contains provisions which are vitally important to our farmers and must be adopted. Of immediate concern to me is the plight of our soybean farmers. Just last week Secretary Lyng announced that he was dropping the soybean price support from $5.02 per bushel down to $4.77 per bushel. In doing this, he is essentially thumbing his nose at the Senate, which unanimously adopted my amendment to the debt limit extension bill strongly urging him to retain the $5.02 rate. This legislation retains the $5.02 rate through 1990.

I want to urge the Senate Agriculture Committee to schedule immediate hearings on this legislation and to give it thoughtful and serious consideration.●

● Mr. PRYOR. Mr. President, today, Senator BUMPERS and I are introducing a piece of agricultural legislation that mandates the expansion of the marketing loan concept originally set forth in the 1985 Food Security Act to all program crops, including soybeans.

The 1985 farm bill incorporated a mandatory marketing loan program for rice—a concept Senator COCHRAN and I had originally proposed for all program crops. At the same time it gave the Secretary of Agriculture the discretion to implement this program for all other program crops.

Despite the success of the marketing loan program for rice, the Secretary of Agriculture has failed to act in utilizing this authority for other programs.

The bill we are introducing today will mandate a variation of the marketing loan concept for each program crop, including soybeans, while freezing price support loan levels and target prices through 1990. It also provides for a simpler, more equitable method for determining bases and program yields. After spending over a year's time in debating and formulating a new farm program the Congress finally passed a new program in late December of 1985. This new farm bill provided hope for all of agriculture to once again become price competitive while at the same time redefining Government's relationship with the American farmer.

Throughout that bill, we provided the Secretary of Agriculture discretionary authority so that he could have greater flexibility in utilizing the tools needed to allow American agriculture once again to compete and hopefully recover and prosper. However, from the writing of program regulations to program announcements, we have seen a complete ignoring of these discretionary authorities. It has been

frustrating at best to see many parts of our new bill being totally ignored or the intent completely misinterpreted by bureaucratic regulation writers.

American agriculture needs help. It is time to do what has to be done. No longer can we allow the Department of Agriculture to issue program regulations that fit their ideas of how agriculture programs should be written and snub their nose at the Congress and how the laws were actually written and meant to be implemented.

It is put up or shut up time for farm programs. The 1985 farm bill implemented Senator COCHRAN's and my marketing loan concept. This concept defined Government's support to farmers while at the same time allowing his commodity to be market competitive. It encourages sales and not production for Government storage. The rice marketing loan was implemented on April 15 and terminated on June 30. In that short space of time American rice producers recaptured markets and sold the majority of the 1985 crop that was destined for Government forfeiture without a marketing loan option.

I hear all the criticism about cost but I have yet seen figures from anyone that talk about net costs—costs that take into consideration savings from interest, storage, and acquisition costs. By some of my crude calculations the April 15 to June 30 marketing loan period netted savings in excess of $200 million for the rice program while at the same time recapturing lost rice markets. Cotton's similar program is also looking good at allowing cotton producers once again to compete and hopefully regain lost traditional American cotton markets.

Mr. President, I want all our commodities to have the marketing loan. I believe wheat, corn, soybeans, and our other major commodities can also enjoy the benefits a marketing loan presents. Our farmers deserve for our Government to utilize all its available tools to help strengthen American agriculture. We have waited for the Secretary to announce a marketing loan for other major programs—an announcement that can be made within his broad discretionary authority, but it hasn't come. Therefore, I am joining Senator BUMPERS in an effort to mandate a program that I think will allow our American commodities to compete and allow American agriculture to recover.

The freezing of target prices and loan rates provides the needed income to allow farmers to survive and cashflow their loans. By freezing these rates till 1990, we stabilize income to our producers when they need it the most and by implementing the marketing loan, we allow the crops to be price competitive.

Mr. President, we have debated farm programs back and forth, over and over, countless times in the Senate. Let's realize how serious agriculture's future is and let's finally realize it's time to take action. Let's define Government's support of agriculture and at the same time provide a program that is aggressive and profarmer in helping him recapture his lost traditional marketplace.

Mr. President, I am reaffirming my support for American agriculture. I am proud to join my colleague Senator BUMPERS in working for solutions to agriculture's problems.

Mr. President, at this point I would like to ask unanimous consent to print in the RECORD a summary of our legislation.

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

The bill we have drafted embodies a simple concept. It simplifies the Food Security Act of 1985 by implementing a variation of the marketing loan concept for each program crop, including soybeans. The bill will also freeze price support loan levels and target prices through 1990, and it provides for a simpler, more equitable method for determining bases and program yields. Here is a summary of the bill's provisions.

(A) *Wheat.*—for 1987 through 1990, the loan rate will be frozen at the 1985 level of $3.30 per bushel, and the target price will be frozen at $4.38 per bushel. For the same years, the Secretary will be required to implement a marketing loan whereby a producer will be allowed to redeem a wheat loan at the world market price level. For producers who wish to forgo loan and target protection, the Secretary is also required to offer a loan deficiency payment, the difference between the world market price and the loan rate, as an incentive.

The bill gives the Secretary the authority to use marketing certificates, guaranteed in value, in the marketing loan program for up to one-half of the loan deficiency that a producer is allowed to retain. The price floor for the marketing loan program is set at 65% of the loan rate. Also, the Secretary is required to implement a marketing certificate program for exporters should the marketing loan repayment rate exceed the prevailing world marketing price for wheat.

(B) *Feed grains.*—This section of the bill closely resembles the wheat section. The price support loan rate ($2.55 per bushel) and the target price ($3.03 per bushel) for the years 1987 through 1990 will be frozen at the 1985 levels listed above. The Secretary will be required to implement a marketing loan and to provide deficiency payments to producers who wish to forgo loan and target protection.

As with wheat, the Secretary will have the authority to use marketing certificates in conjunction with the marketing loan program. The price floor for the marketing loan is set at 65% of the loan rate. Also, the Secretary must implement a marketing certificate program for exporters if the marketing loan repayment rate exceeds the prevailing world price for feed grains.

(C) *Cotton.*—Fewer changes have been suggested for the cotton section. As with all program crops, the price support loan rate ($.57 per lb.) and the target price ($.81 per lb.) are frozen at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 75% of the loan rate to compensate for the higher loan rate.

(D) *Rice.*—As with cotton, the bill makes few changes. The price support loan rate ($8 per cwt.) and the target price ($11.90 per cwt.) are frozen at the 1985 levels for the 1987 through 1990 crop years. The marketing loan price floor is reduced to 45% in 1987, 55% in 1988, and 65% in 1989 and 1990. The Secretary, as in all the program crop sections, is required to offer loan deficiency protection to rice producers who opt to forgo loan and target protection.

(E) *Soybeans.*—This bill will require the Secretary to freeze the price support loan rate at $5.02 per bushel through 1990. The Secretary is required to choose between two expert enhancement programs: Plan A, which calls for a marketing loan, or Plan B, which provides for a producer option payment (POP). The POP is set at 20% of the loan rate on $1 per bushel. A producer who agrees to forego loan protection or who redeems soybeans under loan will be eligible for this payment. Both options will prevent massive amounts of soybeans from being forfeited to the government.

(F) *Cross Compliance.*—The bill eliminates the Secretary's authority to announce cross compliance, limited cross compliance, or off-setting compliance in any form.

(G) *Advance recourse commodity loans.*—The Secretary is required to make advance recourse CCC loans available to producers of program crops and soybeans beginning with the 1987 crop year.

(H) *Crop acreage bases.*—The provisions of the 1985 farm bill are simplified. Producers of rice, cotton, wheat, and feed grains will have bases for these crops equal to the average of the acreage planted or considered planted to these crops over the last five years, excluding those years in which no crop was planted or considered planted. However, no more than three crop years can be excluded.

(I) *Farm program payment yield.*—The revisions included in my bill will eliminate the penalty against productive farmers and it will return the 1985 crop years into the yield calculations. For 1987 through 1990, the payment yield will be the average of the actual yield for that crop over the five crop years immediately preceding, throwing out the high and low years. For farms with new production of program crops or that have been hit by natural disasters, the Secretary is required to allow use of area average, not just county average, for the farmers, and he may establish a new yield for the latter. Also, if the use of the above formula does not adequately reflect the productive potential of any farm, the Secretary must establish a more accurate program yield.●

By Mr. CHILES:

S.J. Res. 407. Joint resolution designating November 12, 1986, as "Salute to School Volunteers Day;" to the Committee on the Judicary.

SALUTE TO SCHOOL VOLUNTEERS DAY

● Mr. CHILES. Mr. President, I hope my colleagues will join me supporting this joint resolution which would designate November 12, 1986, as "Salute to School Volunteers Day."

The joint resolution provides national recognition of and support for one of the truly remarkable features of the school reform movement which is now sweeping the country, namely, an

explosion of citizen volunteerism on behalf of better schools for our children. Sparked by the National School Volunteer Program, spontaneous local school-sponsored efforts, and a host of school-business partnerships and adopt-a-school programs in hundreds of communities, volunteers—over 4 million of them—are helping our dedicated professional staffs to reach and teach the children and young people who will determine the quality of America's future.

The joint resolution recognizes and honors "the magnitude, quality, and selflessness" of those who, in a long and honorable American tradition, volunteer to help others. I believe that it will encourage more school districts and States to setup volunteer efforts and, in that way, tap the wisdom and skills of millions of Americans who care about our schools.●

ADDITIONAL COSPONSORS

S. 519

At the request of Mr. EVANS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 519, a bill to require a study of the compensation and related systems in executive agencies, and for other purposes.

S. 1060

At the request of Mr. D'AMATO, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1060, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979.

S. 1090

At the request of Mr. HELMS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1090, a bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes.

S. 1430

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1430, a bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning acquired immune deficiency syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus.

S. 1563

At the request of Mr. HELMS, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1563, a bill to amend the Federal Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 1566

At the request of Mr. DENTON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1566, a bill to extend the Family Life Demonstration Program for 3 years.

S. 1880

At the request of Mr. GORTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1880, a bill to amend the Internal Revenue Code of 1954 to clarify the treatment of travel expenses in the case of construction workers.

S. 1903

At the request of Mr. DANFORTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1903, a bill to improve the safe operations of commercial motor vehicles, and for other purposes.

S. 2037

At the request of Mr. DURENBERGER, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2037, a bill to create a fiscal safety net program for needy communities.

S. 2417

At the request of Mr. BYRD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2417, a bill to establish the Aviation Safety Commission, and for other purposes.

S. 2471

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2471, a bill to establish an Office of Inspector General in the Nuclear Regulatory Commission, and for other purposes.

S. 2479

At the request of Mr. TRIBLE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2479, a bill to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 2665

At the request of Mr. SYMMS, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 2665, a bill to amend the national maximum speed limit law.

S. 2678

At the request of Mr. BENTSEN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2678, a bill to provide a comprehensive national oil security policy.

S. 2699

At the request of Mr. SPECTER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2699, a bill to amend the Controlled Substances Act to provide mandatory minimum sentences for distribution of controlled substances to minors, to add enhanced penalties, including mandatory minimum sentences, for employment of minors in the distribution of controlled substances, and to allow States receiving forfeited assets to use such assets for youth drug abuse prevention and rehabilitation.

S. 2715

At the request of Mr. CHILES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2715, a bill to provide an emergency Federal response to the crack cocaine epidemic through law enforcement, education and public awareness, and prevention.

S. 2770

At the request of Mr. COCHRAN, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 2770, a bill to amend the Farm Credit Act of 1971 to provide the opportunity for competitive interest rates for the farmer, rancher, and cooperative borrowers of the Farm Credit System, and for other purposes.

SENATE JOINT RESOLUTION 299

At the request of Mr. COCHRAN, the names of the Senator from Alabama [Mr. DENTON], the Senator from South Dakota [Mr. ABDNOR], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Washington [Mr. EVANS], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Maryland [Mr. SARBANES], the Senator from Virginia [Mr. TRIBLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate the week of December 7, 1986, through December 13, 1986, as "National Alopecia Areata Awareness Week."

SENATE JOINT RESOLUTION 339

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 339, a joint resolution to designate the week of November 30, 1986, through December 6, 1986, as "National Home Care Week."

SENATE JOINT RESOLUTION 359

At the request of Mr. NICKLES, the names of the Senator from New

Hampshire [Mr. HUMPHREY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 359, a joint resolution to designate March 17, 1987, as "National China-Burma-India Veterans Association Day."

SENATE JOINT RESOLUTION 373

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. LAXALT], the Senator from Alabama [Mr. DENTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Dakota [Mr. ABDNOR], the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. RIEGLE], the Senator from Florida [Mrs. HAWKINS], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Massachusetts [Mr. KERRY], were added as cosponsors of Senate Joint Resolution 373, a joint resolution designating the week beginning May 10, 1987 as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 391

At the request of Mr. LUGAR, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 391, a joint resolution to designate August 12, 1986, as "National Civil Rights Day."

SENATE JOINT RESOLUTION 402

At the request of Mr. LUGAR, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of Senate Joint Resolution 402, a joint resolution designating July 2 and 3, 1987, as the "United States-Canada Days of Peace and Friendship."

SENATE JOINT RESOLUTION 405

At the request of Mr. GLENN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mrs. HAWKINS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. STENNIS], and the Senator from South Carolina [Mr. THURMOND], were added as cosponsors of Senate Joint Resolution 405, a joint resolution to designate September 11, 1986, as 9-1-1 Emergency Number Day."

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Indiana [Mr. LUGAR], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Florida [Mr. CHILES], were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Urkrainian and other public Helsinki Monitoring Groups.

SENATE RESOLUTION 464

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. SPECTER], was added as a cosponsor of Senate Resolution 464, a resolution to designate October 1986 as "Crack/Cocaine Awareness Month."

SENATE RESOLUTION 486—RELATING TO THE ARREST OF U.S. CORRESPONDENT NICHOLAS DANILOFF

Mr. DOLE (for himself, Mr. BYRD, Mr. LUGAR, Mr. PELL, Mr. GORTON, Mr. DURENBERGER, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. FORD, Mr. EXON, Mr. BENTSEN, Mr. DECONCINI, and Mr. MATTINGLY) submitted the following resolution; which was laid before the Senate:

S. RES. 486

I. Whereas the arrest and indictment on trumped up charges by the government of the Soviet Union of Nicholas Daniloff, American correspondent for U.S. News & World Report, is in clear contravention of accepted standards of international law and civil liberties;

II. Whereas the treatment of Mr. Daniloff is an inexcusable denial of the rights of a journalist to engage in the legitimate pursuit of his profession and a violation of Soviet obligations as a signatory of the Final Act of the Helsinki Accords guiding relations between participating states, specifically Basket III, Section 2, Article (c), Principles for the Improvement of Working Conditions for Journalists, which state that "• • • the participating states reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them."

III. Whereas the actions of the Soviet government further violate the spirit and letter of the provisions adopted at the review of the Helsinki Accords held in Madrid in March, 1983, specifically Basket III, Cooperation in Humanitarian and other Fields, which affirms that the participaint states ". . . will also consider ways and means to assist journalists from other participating states and thus enable them to resolve practical problems they may encounter . . ." and ". . . further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources: Now, therefore, be it

Resolved by the Senate of the United States, That the Senate

1. condemns the Soviet Union for the unjustifiable arrest and indictment of Nicholas Daniloff and demands his immediate and unconditional release from custody by the Soviet Union,

2. expresses it deep concern that the failure of the Soviet Union to immediately and justly resolve this matter threatens to undermine constructive relations between the United States and the Union of Soviet Socialist Republics and jeopardizes the hoped for Summit Meeting between President Reagan and General Secretary Gorbachev, and

3. urges that all responsible news gathering and news accrediting organizations that provide support, membership or other privileges to Soviet news organizations should consider appropriate actions to underscore the demand for Daniloff's release.

SENATE RESOLUTION 487—CONDEMNING RECENT ACTS OF TERRORISM IN PAKISTAN AND TURKEY

Mr. BYRD (for himself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CRANSTON, Mr. GORTON, Mr. BENTSEN, Mr. FORD, and Mr. DECONCINI) submitted the following resolution; which was laid before the Senate:

S. RES. 487

Whereas the recent terrorist attacks in Karachi, Pakistan, and Istanbul, Turkey, demonstrate that international terrorism remains a principal threat to human life and democratic values;

Whereas the hijacking of Pan American Flight 73, which ended in the loss of many lives at Karachi International Airport, and the murder of 22 Turkish Jews as they worshiped in an Istanbul Synagogue, underscore the continued need for action against international terrorism and for all civilized nations to redouble their efforts to eradicate this scourge; and

Whereas the United States should seize the initiative to expand international cooperation and coordination in the campaign against terrorism, and should be supported in that effort by its allies, and all other responsible nations: Now, therefore, be it resolved that, the Senate

(1) condemns vigorously the most recent terrorist acts in Karachi, Pakistan, and Istanbul, Turkey, and offers its deepest sympathies and condolences to the victims of those attacks, and to their families;

(2) declares that international terrorism is a scourge which effects, ultimately, all nations, and that all civilized and responsible nations of the world should expand their efforts to combat this scourge;

(3) urges close international cooperation in the swift prosecution and punishment of those responsible for these crimes; and

(4) urges the President to take the following actions—

(A) place the subject of terrorism and the urgent need for international cooperation, including cooperation between the United States and the Soviet Union, in combatting this scourge on the agenda of any future U.S.-Soviet summit meeting;

(B) make increased antiterrorism cooperation a high priority subject at every appropriate opportunity he has with the leaders of the allies and friends of the United States;

(C) Redouble efforts to establish an international antiterrorism committee as called for in recently enacted legislation (PL 99-399) so that civilized countries may better cooperate in responding to these barbarous acts.

(D) actively utilize existing rewards-for-information authorities to assist in apprehending and bringing to justice all those responsible for these reprehensible crimes.

(E) consider taking appropriate constiutional measures against the individuals responsible for these heinous crimes.

AMENDMENTS SUBMITTED

REHABILIATION ACT AMENDMENTS

EAGLETON (AND DANFORTH) AMENDMENT NO. 2773

Mr. BYRD (for Mr. EAGLETON, for himself and Mr. DANFORTH) proposed an amendment to the bill (S. 2515) to reauthorize the Rehabilitation Act of 1973, and for other purposes; as follows:

At the appropriate place, insert the following:

MAINTENANCE OF EFFORT

SEC. . (a) Notwithstanding any other provision of the Education of the Handicapped Act, the Secretary and the State educational agency, in the case of section 614(a)(2)(B)(ii) of that Act, shall not include expenditures made from an accrued fund reserve surplus after July 1, 1983, which are used for services for handicapped children.

(b) The amendment made by subsection (a) shall take effect with respect to fiscal years beginning after September 30, 1983.

NOTICES OF HEARINGS

SENATE IMPEACHMENT TRIAL COMMITTEE

Mr. MATHIAS. Mr. President, I wish to announce that the Senate Impeachment Trial Committee, appointed upon the adoption of Senate Resolution 481, pursuant to rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, will meet in SR-301, Russell Senate Office Building, on Wednesday, September 10, 1986, at 8:30 a.m. to consider the pretrial motions filed by counsel for Hon. Harry E. Claiborne and by the managers for the House of Representatives, and other matters relating to the impeachment trial.

For further information concerning this meeting, please contact Tony Harvey or Byron Hoover of the Senate Impeachment Trial Committee staff at extension 40291.

Mr. President, I wish to announce that the Senate Impeachment Trial Committee, appointed upon the adoption of Senate Resolution 481, pursuant to rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, will meet in the caucus room of the Russell Senate Office Building (SR-325) from 9 a.m. to 12 p.m. and from 2 p.m. to 5 p.m. on the following days: Monday, September 15, 1986; Tuesday, September 16, 1986; Wednesday, September 17, 1986; Thursday, September 18, 1986; and Friday, September 19, 1986; to receive evidence and take testimony in the impeachment trial of Hon. Harry E. Claiborne.

For further information concerning these meetings, please contact Tony Harvey or Byron Hoover of the Senate Impeachment Trial Committee staff at extension 40291.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, September 16, 1986, 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2781, the National Appliance Energy Conservation Act of 1986.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Mr. Al Stayman at (202) 224-2366.

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that a public hearing has been scheduled before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on Tuesday, September 23, 1986, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building, Washington, DC 20510.

Testimony will be received on the following measures: S. 2029 and H.R. 4090, to establish the Big Cypress National Preserve addition in the State of Florida, and for other purposes; S. 2442 and H.R. 4811, to establish the San Pedro Riparian National Conservation Area in Cochise County, AZ, in order to assure the protection of the riparian, wildlife, archaeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes; H.R. 2921, to authorize the Secretary of Agriculture to issue permanent easements for water conveyance systems in order to resolve title claims arising under acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes; S. 2707 and H.R. 2826, to amend the Wild and Scenic Rivers Act by designating a segment of the Horsepasture River in the State of North Carolina as a component of the Wild and Scenic Rivers System.

Those wishing to testify should contact the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources, room SD-308, Dirksen Senate Office Building, Washington, DC 20510. Oral testimony may be limited to 3 minutes per witness. Written statements may be longer. Witnesses may be placed in panels, and are requested to submit 25 copies of their testimony 24 hours in advance of the hearing, and 25 copies on the day of the hearing. For further information, please contact Patty Kennedy or Tony Bevinetto of the subcommittee staff at (202) 224-0613.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on Thursday, September 11, 1986, at 10 a.m., in Senate Dirksen 562 on S. 1177, a bill to establish a special magistrate with jurisdiction over Federal offenses within Indian country and to authorize tribal and local police officers to enforce Federal laws within their respective jurisdictions, and for other purposes.

Those wishing additional information should contact Max I. Richman of the committee at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry, has scheduled a full committee hearing to consider the nomination of Walter K. Miller, of Wisconsin, to be Administrator of the Federal Grain Inspection, Service, ISDA.

The hearing will begin at 10 a.m., Wednesday, September 10, 1986, in 332 Russell Senate Office Building.

For further information please contact the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, September 8, to receive testimony on H.R. 1202, a bill to authorize appropriations to carry out fish and wildlife conservation and natural resources management programs on military reservations.

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

SENATE IMPEACHMENT TRIAL COMMITTEE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Impeachment Committee be permitted to meet during sessions of the Senate for the remainder of the 99th Congress.

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 8, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal years 1986 and 1987. The estimated totals of budget authority, outlays, and revenues for each fiscal year are compared to the appropriate or recommended levels contained in the most recent budget resolutions, S. Con. Res. 32 for fiscal years 1986, and S. Con. Res. 120 for fiscal year 1987. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through August 15, 1986. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report the President has signed the Financial Assistance for the Northern Marianas Act, Public Law 99-396, the Omnibus Diplomatic Security and Anti-Terrorism Act, Public Law 99-399, the Children's Justice and Assistance Act of 1986, Public Law 99-401, and Public Law 99-384, increasing the limit on the public debt.

With best wishes,
Sincerely,

RUDOLPH G. PENNER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION AS OF AUGUST 15, 1986

[Fiscal year 1986, and in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 32	Current level +/− resolution
Budget authority	1,053.0	1,069.7	−16.7
Outlays	980.0	967.6	12.4
Revenues	778.5	795.7	−17.2
Debt subject to limit	2,100.0	[2] 2,078.7	21.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,111.0 billion.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION AS OF AUGUST 15, 1986

[Fiscal year 1987, and in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 32	Current level +/− resolution
Budget authority	636.2	1,093.4	−457.1
Outlays	737.3	995.0	−257.7
Revenues	845.6	852.4	−6.8
Debt subject to limit	2,100.0	[2] 2,322.8	−222.8
Direct loan obligations	20.4	34.6	−14.1
Guaranteed loan commitments	33.1	100.8	−67.7

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,111.0 billion.

FISCAL YEAR 1986—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION AS OF AUGUST 15, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			777,794
Permanent appropriations and trust funds	723,461	629,772	
Other appropriations	525,778	544,947	
Offsetting receipts	−188,561	−188,561	
Total enacted in previous sessions	1,060,679	986,159	777,794
II. Enacted this session:			
Commodity Credit Corporation Urgent Supplemental Appropriation, 1986 (Public Law 99-243)			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251)		4	
VA Home Loan Guarantee Amendments (Public Law 99-255)		−51	
Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272)	−4,259	−6,001	765
Department of Agriculture Urgent Supplemental, 1986 (Public Law 99-263)			
Advance to Hazardous Substance Response Trust Fund (Public Law 99-270)			
FHA and GNMA Credit Commitment Assistance Act (Public Law 99-289)		−380	
Federal Employees Retirement Act of 1986 (Public Law 99-335)			−90
Temporary Extension of Certain Housing Programs (Public Law 99-345)		−304	
Military Retirement Reform Act (Public Law 99-348)	−25		
Urgent Supplemental Appropriations, 1986 (Public Law 99-349)	−3,508	475	
Panama Canal Commission Authorizing Act (Public Law 99-368)	18	16	
Total	−7,773	−6,240	675
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Compact of free association	3	3	
Special benefits (Federal employees)	14	14	
Family social services	100	75	
Payment to civil service retirement [1]	(37)	(37)	
Total entitlements	118	93	
Total current level as of Aug. 15, 1986	1,053,024	980,012	778,469
1986 budget resolution (S. Con. Res. 32)	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution		12,412	
Under budget resolution	16,676		17,231

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1987—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF AUGUST 15, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			843,799
Permanent appropriations and trust funds	733,558	647,692	
Other appropriations		195,861	
Offsetting receipts	−163,823	−163,823	
Total enacted in previous sessions	569,735	679,730	843,799
II. Enacted this session:			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251)		2	
Technical Corrections Amendments to Food Security Act (Public Law 99-253)	50	50	
VA Home Loan Guarantee Amendments (Public Law 99-255)		49	
Food Security Improvements Act of 1986 (Public Law 99-260)	−115	−115	
White Earth Reservation Land Settlement Act of 1985 (Public Law 99-264)	10	10	
Consolidated Omnibus Budget Reconciliation Act of 1986 (Public Law 99-272)	155	−3,553	2,503
FHA and GNMA Credit Commitment Assistance Act (Public Law 99-289)		−178	
Federal Employees' Retirement System Act of 1986 (Public Law 99-335)	−150	−1,670	−666
Judicial Improvements Act (Public Law 99-336)	2		
Temporary Extension of Certain Housing Programs (Public Law 99-345)		−85	
Military Retirement Reform Act (Public Law 99-348)	−47	146	
Urgent Supplemental Appropriations, 1986 (Public Law 99-349)	−278	−914	
Panama Canal Commission Authorizing Act (Public Law 99-368)		2	

FISCAL YEAR 1987—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF AUGUST 15, 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Omnibus Diplomatic Security and Anti-Terrorism Attack Act (Public Law 99-399)	1	1	
Children's Justice and Assistance Act (Public Law 99-401)	10		
Total enacted this session	−362	−6,254	1,837
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund	126	126	
Claims, defense	156	150	
Payment to the foreign service retirement trust fund [2]	(173)	(173)	
Range improvements	10	7	
BLM: Miscellaneous trust fund	([1])	([1])	
Compact of free association	42	42	
Administration of territories	35	30	
Payments to air carriers, DOT	32	30	
Retired pay—Coast Guard	370	341	
Maritime, operating-differential subsidies		297	
BIA: Miscellaneous trust funds	1	1	
Social services block grant	2,700	2,538	
Family social services	758	584	
Guaranteed student loans	3,219	2,580	
Higher education facilities loans and insurance	19		
Government payment for annuitants	1,459	1,301	
Retirement pay for PHS officers	83	81	
Medicaid	19,595	19,241	
Medical facilities guarantee and loan fund	20	19	
Payments to health care trust funds [2]	(20,826)	(20,826)	
Special milk program	16	11	
Child nutrition programs	4,212	3,791	
Federal unemployment benefits and allowances	103	102	
Advances to unemployment trust fund [2]	(9)	(9)	
Special benefits (general retirement and Federal employee retirement)	257	257	
Black lung disability trust fund	549	549	
Supplemental security income	7,846	7,846	
Special benefits for disabled coal miners	698	638	
Assistance payments	7,350	7,350	
Child support enforcement	599	583	
Payments to social security trust funds [2]	(501)	(501)	
Veterans insurance and indemnities	5	4	
Veterans readjustment benefits	750	723	
Veterans compensation	10,300	9,360	
Veterans pensions	3,684	3,385	
Veterans burial benefits	138	138	
Salaries of judges	104	103	
Fees and expenses of witnesses	46	37	
Compensation of the President	([1])	([1])	
Payment to civil service retirement trust fund [2]	(4,557)	(4,557)	
National wildlife refuge fund	6	6	
Military pay raises and benefits	1,566	1,539	
Total entitlements	66,855	63,793	
Total current level as of August 15, 1986	636,227	737,268	845,636
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution			
Under budget resolution	457,123	257,732	6,764

[1] Less than $500 thousand.
[2] Interfund transactions do not add to budget totals.
Note.—Numbers may not add due to rounding.

CRIME AND PUNISHMENT IN MODERN AMERICA

● Mrs. HAWKINS. Mr. President, as the Members of this body know, the attention of the country is focused as never before upon the problem of drug abuse. Well before the media spotlight was aimed at the drug abuse problem, First Lady Nancy Reagan led the way in publicizing the dangers of drug use. The South Florida Task Force, which Vice President GEORGE BUSH established, is an example of the fine leadership the administration has shown in this area.

Sadly, drug abuse is but one aspect of an even larger problem: crime in America. The crime problem touches each American—the inner city grade school student, pressured by his peers to try marijuana, crack, and other drugs; the elderly woman who during the heat of August is too afraid of burglars to open her apartment window; the Wall Street broker who is pressured to look the other way while his clients and peers engage in insider trading. Crime in America saps our moral vigor and robs us of our hard-earned savings.

The Institute for Government and Politics will shortly publish a collection of essays entitled, "Crime and Punishment in Modern America," to which I have contributed an article outlining legislation that will contribute to our efforts to stem the rising tide of drug abuse in our Nation.

This essay, "Drugs and Crime: A Legislative Perspective," examines the scope and magnitude of drug-related crime in the United States and gives recommendations for immediate legislative action, designed to:

Stop drugs at the source;

Ensure existence of effective drug abuse education and prevention programs;

Increase interdiction efforts; and

Support local, State, and Federal drug law enforcement efforts.

I hope that my colleagues in both Houses will take the time to read "Crime and Punishment in Modern America," which is being released in just a few weeks. It is a timely work which presents a variety of views on a number of issues which will confront us in this legislative session—and on the campaign trail this fall. Among the contributors to "Crime and Punishment in Modern America," are Attorney General Edwin Meese, Senators STROM THURMOND, WILLIAM L. ARMSTRONG, SAM NUNN, and CHARLES E. GRASSLEY; Congressman JACK KEMP; former Gov. Peter du Pont of Delaware; the Honorable J. Clifford Wallace of the Ninth Circuit Court of Appeals; Patrick B. McGuigan, director of the Judicial Reform project; and Daniel J. Popeo, general counsel for the Washington Legal Foundation.

As this legislative session begins, we find ourselves at a crossroads. The American people are asking if the Congress has the courage to pass comprehensive legislation which will stem the rising tide of drug use. Polls show that Americans are willing to make the sacrifices necessary to rid our country of this plague. They demand action from us now; they will be watching this November. Let us give them this legislation, before the latest swell of drug abuse becomes a tidal wave which engulfs us all. As we confront the myriad issues of crime and punishment, this book will be an invaluable source of useful and innovative solutions.●

THE 1986 WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. SASSER. Mr. President, during the Labor Day recess, small business leaders from across America gathered in Washington for the 1986 White House Conference on Small Business. From August 17-21, the delegates to the conference debated and voted upon a series of issues important to our small business community.

The delegates approved a list of 60 final recommendations which have been forwarded to each Member of Congress. These recommendations reflect the priority concerns of small firms across the country. I believe my colleagues would do well to pay particular attention to these recommendations in the weeks ahead.

The No. 1 recommendation, receiving 1,419 votes out of some 1,715 cast, is coming to grips with the continuing commercial liability insurance crisis. And I am very pleased to see that the delegates adopted a broad approach to this particular problem. Rather than focus on one or two aspects of this crisis, the delegates have propounded a comprehensive approach to this national problem.

Other priority issues of our small business leaders include a recommendation dealing with employee benefits, a call to protect small business from unfair competition from Government units and nonprofit organizations, a recommendation demanding action to reduce the Federal deficit, and a call for the creation of a new Cabinet-level Office of International Trade.

The entire list of recommendations coming out of the White House conference will help shape our legislative agenda for weeks to come. My colleagues will recall how the 1980 White House conference galvanized action on a wide variety of small business issues. I anticipate a similar course of action on these 60 recommendations. Indeed, as a member of the Small Business Committee, I am already reviewing this list closely.

Mr. President, I would be remiss if I failed to mention the central role

played by Tennessee's delegation to the 1986 White House Conference on Small Business. Under the able leadership of Bill Nourse, the Tennessee delegation played a vocal and active role in the many workshops which helped shape the issues considered by the full conference. The issues of greatest concern to the Tennessee delegation were among the top recommendations voted on by the full conference.

I had the privilege of meeting many members of the Tennessee delegation when they came to Washington several weeks in advance of the White House conference. The fact that these men and women would take time out from their various business ventures to attend a series of briefings in advance of the conference reflected admirably on their commitment to Tennessee's small business community. I was impressed with their ready grasp of issues of concern to them and their desire to learn about the legislative process. I came away from those meetings convinced that the Tennessee delegation would play a key role in the activities of the 1986 White House conference. The results of the conference have only confirmed my earlier belief.

Mr. President, I wish to congratulate not only the members of the Tennessee delegation, but all of those who attended the White House Conference on Small Business for a job well done. Their thoughts and recommendations will help shape the legislative landscape on many issues of national importance. In closing, I again urge my colleagues to carefully review the final recommendations of this important gathering.●

THE DILEMMA OF SOVIET JEWS

● Mr. WARNER. Mr. President, I ask my fellow colleagues to take a moment to contemplate the dilemma of the Soviet Jews.

Our forefathers founded the United States on the ideals of religious freedom and personal liberty.

While we enjoy these privileges, the Soviet Jews face imprisonment and harassment for trying to perpetuate their religion and culture.

Each year thousands of Soviet Jews express their desire to emigrate, yet they cannot rejoin their families outside the U.S.S.R.

Instead, they receive job dismissal, school expulsion, and public denouncement as traitors.

The Soviet Government has agreed to respect religious, cultural, and emigration freedoms in the Helsinki accord of 1975 and other international human rights agreements.

I urge the U.S.S.R. to stop this harsh treatment of Jews and to honor their commitment to human rights.●

KIWANIS CLUB OF ERIE, PA

● Mr. SPECTER. Mr. President, I wish to call the Senate's attention to the Kiwanis Club of Erie, PA, which celebrated its 70th anniversary on September 5, 1986.

The Kiwanis Club of Erie was formed on August 26, 1918. They are the second oldest club in Pennsylvania and the first to form in Erie.

Kiwanis is a service organization whose motto is "We Build." Their goals are to: Give primacy to human and spiritual values alike; provide fellowship; encourage the daily living of the Golden Rule; and promote higher social, business, and professional standards.

The Kiwanis' activities include giving assistance to youth and aged in the Erie community. Their past and current projects include: Involvement with 4-H Club; boys and girls summer camp; purchase of civil defense ambulance; Kiwanis-State Police Camp Cadet Program for boys and girls; Kiwanis Silent Club for hearing impaired children; Kiwanis Boy's Choir; scholarships for Erie high school seniors; and their own youth sponsored clubs, Circle K and Key Club.

I am sure my colleagues join me in commending the Kiwanis Club of Erie, PA, for their long and devoted service to the community.●

REHNQUIST SCHOOL SEGREGATION CONSTITUTIONAL AMENDMENT

● Mr. KENNEDY. Mr. President, this week, the Senate will begin consideration of the nomination of William H. Rehnquist to be the Chief Justice of the United States.

Over the weekend, after the close of the Judiciary Committee's hearings on the nomination, two memos proposing a constitutional amendment to legalize school segregation, written by Mr. Rehnquist while he was the Assistant Attorney General for the Office of Legal Counsel, came to light.

If the Rehnquist amendment had been proposed and adopted, it would effectively have nullified the Supreme Court's landmark decision in Brown versus Board of Education and would have permitted the continuation of deliberate racial segregation of the public schools in both the North and South.

This proposed constitutional amendment is another significant piece of evidence of Mr. Rehnquist's unremitting hostility to racial equality. He is an arch enemy of civil rights and unfit to be the Chief Justice of the United States. I ask that the Rehnquist memoranda, analyses by civil rights experts, and news reports about the memos be inserted in the RECORD at this point. I urge my colleagues to read these materials carefully before deciding how to cast their vote on this nomination.

The material follows:

[March 3, 1970]

MEMORANDUM FOR THE HONORABLE EGIL KROGH, JR., DEPUTY ASSISTANT TO THE PRESIDENT FOR DOMESTIC AFFAIRS

(Re Constitutional Amendment to Validate "Freedom of Choice" and "Neighborhood Schools")

1. *Description of Plans that are to be Validated.*

The words, "freedom of choice" and "neighborhood schools" do not arise in a vacuum but arise instead in the context of more than 15 years of litigation over what the Constitution does and does not permit local school boards to do when those boards deal with racially mixed student populations. *The critical issue in the South now,* which has in the past of course had in its schools a system of enforced segregation by race, *appears to be the "freedom of choice" plan,* whereunder a student is free to choose to attend some school or schools in the district other than the one to which he is initially assigned. *In the North, the critical issue* (though less in public focus at the moment than the issue of "freedom of choice" in the South.) *is that of de facto segregation, or the permissibility of neighborhood schools;* does the Constitution require a school district to take affirmative steps to achieve "racial balance" among its schools, even though the "imbalance" existing stems from residential segregation or other factors for which the school board is not responsible? Each of these two subjects is treated in greater detail below though the treatment is by no means exhaustive or compete.

(a) *"Freedom of Choice."* When the school board in Knoxville, Tennessee, sought to comply with the mandate of the Supreme Court of the United States in *Brown* v. *Board of Education,* it adopted a plan of geographic zoning for school attendance without regard to race, but it added to the plan a provision permitting a student whose race was in the *minority* in the school which he attended to transfer to any school in which his race was in the *majority.* This plan was attached by Negro plaintiffs, and in 1963 was held unconstitutional by the Supreme Court. *Goss* v. *Board of Education of Knoxville,* 373 U.S. (1963). The Court held that no *"official transfer plan or provision of which racial segregation is the inevitable consequence may stand under the Fourteenth Amendment."* 373 U.S. at 689. *The Court* specifically *reserved the question,* however, *of whether or not a transfer plan which was available to every student, regardless of the racial composition of his school, would be constitutional:*

"* * * We note that if the transfer provisions were made available to all students regardless of their race and regardless as well of the racial composition of the school to which he requested transfer they would have an entirely different case. Pupils could then at their option (or that of their parents) choose, entirely free of any imposed racial considerations, to remain in the school of their zone or to transfer to another." *Id.* at 687.

The Supreme Court obviously could have decided *Goss* on the very narrow ground that since race was a factor in determining whether or not a student had a right to transfer, and race as a criterion for classifying students had been invalidated by *Brown,* the transfer plan adopted in Knoxville

could not stand. However, by using the broader language—that no transfer plan "of which racial segregation is the inevitable consequence," the *Goss* opinion perhaps inadvertently led the way to much more sweeping pronouncements by the Court in the following years.

In 1968, the Supreme Court dealt with three transfer or "freedom of choice" plans which were available to *all* students within the district involved. In *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968), and *Raney* v. *Board of Education*, 391 U.S. 443 (1968), both involved situations in which the school board had not fundamentally altered the earlier *de jure* structure which had segregated schools by race, but now allowed unlimited transfer by any student to another school in the district.

The Supreme Court in both cases held that the "freedom of choice" plan was unconstitutional in what must be described as a "muddy" opinion. The Court appears to have been impressed by the fact that geographic zoning would have more effectively ended segregation, as would a system of zoning in which one of the schools involved has been made entirely elemantary, and the other, entirely secondary. *The Court appears to be saying that where such methods are available, a heavy burden is on the school board to explain why it chose a system of attendance zoning which would not be likely to produce integration.* The facts of *Green* and *Raney* themselves are rather limited, but the opinion of the Court is sufficiently vague and general as to project the rationale beyond the facts. The problem is increased by the decision handed down at the same time in the case of *Monroe* v. *Board of Commissioners of the City of Jackson*, 391 U.S. 450 (1968). Here the school board had changed from the old *de jure* segregated system of attendance zoning to a genuinely geographical section which divided the city into three zones. Negroes were more heavily concentrated in the central zone than in the east or west zones, but there were some in all zones; there were likewise whites in all zones. A provision of the plan allowed any student to transfer to any other school in the district in which space was available. The result of the combined geographic zoning and transfer provisions was that the west school was almost entirely white, the central school was entirely Negro, and the east school was genuinely mixed.

The Supreme Court, again speaking through Justice Brennan, held this plan unconstitutional. The Court's opinion, relying heavily on the *Goss* case as it did (and remembering that *Goss* had specifically reserved this point) can only be described as disingenuous: The Court objected to the plan because it had the effect of "resegregating" these schools, apparently reasoning that a school board which once had *de jure* segregation must pick the plan *most likely* to achieve integration, even though another school board would be perfectly free to choose a racially neutral plan which resulted in *"de facto"* segregation of some of the schools within a district.

It is apparent from the foregoing discussion that "freedom of choice" plans may vary from one another, *It would be quite possible to provide in a constitutional amendment that freedom of choice available to all students aimiflarly situated (without regard to race) should be valid,* but that a plan depending upon the racial composition of the school to trigger the transfer right (such as was involved in *Goss*) should remain invalid under the Fourteenth Amendment. If the constitutional amendment in question is to be urged on what seem to me to be the very tenable grounds that schools ought to be able to apply racially neutral principles in assigning pupils or otherwise classifying them, it is probably better that it limit itself to validation of the type of freedom of choice plans used in *Monroe, Green,* and *Raney* and not attempt to revive the type of plan used in *Goss.* On the other hand, if one wishes to go all the way with freedom of choice, an amendment of broader scope could be drafted.

(b) Many school districts, south and north, applying geographic attendance zoning, nonetheless end up with large concentrations of Negroes or other racial minorities in one or two schools in the district, and only a small sprinkling of these racial minorities in other schools of the district. Frequently such "racial imbalance" results from various forms of residential segregation, or other factors over which the school board has no control. It has been contended in various cases throughout the United States in the past decade that *"de facto"* segregation, characterized by "racial imbalance", is itself violative of the equal protection clause of the Fourteenth Amendment. The lower federal courts have divided in their answer to this question, and no case involving it has been decided by the Supreme Court of the United States. In the course of litigating this issue, however, subsidiary and related issues have been developed in some of the cases. The United States Court of Appeals for the Seventh Circuit, in *Dell* v. *School Board of Gary, Indiana*, 324 F.2d 209 (7th Cir., 1963), and the United States Court of Appeals for the Tenth Circuit in *Downs* v. *Board of Education*, 336 F.2d 988, have both held that *"de facto"* segregation does not violate the Fourteenth Amendment. In each case, the Supreme Court of the United States denied certiorari: 377 U.S. 924; 380 U.S. 914. On the other hand, the United States District Court for the District of Massachusetts, in *Barksdale* v. *Springfield School Committee*, 237 F.Supp. 543 (1965) held that the neighbor/school policy "must be abandoned or modified when it results in segregation in fact." Other federal district courts, either in holding or in *dicta*, have adopted the same position.

Therefore, while *there is no authoritative final judicial holding from the Supreme Court that neighborhood schools or "de facto" segregation violate the Fourteenth Amendments, there is likewise no solid body of judicial authority from the lower courts holding to the contrary.* In view of what appears to be a large body of public support for the idea of neighborhood schools, free from the supervision by the federal courts, *it would appear to be sound policy to couple with any amendment validating "freedom of choice" plans a related provision validating "neighborhood school" plans.*

2. *Should validation of plans be done by constitutional amendment or by statute?* There are arguments pro and con on this point, but I believe that once the decision is made to validate them, *the arguments in favor of doing it by a constitutional amendment heavily preponderate.*

(a) The subject is a sufficiently detailed and specialized one that it ought not be the subject of a constitutional amendment. This argument certainly must be given some weight, but its import depends largely on how detailed the proposed validation is to be. If one were to go on for several pages describing the exact responsibilities of federal courts, school boards, and the like, it would of course be ridiculous to put in the form of a constitutional amendment. However, if one were to state principles in one or two paragraphs, such a statement would be quite consistent with other constitutional amendments that have been adopted.

Embodiment of the validation in a statute would invite unnecessary detail and would likewise invite frequent reopening of heated debates on the subject. To the extent that the validation or partial validation of these plans turns into a detailed catalogue of what school boards may and may not do in particular situations, it has the collateral effect of inserting federal courts still further into the business of operating schools, rather than at least partially withdrawing them from that business. Likewise, what is validated by statute may likewise be invalidated by repeal or amendment of the statute, and the temptation would be constant, in a subject as controversial as this, to at least argue about reopening the debate or amending the statute in every session of Congress.

(b) Any statute (like most constitutional amendments) will involve compromise and some concession by a wide spectrum of public opinion; some will feel the statute validates less than they would like in the way of local school autonomy, while others will doubtless feel that it grants more than it should in the way of such autonomy. Unfortunately, from a constitutional point of view, as stated by Alex Bickel in our conversation on Sunday, the political "left" cannot deliver its vote in the same manner as the political "right" can, since any member of the political "left" has available to him a court challenge to those parts of the measure which he does not like on the grounds that they violate the Fourteenth Amendment. The basis for a congressional authority over the subject is the power granted under the Fourteenth Amendment to enforce the terms of the amendment by appropriate legislation; however, in *Katzenbach* v. *Morgan*, 384 U.S. 641, the majority noted in a footnote that while Congress could by legislation enlarge rights conferred by the Fourteenth Amendment, it could not circumscribe those rights by legislation. Since any significant validation of "freedom of choice" would clearly impinge on the court's opinion in *Monroe*, it is questionable whether the validation provisions of any statute would withstand constitutional attack.

(c) *Precedents are ample for constitutional amendments which overrule a particular holding of the Supreme Court of the United States—the Twelfth Amendment, overruling the Supreme Court's decision in Chisholm* v. *Georgia, and the Sixteenth Amendment, overruling the Court's decision in Pollack* v. *Farmers Loan and Trust,* are but two examples.

3. *What should be the coverage of the validating provision?*

Several possible limits to the constitutional validation of these plans suggest themselves, from the narrowest to the broadest.

(a) *The validation could be limited to simply removing from the Federal Constitution any prohibition against "freedom of choice"* or *neighborhood school plans of school attendance.* The result of this limitation would be that Congress, to the extent of its constitutional power, would be authorized to prohibit or curtail such plans, and states or local governments would likewise

be free to choose them or reject them as they saw fit.

(b) The *middle ground* would be *to validate them so far as the federal government was concerned—to state that not only the Constitution does not prohibit them, but that Congress should have no power to prohibit or curtail them*—leaving to the states and local governments the option to adopt or reject them as they saw fit.

(c) The broadest reach of the validation provision would be *to in effect guarantee to each local school board the right to adopt a freedom of choice plan or a neighborhood school plan, regardless of any contrary legislation on the part not only of Congress but of state legislatures.*

Since the Republican Party has traditionally favored local control on matters such as schools, it seems to me that the breadth of this last proposal is undesirable. I also have some doubt as to whether one would want to disable Congress from addressing itself to this subject at some future date, although the choice between the first two possibilities appears to be a rather close one compared to the choice between either of them and the third.

WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

Section 1. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from *assigning persons to its educational facilities on the basis of geographic boundaries,* provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

Section 2. No provision of the Constitution shall be construed to prohibit the United States, any States, any State, or any subdivision of either, from permitting persons to *transfer voluntarily* among its educational facilities, provided only that such transfers are uniformly available to all persons within its jurisdiction.

[March 5, 1970]

MEMORANDUM FOR THE HONORABLE EGIL KROGH, JR., DEPUTY ASSISTANT TO THE PRESIDENT FOR DOMESTIC AFFAIRS

(Re: Supplemental Comments: Constitutional Amendment, Together with Second Draft of Proposed Article 26)

I enclose a revised draft of the proposed constitutional amendment which you had earlier requested.

The second draft differs from the first draft in that section 2 has been lengthened to make clear that "freedom of choice" plans are to be protected in two different situations—(a) where all persons within a school district have the right to transfer, or (b) where the right of transfer is accorded to less than all persons on a basis related to school capacity, availability of transportation, availability of curriculum, safety, or similar non-racial considerations. The second draft also makes clear that the "freedom of choice" protection extends not only to plans calling for transfers on the basis of freedom of choice, but also to those which call for initial assignment on the basis of freedom of choice.

I wish to supplement my earlier memorandum with an additional observation as to the problem with which we seek to deal, and some of its manifestations. There has been traditionally thought to be a rather sharp line dividing "de jure" segregation from "de facto" segregation, and it is commonly accepted that although most "de jure" segregation is in the South, there are scattered examples of it in the North. If "de jure" segregation is taken to mean that imposed by law, it could conceivably cover any of three different situations, depending on how broadly one wishes to take the definitional language:

(a) statute or school board regulation which by its terms requires all blacks to go to one set of schools, and all whites to another set of schools. This is the type of school system which prevailed in the South prior to the decision of the Supreme Court of the United States in *Brown* v. *Board of Education* in 1954; it is the classical type of "de jure" segregation, and is largely now abandoned throughout the South and really has not been employed in the North (apart from the so-called border states) for a long time.

(b) The "gerrymander" in which the governing school regulation speaks in terms of geography, but in fact the district is carved up in such a way that one can tell merely by the way the lines are drawn that the basis for drawing them was race, or some other consideration external to school administration.

(c) The system which may prevail in some northern communities, whereby a perfectly rational system of geographic attendance zones is established, which are perfectly justifiable in terms of administrative considerations, and yet which were adopted by the local school board at least partly because they would make some schools largely white, and others largely black.

The courts have been by no means clear in distinguishing between these three different types of segregation which might fall under the brand definition of "de jure", but I think that in drafting a constitutional amendment one must consider the broadest possible definition as well as the narrower one. Section 1 of proposed Article 26 is designed to avoid validating types (a) and (b), which are the classical situations referred to by the term "de jure", but to validate type (c). The argument against validating the type of system described in (c) is that if it was adopted with a motive or partial motive of separating the races in the schools, it is "tainted" under the general principle of *Brown* and should be cast out. The arguments contrary, which I believe to be more weighty are basically practical ones; it is simply not feasible to try, as an issue of fact in a law suit, the intent of a multi-member school board in adopting one districting plan as opposed to another. If one were to make intent critical, it is conceivable that a district court could find a zoning plan of one city invalid under the Fourteenth Amendment, whereas a district court in the next state might find an identical zoning plan of an identical city valid on identical facts, giving the usual latitude to the trier of fact in assessing intent. This is simply not the way to "run a railroad"; and the principle decisions dealing with de lure segregation in the North have tended to go on the basis that a particular decision as to zoning could only have resulted from racial considerations.

Section 1 in effect substitutes the classical due process "rational connection" test for a test of actual intent of the various school board members. If the zoning plan adopted bears a reasonable relationship to educational needs—if fair-minded school board members could have selected it for non-racial reasons—it is valid regardless of the intent with which a particular school board may have chosen it. The result is to give some certainty to school boards, and not make every zoning attendance plan in a multi-racial school district depends on how the local federal district judge sizes up the state of mind of the various school board members.

WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

[Second Draft, March 4, 1970]

PROPOSED ARTICLE 26

Section 1. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from assigning persons to its educational facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

Section 2. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from permitting persons to choose or transfer voluntarily among its educational facilities, provided only that the opportunity to choose or transfer is available either to all persons within its jurisdiction or to any eligible person, when standards of eligibility are reasonably related to school capacity, availability of transportation, availability of curriculum, safety or other similar considerations.

ANALYSIS OF PROPOSED REHNQUIST AMENDMENT

(By William Taylor)

I. INTRODUCTION

In March 1970, William Rehnquist, as Assistant Attorney General in charge of the Office of Legal Counsel, wrote two memoranda to the Nixon White House proposing an amendment to the Constitution which would have sharply curtailed the powers of federal courts to remedy unlawful segregation of the public schools. The Rehnquist memo states that it is submitted in response to a request from Egil (Bud) Krogh, Jr., a White House assistant to John Erlichman.

Rehnquist's proposal, if it had become law, would effectively have nullified the Supreme Court's landmark decision in *Brown v. Board of Education* (347 U.S. 483) and would have permitted the continuation of deliberate racial segregation of the public schools by state and local officials in both the North and the South.

It is important to note that Rehnquist's amendment was not intended as an "anti-busing" proposal, i.e., one which would limit the use of a particular remedy for segregation. The amendment was proposed a year before the Supreme Court in the Swann case validated the use of busing as a tool for desegration and nowhere in his memo does Rehnquist mention "busing" as the issue. Rather, the memo is a straight-out pro-segregation proposal explicitly designed to legitimate deliberate racial segregation.

II. THE REHNQUIST AMENDMENT

Rehnquist's proposal for a 26th Amendment to the Constitution, as contained in a "second draft" on March 5, 1970, consists of two independent sections. Section I deals with "geographic" assignments to public schools and Section 2 deals with "freedom of choice." They will be analyzed in reverse order.

A. Freedom of choice

Section 2 reads as follows:

No provision of the Constitution shall be construed to prohibit the United States, or any State, or any subdivision of either from permitting persons to choose or transfer voluntarily among its education facilities, provided only that the opportunity to choose or transfer is available either to all persons within its jurisdiction or to any eligible person, when standards of eligibility are reasonably related to school capacity, availability of transportation, availability of curriculum, safety or other similar consideration.

To explicit purpose of this amendment was "validation of the type of freedom of choice plans used in Monroe, Green, and Raney," [1] three recent Supreme Court decisions that had determined that the plans were constitutionally inadequate remedies because they did not result in desegregation of the public schools.

In the mid 1960's "freedom of choice" plans were the last weapon left in the arsenal of massive resistance in the South. Under such plans, white and black parents were offered a choice of public schools in which their children could be enrolled. If they did not exercise their option to "transfer," their children would continue to be assigned to their previously racially segregated schools. Few white parents chose to enroll their children in previously all black schools. Many black parents did not exercise the transfer option either. In 1967, after an investigation, the U.S. Commission on Civil Rights found that among the factors which deterred transfer were "a fear (by black citizens) of retaliation and hostility from the white community," "actual violence, threats of violence and economic reprisal by white parents" in some areas of the South during the 1966–67 school year, and improper influence by public officials on black families.[2]

Freedom of choice was a very effective device in limiting school desegregation. In the 1964–65 school year, 10 years after the Brown decision and in the year that the Civil Rights Act of 1964 was enacted, only 2 black children in 100 in the 11 states of the Deep South were attending public school with whites. In 1968–69, after HEW in enforcing Title VI of the Civil Rights Act had declared that freedom of choice was impermissible unless it produced desegregation and right after the Supreme Court's decision to the same effect, 1 black child in 5 in the Deep South was attending school with whites. By 1972–73 when the Green decision had become fully effective almost half (46.3 percent) of black children were in desegregated schools.

Rehnquist's proposed constitutional amendment would have returned the South to the old order with only a handful of courageous black families standing as exceptions to the general regime of segregation. It is true that Rehnquist was ready to place a limit on his effort to legitimate freedom of choice plans. His memo suggests that it might not be prudent to "revive the type of plan used in [the] Goss [case]," a plan under which students were allowed to transfer only if they were in the minority race in the school to which they were assigned.

Rehnquist had no problem, however, in reviving a Green-type freedom of choice plan—a school district with only two schools, one which remained all black after the plan was instituted and the other almost all white, a district where any kind of geographic plan would have resulted in substantial desegregation (in fact, busing was being used to maintain segregation). And despite the explicit racial character of Goss-type plans, Rehnquist was amenable to reviving them as well, stating that "if one wishes to go all the way with freedom of choice, an amendment of broader scope could be drafted." [3]

B. Geographic assignment

Section 1 of the Rehnquist amendment reads as follows:

No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either from assigning persons to its education facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

While on first reading, this provision may seem fairly innocuous, Rehnquist makes it plain in his memos that it is drafted to permit school boards to adopt geographic assignment plans that are consciously designed to segregate black and white students.

Rehnquist acknowledges that there is an argument against validating a geographic assignment system that was adopted by a school board "at least partly because they would make some schools largely white and others largely black." The argument, he says, is that such a system "is 'tainted' under the general principle of Brown and should be cast out." But, Rehnquist says, there are "more weighty" arguments on the other side, basically that "the intent of a multi-member school board" is difficult to determine and that an intent test could lead to different results in different jurisdictions.[4]

So, what Rehnquist arrives at is neither an intent test nor an effects test, but a "rational connection" test that would allow school boards very wide latitude to engage in all kinds of racially discriminatory schemes. He puts it this way:

If the zoning plan adopted bears a reasonable relationship to educational needs—if fair-minded school board members *could have selected it for non-racial reasons*—it is valid *regardless of the intent* with which a particular school board may have chosen it.[5]

The impact of the Rehnquist amendment would have been devastating. In the North, the amendment would anticipatorily have prevented the rulings of the Supreme Court in the Denver, Columbus, and Dayton cases that intentionally segregative actions by school boards violated the 14th Amendment even where there was no official policy of segregation. (These were all rulings from which Justice Rehnquist strongly dissented.) The Rehnquist amendment would have allowed a school board to deliberately select sites for schools in the heart of black neighborhoods, draw attandance zones to assure that the schools would be black and then justify its actions on grounds that a "fair-minded" school board "could have" adopted that type of plan for non-racial reasons.

In addition, the Rehnquist amendment would have allowed a school board to add mobile classrooms to overcrowded black schools rather than transfer students to nearly white schools that were under-enrolled. This would occur even if the president of the school board, in proposing the action said, "We must find a way to keep the niggers ' their own schools." Under the Rehnquist .mendment, the school board president's statement would be legally irrelevant because the use of mobile classrooms in geographic attendance zones is in some circumstances a standard technique "reasonably related": to dealing with problems of "school capacity."

If, in the North, the Rehnquist amendment would have barred whites from finding racially discriminatory schemes violative of the Constitution, in the South, it would have sanctioned racially discriminatory remedies for official segregation. A school board that for more than half a century had run a state-sanctioned racially dual school system could simply, with malice aforethought, substitute a racially discriminatory "geographic attendance" or "freedom of choice" plan and continue with very little change.

III. WHY REHNQUIST WANTED A CONSTITUTIONAL AMENDMENT RATHER THAN A STATUTE

Some might say that in recommending that the Nixon Administration might proceed to curtail 14th Amendment rights by constitutional amendment rather than statute, Rehnquist was taking the responsible course, i.e., not tampering with the separation of powers. But the reasons stated by Rehnquist are far less elevated. He was concerned that if his proposals were put in statutory form they could well be ruled unconstitutional by the Supreme Court (". . . (A)ny Member of the political 'left' has available to him a court challenge . . ." "It is questionable whether the validation provisions of any statute would withstand Constitutional attack.")[6]

Moreover, Rehnquist says, passage of a constitutional amendment would insulate his proposals from easy change ("Likewise, what is validated by statute may be invalidated by repeal or amendment of the statute.") [7]

In short, Rehnquist wanted a constitutional amendment because he wanted to work foundamental and permanent change in the 14th Amendment.

IV. CONCLUSION

The implications of the Rehnquist amendment go far beyond the text of the amendment itself, as drastic as that is. Rehnquist clearly wanted to make fundamental changes in 14th Amendment jurisprudence. Even in the years when *Plessy* was still the law, the Supreme Court had set down some basic principles for the protection of black people. It had said that statutes that operate to discriminate violated equal protection even if they were not discriminatory on their face. (Yick Wo v. Hopkins) It had said that the Constitution requires the nullification of discriminatory schemes whether they are "ingenious or ingenuous, sophisticated or simple-minded" (Lane v. Wilson). It had said that racial classifications, explicit or implicit, were suspect and subject to the strictest scrutiny.

Rehnquist's amendment would have violated all those principles. It would have validated laws that operated to discriminate. It

[1] Rehnquist March 3 memo, p. 4.

[2] USCCR report cited in *Green v. County School Board of New Kent County*, 391 U.S. 430, 440 n.5 (1968). The Supreme Court did not adopt or reject the Civil Rights Commission findings. Rather than hinging the validity of freedom of choice plans on the presence or absence of physical or economic threats (which would have set off a new, time consuming round of litigation throughout the South), the Court chose the simpler gauge of whether the plan actually produced desegregation.

[3] Rehnquist March 3 memo, p. 4.

[4] Rehnquist March 5 memo, pp. 2–3.

[5] Rehnquist March 5 memo, p. 3.

[6] Rehnquist March 3 memo, p. 7.

[7] Id. at p. 6.

would have sanctioned discrimination as long as it was "sophisticated" rather than "simple-minded." And it would have used the loosest test of constitutionality—the "rational connection" test, one that had never been used where racial discrimination was at stake.

The great purposes for which the 14th Amendment was adopted to secure equal treatment under law for the newly emancipated slave would have been impaired by Rehnquist's amendment, perhaps forever.

It is not clear from the memo itself whose idea it initially was to attack school desegregation. But it is clear that in William Rehnquist, the Nixon Administration had an architect without peer—one who would tear down the newly built structure of equality and rebuild the old one of racism.

ANALYSIS OF PROPOSED REHNQUIST AMENDMENT

(By Eric Schapper)

"FREEDOM OF CHOICE" PLANS

"Freedom of choice" was in 1970 the primary technique adopted by southern officials to segregate the public schools. In the wake of *Brown* v. *Board of Education* many segregated school districts in the south adopted so-called "freedom of choice" plans. This approach marked a reversal of the normal educational practice of assigning students to specific schools, and was taken by school boards for the purpose of preserving segregation. Freedom of choice plans were overwhelming successful as methods to preserve segregation in the public schools. White parents refused to transfer their children to schools attended by blacks, and black parents were generally afraid to transfer their children to white schools. Harassment of the few black children who sought to attend white schools was widespread. U.S. Commission on Civil Rights, "Survey of School Desegregation in the Southern and Border States 1965-66," pp. 35-41, 51-52. Under freedom of choice plans across the south less than 1% of blacks ever attended schools with any whites. *Id.*, p. 30.

In 1968 the Supreme Court unanimously held in three decisions that the use of freedom-of-choice plans was unconstitutional where they resulted in continued segregation of the public schools. *Green* v. *School Board of New Kent County*, 391 U.S. 430 (1968); *Raney* v. *Board of Education of Gould School District*, 391 U.S. 443 (1968); *Monroe* v. *Board of Commissioners of City of Jackson*, 391 U.S. 450 (1968). The Supreme Court noted that in one of these cases school officials frankly conceded the plan was adopted to assure continued segregation of the races. *Monroe* v. *Board of Commissioners*, 391 U.S. at 459. Under the freedom of choice plans in *Green*, *Raney*, and *Monroe* no white children opted to attend school with blacks, and only a handful of black children dared to attend white schools.

The Rehnquist proposal to constitutionalize freedom of choice was intended to preserve, not limit, the busing of school children. Because blacks and whites in rural southern counties frequently lived in the same neighborhoods, the operation of segregationist freedom of choice plans often resulted in the massive busing of students out of the neighborhoods in which they lived:

"The vehicles traveled long distances to carry Negro children past white schools to Negro schools, and white children past Negro schools to white schools."

U.S. Commission on Civil Rights, "Racial Isolation in the Public Schools," v. 1, p. 68. (1967). *Green*, was just such a case in which massive busing was used to preserve segregation under freedom of choice.

"There is no residential segregation in the country; persons of both races reside throughout. . . . The record indicates that . . . school buses . . . travel overlapping routes throughout the county to transport pupils to and from the . . . schools."

391 U.S. at 432.

"[H]ere the Board, by separately busing Negro children across the entire county to the "Negro" school, and the white children to the "white" school, is deliberately maintaining a segregated system.'

391 U.S. at 442 n. 6. In *Green* it was the civil rights plaintiffs who urged a return to neighborhood schools, and the proponents of freedom-of-choice that favored continued busing.

The Rehnquist Amendment would have overruled *Brown* and its progeny in two critical respects. First, the Amendment would have rendered freedom-of-choice plans constitutional regardless of the purpose for which they were adopted. This proposal to immunize the motives of school officials from judicial scrutiny was of considerable importance, since in many cases, including both *Green* and *Monroe*, those motives were clearly racial. Second, the Amendment would have relieved southern school officials of any obligation to desegregate the public schools once a freedom-of-choice plan was adopted. Had such a constitutional amendment been ratified, the public schools in the south would be virtually as segregated today as they were prior to *Brown*.

GERRYMANDERING OF ATTENDANCE ZONES

As of 1970 racial gerrymandering of school attendance zones was the primary method utilized by northern officials to segregate the public schools in that region. In 1967 the U.S. Commission Civil Rights concluded:

"In determining such discretionary matters as the location and size of schools, and the boundaries of attendance zones, the decisions of school officials may serve . . . to intensify . . . racial concentrations . . . [D]ecisions by school officials in these areas frequently have had the effect of reinforcing racial separation of students."

"Racial Isolation in the Public Schools," v. 1, p. 202. The Commission's report contained a detailed discussion of instances of international racial gerrymandering of attendance zones. *Id.* at 42-51.

As of 1970 it was clear that such intentionally discriminatory conduct was unconstitutional, and the federal courts had repeatedly invalidated such racist schemes *Clemons* v. *Board of Education*, 228 F. 2d 853 (6th Cir.), *cert. denied*, 350 U.S. 1006 (1956); *Taylor* v. *Board of Education*, 191 F. Supp. 181 (S.D.N.Y.), *aff'd* 294 U.S. 940 (1961); *Wheeler* v. *Durham City Board of Education*, 346 F.2d 768 (4th Cir. 1965); *Evans* v. *Buchanan*, 207 F. Supp. 820 (D. Del. 1962); *Northcross* v. *Board of Education*, 333 F.2d 661, 663 (1964); *Monroe* v. *Board of Commissioners*, 244 F. Supp. 353 (W.D. Tenn. 1965); *Webb* v. *Board of Education*, 223 F. Supp. 466, 468-69 (N.D. Ill. 1963).

The Rehnquist Amendment was expressly intended to overturn these decisions, and to overrule *Brown* insofar as that case forbade intentional racial gerrymandering to segregate the public schools. The Amendment forbade racial gerrymandering in some extremely blatant cases, but the existence of a racist motive would itself have been entirely permissible. With that exception, a deliberate return to separate-but-equal school would have been permitted by the Rehnquist plan to the extent that segregation could be achieved by international racial discrimination in the drawing of school attendance zones.

[From the Los Angeles Times, Sept. 7, 1986]

REHNQUIST PLAN SOUGHT HALT OF DESEGREGATION

(By David G. Savage)

WASHINGTON.—Chief Justice-designate William H. Rehnquist, while a top attorney in the Nixon Administration, drafted a proposed constitutional amendment that would have halted the desegregation of the nation's public schools.

Rehnquist's plan, evidently prepared at the request of the White House in 1970 but never publicly proposed, sought to overturn Supreme Court rulings in the late 1960s that brought about desegregation in the South. The amendment also would have halted busing for desegregation in the rest of the nation.

NOT PREVIOUSLY RELEASED

In a memo accompanying the proposal, Rehnquist says his amendment would stop federal courts from interfering even if local officials set up school attendance boundaries "with a motive of partial motive of separating the races in the schools."

The memo and the proposed amendment, made available to The Times on Saturday, were not included in material released to the Senate last month by the Justice Department.

Veteran civil rights attorney William Taylor said Saturday that the proposed amendment, if adopted, would have "effectively nullified" the Supreme Court's landmark desegregation decision in the 1954 case of Brown vs. Board of Education "and preserved segregated schools."

Eric Schnapper, an attorney for the NAACP Legal Defense Fund, called the memo "a smoking gun * * * which confirms everybody's worst fears about his views on racial segregation."

But Justice Department spokesman Terry Eastland downplayed the memo. "I don't see much that's new in this. The civil rights groups are pulling out all the stops, but I don't see any reason why this will change any vote one way or the other," Eastland said.

The Senate begins debate this week on Rehnquist's nomination as chief justice. Although civil rights groups and some Senate Democrats have bitterly opposed President Reagan's choice of Rehnquist to lead the high court, his supporters have been confident that he will win confirmation with a solid majority.

Under the constitutional revision drafted by Rehnquist, then an assistant attorney general in the Justice Department's Office of Legal Counsel, school officials would be immune from federal court suits if they assigned children to schools in their neighborhood or if they permitted them a "freedom of choice" among schools.

In 1968, a unanimous Supreme Court, frustrated by Southern resistance to desegregation, struck down a "freedom of choice" plan in Virginia. Although said to be a remedy for official segregation, the court concluded that "freedom of choice" was actually a dodge for it, because white parents were permitted to bus their children to the

one predominantly white school in the county.

PROVIDES CRITERIA FOR CHOICE

Rehnquist's proposal, dated March 4, 1970, would have revised the Constitution so courts could not prohibit plans from "permitting persons to choose or transfer voluntarily among its educational facilities, provided only that the opportunity . . . is available to all persons within its jurisdiction or to any eligible person" whose numbers could be limited by "school capacity, availability of transportation, safety or other similar considerations."

Another part of the proposed Article 26 of the Constitution would have declared legal any school plans that assign "persons to its educational facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation safety or other similar considerations."

Rehnquist's memo was sent to Egil Krogh Jr., then a deputy assistant to President Richard M. Nixon for domestic affairs. His proposal did not endorse de jure segregation, "the type of school system which prevailed in the South prior to the decision of the Supreme Court in Brown vs Board of Education in 1954," Rehnquist noted. Before this decision, black students were sent by law to all-black schools, and white students were assigned to all-white schools.

GEOGRAPHIC ATTENDANCE ZONES

Neither would it support a "gerrymander" of school boundaries where a "district is carved up in such a way that one can tell merely by the way the lines are drawn that the basis for drawing them was race," Rehnquist wrote.

However, he wrote, school officials may have set up a "perfectly rational system of geographic attendance zones" that are "perfectly justifiable * * * and yet which were adopted by the local school board at least partly because they would make some schools largely white and others largely black."

Rehnquist continued: "The argument against validating the type of system described (above) is that if it was adopted with a motive or partial motive of separating the races in the schools, it is 'tainted' under the general principle of Brown and should be cast out. The arguments contrary, which I believe to be more weighty, are basically practical ones."

Courts should not be asked to discern the "intent of a multimember school board in adopting one districting plan as opposed to another," he argued.

"If the zoning plan adopted bears a reasonable relationship to educational needs—if fair-minded school board members could have selected it for non-racial reasons—it is valid regardless of the intent which a particular school board may have chosen it," Rehnquist concluded.

SEPARATING BLACKS, WHITES

Schnapper, a civil rights lawyer, said the Rehnquist proposal "makes it crystal clear that intentional segregation by government officials ought to be permitted."

After 1971, federal courts throughout the nation ordered desegregation when school boards were found to have juggled attendance zones or built new schools in a way that tended to separate black and white children.

Rehnquist's proposal was "a well-thought-out plan to overrule the Brown decision," Schnapper said. "He had one part to facilitate segregation in the North through gerrymandering and another part to facilitate it in the South through freedom of choice. This is also absolutely consistent with the view expressed in the memo to Justice (Robert H.) Jackson."

In a controversial memo written in 1952, Rehnquist, then a Supreme Court law clerk for Jackson, said the "separate but equal" doctrine of racial segregation enunciated in 1896 was "right." In his confirmation hearings in 1971 and again this year, Rehnquist has maintained that the views expressed were Jackson's, not his.

JUSTICE REFUSES COMMENT

Rehnquist, contacted Saturday through Supreme Court spokeswoman Toni House, refused to comment on the newly disclosed memo.

In 14 years on the high court, Rehnquist has repeatedly dissented from decisions in favor of desegregation or affirmative action, saying that the Constitution requires "racially neutral" actions. In 1973, in his second year on the court, Rehnquist filed a lone dissent against a desegregation order for Denver, saying that the Constitution does not "require school boards to affirmatively undertake to achieve racial mixing in the schools."

Eastland of the Justice Department defended the 1970 memo, saying: "There were a lot of questions unsettled then. This would not have been an extreme or unusual position. There was also a lot of anti-busing sentiment in the country that helped elect Richard Nixon."

TEXT OF THE PROPOSED AMENDMENT

Following is the text of the second (and apparently final) draft of a proposed constitutional amendment on school desegregation drafted in 1970 when William H. Rehnquist was assistant attorney general in charge of the Office of Legal Counsel.

PROPOSED ARTICLE 26

Section 1. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from assigning persons to its educational facilities on the basis of geographic boundaries, provided only that such boundaries are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

Section 2. No provision of the Constitution shall be construed to prohibit the United States, any State, or any subdivision of either, from permitting persons to choose or transfer voluntarily among its educational facilities, provided only that the opportunity to choose or transfer is available to all persons within its jurisdiction or to any eligible person, when standards of eligibility are reasonably related to school capacity, availability of transportation, safety or other similar considerations.

[From the Washington Post, Sept. 8, 1986]

REHNQUIST AND JUSTICE

(By Dorothy Gilliam)

In an article in the New York Times in 1985, Supreme Court Justice William Rehnquist said "I don't think that my views have changed much from the time" when he was a law clerk to Justice Robert H. Jackson in the early 1950s. That may be exactly the problem with Justice Rehnquist. He hasn't changed over the years.

The Senate Judiciary Committee voted 13 to 5 last month, after lengthy hearings, to approve Justice Rehnquist's nomination as chief justice of the United States.

Sometime this week the full Senate will take up Justice Rehnquist's nomination to an office that would make him guardian of our traditions of rule of law and equal justice for all.

The Senate should reject Justice Rehnquist, not because of his conservative ideology, but because he has displayed a consistent hostility to equal justice under law in three interrelated areas—commitment to the principles of nondiscrimination, enforcement of the Bill of Rights and enforcement of civil rights statutes.

Setting out his early views regarding discrimination in several memoranda that he wrote for Justice Jackson during his clerkship, Rehnquist argued that the infamous-separate-but-equal doctrine of *Plessy* v. *Ferguson* that gave legal sanction to segregation "was right."

For Rehnquist the principle of majority rule included a right on the part of the majority to rule unpopular minorities in a discriminatory manner.

Therefore, on the eve of the 1954 Supreme Court school desegregation decision that helped open up the society to black Americans, Rehnquist, the young law clerk, was urging that racial segregation not be ruled unconstitutional.

During Rehnquist's 15 years on the bench, the Supreme Court has decided 14 race discrimination cases brought by or on behalf of blacks in which he cast the deciding vote.

In every one of these race discrimination cases, he cast that vote against the black complainant. (Although he has in some instances voted to uphold a claim of racial discrimination against a black, he has done that only in cases in which all other members of the court, or all but one other member, agreed that the black complainant should prevail.)

Moreover, Rehnquist was the only member of the Supreme Court who favored granting tax-exempt status for racially segregated private schools. According to Elaine Jones of the NAACP Legal Defense and Educational Fund Inc. in a recent analysis of the Rehnquist judicial record, "Judge Rehnquist reached the wrong result . . . not because he did not understand the tax code, but because, as was the case when he wrote his memoranda for Justice Jackson, [he] did not understand that racial discrimination is an evil of extraordinary gravity."

But Justice Rehnquist showed a similar blind consistency in sex discrimination cases. The only member of the court who says that the government can deny unemployment benefits to a jobless woman who is seeking work if she is pregnant or has recently given birth, Rehnquist also was the sole dissenter in six cases in which a statute or practice that discriminated on the basis of sex was held unconstitutional.

In 124 Supreme Court cases regarding enforcement of the Bill of Rights, Justice Rehnquist cast the deciding vote against enforcement of the constitutional claim 120 times. The society of professional journalists, Sigma Delta Chi, found that on First Amendment free speech rights alone, Rehnquist cast an unfavorable vote in 69 of 80 cases. And if Rehnquist's views about religion were to prevail, the federal and state governments would be free to champion religious worship aggressively.

His record on enforcing civil rights statutes is equally dismal. Among 83 cases in which members of the court have disagreed about how to interpret or apply a statute, Rehnquist has voted on 80 occasions for the interpretation or application least favorable

to minorities, women, the elderly or the disabled, according to the NAACP/LEDF analysis.

"To put someone like this in a public office so entrusted with responsibility would be tragic and perverse," said Ralph Neas of the Leadership Conference on Civil Rights.

Anyone who has the welfare of our nation at heart must agree. Our country's emergency from the long night of inequality and oppression was too costly and painful, and the gains too fragile, to jeopardize with Rehnquist's elevation.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1987

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 833, H.R. 5234, the Interior appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5234) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[**$380,370,000**]** *$474,029,000, of which $75,000,000 for firefighting and $5,000,000 for insect and disease control projects, including grasshoppers, shall remain available until expended***[**: *Provided,* That none of the funds appropriated herein may be expended to approve mining operations conducted under the Mining Law of 1872 (30 U.S.C. 22, et seq.) unless operators are required to post a reclamation bond for all operations involving significant surface disturbance, including all disturbances of more than five acres per year, such bond to be for an amount estimated by the Bureau of Land Management to cover the costs of reclamation: *Provided further,* That evidence of an equivalent bond posted with a State agency may be accepted in lieu of a separate bond**]**.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[**$1,200,000**]** *$2,800,000,* to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, **[**$850,000**]** *$300,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[**$54,260,000**]** *$55,642,000,* to remain available until expended: *Provided,* That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), *but not less than $10,000,000 (43 U.S.C. 1901),* and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses**[**: *Provided further,* That the dollar equivalent of value, in excess of the grazing fee established under law and paid to the United States Government, received by any permittee or lessee as compensation for an assignment of a grazing permit or lease, or any grazing privileges or rights thereunder, and in excess of the installation and maintenance cost of grazing improvements provided for by the permittee in the allotment management plan or amendments or otherwise approved by the Bureau of Land Management, shall be paid to the Bureau of Land Management and disposed of as provided for by section 401(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701): *Provided further,* That if the dollar value prescribed above is not paid to the Bureau of Land Management, the grazing permit or lease shall be canceled**]**.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for surveys of Federal lands of the United States and for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within

thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge[; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $306,500,000] *$313,352,000,* of which $4,300,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which $6,411,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and shall remain available until expended[: *Provided,* That none of these funds may be used to compensate a quantity of staff greater than existed as of May 1, 1986, in the Office of Legislative Services of the Fish and Wildlife Service or to compensate individual staff members assigned subsequent to May 1, 1986, at grade levels greater than the staff replaced].

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; [$21,113,000] *$23,603,000,* to remain available until expended, of which $2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), [$3,000,000] *$10,561,000,* to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [$33,225,000] *$36,775,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 72 passenger motor vehicles for replacement only (including 72 for police-type use); purchase of 1 new aircraft for replacement only; not to exceed $300,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; *construction of permanent improvements for use as a forensics laboratory, and structures apputenant thereto, on a site leased by the Service;* and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $408,000 for the Roosevelt Campobello International Park Commission [and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $628,875,000] *$579,055,000,* without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) and $15,158,000 to be derived from unappropriated balances in the National Park Service "Planning, development and operation of recreation facilities" account: *Provided,* That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation[: *Provided further,* That none of these funds may be used to compensate a quantity of staff greater than existed as of May 1, 1986, in the Office of Legislative and Congressional Affairs of the National Park Service or to compensate individual staff members assigned subsequent to May 1, 1986, at grade levels greater than the staff replaced]*: Provided further, That $85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use: Provided further, That for expenses necessary to carry out the mission of the National Park Service for a period of time not to extend beyond fiscal year 1987, the Secretary of the Interior is authorized to charge park entrance fees for all units of the National Park System of an amount not to exceed $3.00 for a single visit permit as defined in 36 CFR 71.7(b)(2) and of an amount not to exceed $7.50 for a single visit permit as defined in 36 CFR 71.7(b)(1): Provided further, That the cost of a Golden Eagle Passport as defined in 36 CFR 71.5 is increased to a reasonable fee but not to exceed $25.00 until September 30, 1987: Provided further, That for units of the National Park System where entrance fees are charged the Secretary shall establish an annual admission permit for each individual park unit for a reasonable fee but not to exceed $15.00, and that purchase of such annual admission permit for a unit of the National Park System shall relieve the requirement for payment of single visit permits as defined in 36 CFR 71.7(b): Provided further, That funds derived from increasing National Park Service entrance fees pursuant to this Act shall be credited to the Operation of the National Park System appropriation account and shall be available, without further appropriation, for expenditure as determined by the Director of the National Park Service, first, to defray the cost of collection; second for maintenance, interpretation, research, and resources management at the collecting unit; and third, for maintenance, interpretation, research, and resources management at all units of the National Park System during fiscal year 1987.*

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [$10,904,000] *$10,277,000.*

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [$24,200,000] *$24,300,000* to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1988: *Provided,* That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further,* That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [$75,989,000] *$76,518,000,* to remain available until expended, of which $8,500,000 shall be derived by transfer from the National Park System Visitor Facilities Fund, including $2,700,000 to carry out the provisions of sections 303 and 304 of Public Law 95-290: *Provided,* That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $10,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under sec-

tion 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended[: *Provided further,* That for payments of obligations incurred for improvements to the George Washington Memorial Parkway, $2,500,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, subject to the availability of funds for an additional lane on the Theodore Roosevelt Bridge].

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$101,100,000] *$65,900,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended, including [$2,270,000] *$2,300,000* to administer the State Assistance program: *Provided,* That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $893,000 shall be available in 1987 for administrative expenses of the State grant program[: *Provided further,* That $300,000 for Apostle Islands National Lakeshore shall be available subject to authorization].

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,771,000.

[ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

[For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

[JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

[For operation of the Jefferson National Expansion Memorial Commission, $75,000.]

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 400 passenger motor vehicles, of which 348 shall be for replacement only, including not to exceed 300 for police-type use and 20 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided,* That any *annual* funds available to the National Park Service may be used, with the approval of the Secretary, to [maintain law and order in emergency and other unforeseen law enforcement situations and] conduct emergency search and rescue operations in the National Park System: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further,* That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further,* That the Secretary of the Interior shall begin processing claims of the licensees of the American Revolution Bicentennial Administration within 30 days of enactment of this Act, and that licensees who filed claims with the Department between July, 1984, and January, 1985, or who filed for relief from the Department under the Federal Tort Claims Act on December 31, 1979, or who were mentioned in the December 30, 1985, Opinion of the Comptroller General shall be eligible claimants: *Provided further,* That the Secretary shall process such claims [in accordance with the facts, methodologies, and criteria employed in the Amerecord, Inc. test case which was settled on August 20, 1983, and other applicable legal principles] *to determine whether any or all of such claimants ought to be awarded equitable compensation by the Congress, and, if so, in what amount: Provided further,* That these claims will be processed to completion in a judicious and expedient manner not to exceed one year from the date of enactment of this Act[: *Provided further,* That none of the funds in this Act may be used to issue a request for proposals to lease any or all of Glen Echo Park]: *Provided further,* That none of the funds made available by this Act may be used to plan or implement the closure of the Pacific Northwest Regional Office in Seattle, Washington.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$423,220,000] *$402,933,000*: *Provided,* That [$52,835,000] *$50,195,000* shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That in fiscal year 1987 and thereafter the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further,* That, heretofore and hereafter, in carrying out work involving cooperation with any State, Territory, possession, or political subdivision thereof, the Geological Survey may, notwithstanding any other provision of law, record obligations against accounts receivable from any such entities and shall credit amounts received from such entities to this appropriation.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 14 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Geological Survey, and that within appropriations herein provided, Geological Survey officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: *Provided further,* That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local government: *Provided further,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$162,893,000] *$153,987,000,* of which not less than [$45,354,000] *$41,617,000* shall be available for royalty management activities including general administration: *Provided,* That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of inter-

est in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further,* That in fiscal year 1987 and thereafter, the Minerals Management Service is authorized to accept land, buildings, equipment and other contributions, from public and private sources, which shall be available for the purposes provided for in this account[: *Provided further,* That notwithstanding any other provision of law, $125,000,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury].

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$126,429,000] *$130,965,000,* of which [$77,505,000] *$74,680,000* shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, *or any excess property or land,* and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts *except that proceeds from the sale of land or property shall be available for the purchase of other land and property.*

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; [$99,078,000] *$96,130,000,* and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1987.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, to remain available until expended, [$232,720,000] *$187,020,000,* to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided,* That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum[: *Provided further,* That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees]: *Provided further,* That the Secretary of the Interior may deny fifty percent of an Abandoned Mine Reclamation fund grant, available to a State pursuant to title IV of Public Law 95-87, when pursuant to the procedures set forth in section 521 of the Act, the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and the Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement[: *Provided further,* That none of the funds shall be used to implement any proposals for a cost-sharing matching fund in making State reclamation grants: *Provided further,* That the Office of Surface Mining Reclamation and Enforcement is to apportion the funding for the Secretary's discretionary fund, as referenced in section 402(g)(3) of Public Law 95-87, on the basis of the Abandoned Mine Lands Inventory]: *Provided further,* That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, [$892,328,000] *$887,666,000,* of which not to exceed [$56,418,000] *$54,918,000* for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), *and $20,000,000 for firefighting,* shall remain available for obligation until September 30, 1988, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1988: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), [$2,931,000] *$2,431,000,* to remain available until expended: *Provided further,* That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress[: Provided further, That none of the funds appropriated to the Bureau of Indian Affairs shall be used to move the Northern California agency office from Hoopa, California, unless a reprograming request has been submitted to and approved by the House and Senate Appropriations Committees]: *Provided further, That none of the funds contained in this Act shall be available for any payment to any school to which such school would otherwise be entitled pursuant to section 1128(b) of Public Law 95-561, as amended: Provided further, That the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.) shall be distributed on the same basis as such funds were distributed in fiscal year 1986: Provided further, That before initiating any action to close the Phoenix Indian School but no later than February 1, 1987, the Secretary shall submit to the Congress a report (1) on the school as required under section 1121(g)(3) of Public Law 95-561, as amended, including any warranted recommendations for the establishment of special programs at existing schools or the establishment of a new school or schools to be operated either by the Bureau of Indian Affairs or by a public school district to meet the needs of students from Arizona who are attending or might otherwise have attended the Phoenix Indian School; (2) on the Secretary's recommendation for the disposition of the property (including real property, supplies, and equipment) used for the school which recommendations may include the donation (with any restrictions on use and subject to a reverter for specified reasons the Secretary deems necessary or desirable) of some or all of the property to the State of Arizona, one or more local or tribal governments, or another Federal agency or the sale or exchange of some or all of the property at fair market value and a recommendation*

for the use of any cash received for a sale or to equalize values in an exchange; and (3) documentation of the Secretary's efforts to consult with the affected tribes and to offer assistance to the tribes in planning for future educational requirements for those currently eligible to attend the Phoenix Indian School, including those students from the Phoenix area attending school in California: Provided further, That the Secretary shall take no action to close the school or dispose of the property of the Phoenix Indian School until action by the Congress affirming or modifying the recommendations of the Secretary.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, [$86,066,000] *$67,951,000*, to remain available until expended[: *Provided*, That funds appropriated for use by the Secretary to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-14(d)(3)), may also be used for counseling and other activities related to the relocation of Navajo families].

ROAD CONSTRUCTION

[For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), $2,500,000, to remain available until expended: Provided, That these funds shall not become available until the balance of funding needed to complete the project is provided from funds available to the State of Oklahoma: *Provided further*, That not] *Not* to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

WHITE EARTH TRUST FUND

For deposit into the White Earth Economic Development and Tribal Government Fund established pursuant to section 12 of Public Law 99-264, to be held in trust for the benefit of the White Earth Band of Chippewa Indians, $6,600,000.

MISCELLANEOUS TRUST FUNDS

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $1,000,000 from tribal funds not otherwise available for expenditure.

REVOLVING FUND FOR LOANS

During fiscal year 1987, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed $16,320,000.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), [$2,652,000] *$2,485,000*, to remain available until expended: *Provided*, That during fiscal year 1987, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits; and purchase of not to exceed 150 passenger carrying motor vehicles, of which 100 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, [$78,874,000] *$76,016,000*, of which (1) [$76,401,000] *$73,543,000* shall be available until expended for technical assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $2,473,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further, That Northern Mariana Islands Covenant grant funding shall be subject to the terms of the agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands.*

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [$14,340,000] *$66,987,000*, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration[: *Provided further*, That notwithstanding the proviso under "Trust Territory of the Pacific Islands" in Public Law 97-257 making funds available for the relocation and resettlement of the Bikini people in the Marshall Islands, such funds shall be available for relocation and resettlement of the Bikini people to any location].

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses for the Federated States of Micronesia and the Marshall Islands as provided for in sections 177, 122, 221, 223, 103(h)(2), and 103(k) of the Compact of Free Association, [$36,170,000] *$27,920,000*, [including $7,250,000 for the Enjebi Community Trust Fund, as authorized by Public Law 99-239.]

Notwithstanding any other provision of law, the funds made available under this head in Public Law 99-349 shall remain available for obligation until expended.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, [$42,482,000] *$42,822,000*, of which not to exceed $10,000 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [$21,255,000] *$19,385,000* [, of which not less than $4,062,000 shall be in support of Office of Surface Mining Reclamation and Enforcement activities].

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, [$16,300,000] *$15,424,000*.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $684,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 12 additional aircraft, 10 of which shall be for replacement only: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. [Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.] *Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replace-*

ment, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members: *Provided,* That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. (a) No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning northeast and north until such isobath intersects the maritime boundary between Canada and the United States of America, then north northeasterly along this boundary until this line intersects the 60 meter isobath at the northern edge of block 851 of protraction diagram NK 19-6; then along a line that lies between blocks 851 and 807 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line.

[(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

[(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

[(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, and Munson Canyon, and consisting of the following blocks, respectively:

[(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

[(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

[(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009, 1011.

[(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

[(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

[(e) Nothing in this section shall prohibit the lease of that portion of any blocks described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: *Provided,* That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce, on the date of enactment of this Act.

[(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

[(g) References made to blocks, protraction diagrams, and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude (Map No. MMS-10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.]

SEC. [108.] *107.* None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. [109.] *108.* Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. [110.] *109.* No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

[SEC. 111. (a) The Secretary of the Interior may consider and accept, as part of the Outer Continental Shelf oil and gas leasing program for 1987 to 1992, any recommendation included in any proposal submitted to him with respect to lease sales on the California Outer Continental Shelf by the cochairmen of the Congressional panel established pursuant to Public Law 99-190 or by

the Governor of California on May 7, 1986. The major components of those proposals shall be examined in the final environmental impact statement for the program. Consideration or acceptance of any such recommendation shall not require the preparation of a revised or supplemental draft environmental impact statement.

[(b) The Secretary shall submit a copy of the draft proposed final leasing program for offshore California to the cochairmen of the negotiating group referred to in subsection (a) who shall have a period of 30 days in which to review such program and provide their comments and the comments of the negotiating group on it to the Secretary prior to its submission to the President and the Congress. When submitting the proposed final leasing program to the President and the Congress in accordance with section 18(d) (43 U.S.C. section 1344 (d)) of the Outer Continental Shelf Lands Act, such submission shall indicate in detail why any specific portion of the proposals referred to in subsection (a) of this section was not accepted.

[(c) Prior to the approval of the Final Program, referenced in subsection (a), the Secretary may conduct prelease activities for proposed California OCS Lease Sales 95, 91, and 119 and may make changes in those sales on the basis of comments submitted by the Congressional negotiating group or others, except that the Secretary may not issue a: (1) call for information and nominations for Sale 95 prior to March 1, 1987, and no draft environmental impact statement shall be published for Sale 91 sooner than 90 days after the Secretary's submission of the draft of the proposed Final Five Year Program to the members of the Congressional panel, and (2) final notice of lease sale for Lease Sale 91 prior to January 1, 1989.

[(d) The members of Congress designated under Sec. 111 of Public Law 99-190 (99 Stat. 1243) are hereby authorized to continue as the Congressional negotiating group and to negotiate with the Department of the Interior, to provide the Secretary of the Interior with the appropriate range of advice, including proposals, and to review and comment on proposals by the Department of the Interior with respect to future oil and gas leasing and protection of lands on the California Outer Continental Shelf.]

SEC. [112.] *110.* Notwithstanding any other law, the Secretary of the Interior shall convey without reimbursement to the State of Montana no later than December 31, 1986, all of the right, including all water rights, title, and interest of the United States in and to the fish hatchery property located south of Miles City, Montana, and known as the Miles City National Fish Hatchery, consisting of 168.22 acres, more or less, of land, together with any improvements and related personal property thereon.

[SEC. 113. The Secretary of the Interior is directed to designate the Laurel Highlands National Recreational Trail, as designated by the Secretary of the Interior pursuant to section 4 of the National Trails System Act, as part of the Potomac Heritage Trail, as requested by the State of Pennsylvania in its April 1984 application, subject to the provisions of paragraph (11) of section 5(a) of the National Trail System Act, as amended.

[SEC. 114. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended (without regard to the limitation contained in section 102) by adding at the end the following new subsection:

["(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

["(A) in the United States; and

["(B) from articles, materials, or supplies at least 50 percent of which, by cost, shall have been mined, produced, or manufactured, as the case may be, in the United States.

["(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1986.

["(3) The Secretary may waive—

["(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 percent of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or manufactured, as the case may be, in the United States; and

["(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 percent of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".

[SEC. 115. None of the funds made available by this Act for fiscal year 1987 to the Office of the Secretary, Department of the Interior, shall be expended to submit to the United States District Court for Eastern California any settlement with respect to Westlands v. the United States, et al. (CV-F-81-245-EDP).

[SEC. 116. The Secretary of the Interior shall designate the visitor center to be associated with the headquarters of the Illinois and Michigan Canal National Heritage Corridor as the "George M. O'Brien Visitor Center" in recognition of the leadership and contributions of Representative George M. O'Brien with respect to the creation and establishment of this national heritage corridor.

[SEC. 117. Notwithstanding any other provisions of the Land and Water Conservation Fund Act of 1965, Public Law 88-578, as amended, or other law, Land and Water Conservation Fund assisted land in Berkeley, Illinois, assisted under project No. 17-00180, may be exchanged for existing public lands if Land and Water Conservation Fund conversion criteria regarding equal fair market value and reasonably equivalent use and location are met.]

SEC. 111. None of the funds provided by this Act shall be expended by the Secretary of the Interior to promulgate final regulations concerning paleontological research on Federal lands until the Secretary has received the National Academy of Sciences' report concerning the permitting and post-permitting regulations concerning paleontological research and until the Secretary has, within 30 days, submitted a report to the appropriate committees of the Congress comparing the National Academy of Sciences' report with the proposed regulations of the Department of the Interior.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$129,183,000] *$123,282,000,* of which [$3,400,000] *$6,500,000* shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95-307.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [$57,671,000] *$61,771,000,* to remain available until expended, to carry out activities authorized in Public Law 95-313: *Provided,* That a grant of [$3,000,000] *$2,800,000* shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for repayment of advances made in the preceding fiscal year pursuant to 16 U.S.C. 556d for forest fire protection and emergency rehabilitation of National Forest System lands, and including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", [$996,687,000] *$1,144,894,000,* of which [$144,767,000] *$245,780,000* for reforestation and timber stand improvement, cooperative law enforcement, *firefighting,* and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1988.

The Forest Service is encouraged to complete as expeditiously as possible development of land and resource management plans to meet the requirements of the National Forest Management Act (NFMA) of 1976. Under the provisions of section 6(c) of the NFMA (16 U.S.C. 1600), and notwithstanding any other provision of law, the Forest Service shall continue the management of units of the National Forest System under existing management plans pending the completion of land and resource management plans developed in accordance with the Act.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$192,409,000] *$276,130,000,* to remain available until expended, of which [$36,736,000] *$15,476,000* is for construction and acquisition of buildings and other facilities; and [$155,673,000] *$260,654,000* is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1987 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further, That the Forest Service shall achieve a 5 per centum reduction in the average cost per road mile as compared to the adjusted fiscal year 1985 average cost by a combination of the following two actions: (1) the application of road construction standards used to construct or*

reconstruct Forest Service roads, purchaser credit roads, or purchaser elect roads, and (2) reducing the direct personnel cost of designing and constructing roads to these standards: Provided further, That the Forest Service shall take administrative cost saving actions, including reductions in indirect personnel, overhead charges, and productivity improvements, in fiscal year 1987 in a manner so as to achieve a 5 per centum reduction in the average cost per road mile as compared to the adjusted fiscal year 1985 average cost: Provided further, That such actions shall be taken so as to achieve these 5 per centum reductions in each Forest Service region.

Pursuant to section (b)(2), The Act of December 23, 1980, Public Law 96-581 (94 Stat. 3372), not to exceed $300,000 from the sale of 18.13 acres to the Flagstaff Medical Regional Center, Flagstaff, Arizona, are hereby appropriated and made available, until expended, to the Forest Service for the specific purpose of contract administration and overruns resulting from the construction of administrative improvements at the Mt. Elden Work Center, Flagstaff, Arizona: Provided, That the Secretary of Agriculture shall ensure that outlays associated with such action shall not cause the total outlays during fiscal year 1987 from Forest Service land acquisition and construction activities and construction activities in region 3 (including Arizona and New Mexico) to exceed the total that otherwise would have occurred as a result of enactment of this or previous appropriations Acts.

There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $9,915,000 to be transferred to the Forest Service for road construction to serve the Mount St. Helens National Volcanic Monument, Washington: Provided, That the funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of this project shall be 100 per centum, and such funds shall remain available until expended: Provided further, That the foregoing shall not alter the amount of funds or contract authority that would otherwise be available for road construction to serve any State other than the State of Washington.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$39,936,000] *$31,906,000*, to be derived from the Land and Water Conservation Fund, and $3,000,000 for acquisition of land and interests therein in the Columbia River Gorge, Oregon and Washington, as depicted on a map entitled "Columbia Gorge Acquisitions—1986" on file with the Forest Service, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache and Uinta National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $966,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $90,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 245 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 235 shall be for replacement only, of which acquisition of 148 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 58 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

[Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).]

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Notwithstanding any other provision of law, the Secretary of Agriculture is hereafter authorized to use from any receipts from the sale of timber a sum equal to the lowest acceptable bid for the construction of roads under the purchaser election program as described and authorized in section 14(i) of the National Forest Management Act of 1976.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest: *Provided,* That no less than [$26,781,000] *$26,000,000* shall be made available to the Forest Service for obligation in fiscal year 1987 from the Timber Salvage Sales Fund appropriation.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

[Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

The Forest Service is authorized and directed to negotiate, within 90 days after the enactment of this Act, settlement of claims against the United States resulting from a forest fire in the Black Hills National Forest.]

The Forest Service is hereby authorized and directed to pay certain claims against the United States resulting from a forest fire in the Black Hills National Forest on August 21-25, 1985. The Forest Service is directed to pay the eleven claims filed September 18, 1985, in the amount of $605,538.44, and to negotiate any other claims filed within 60 days of the date of enactment of this Act. The Forest Service is directed to pay these claims from funds available for firefighting purposes and is also directed to submit a budget request to replace firefighting funds expended for this purpose.

In order to provide for more comprehensive and effective management, the exterior boundary of the Gifford Pinchot National Forest in the State of Washington is hereby modified as generally depicted on a map entitled "Boundary Modification, Gifford Pinchot National Forest," dated August 1986. Such map and legal description of the boundary modification of said National Forest shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture and in appropriate field offices of that agency. This boundary modification shall not affect valid existing rights or interests in existing land use authorizations.

No more than $500,000 made available to the Forest Service for obligation in fiscal year 1987 shall be expended to implement the provisions of sections 3 and 4 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (the Act of August 17, 1974; 88 Stat. 476, as amended; 16 U.S.C. 1601 (note), 1600-1614).

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The Secretary of Energy pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), shall—

(1) no later than thirty days after the date of the enactment of this Act, publish in the Federal Register a notice soliciting statements of interest in, and informational proposals for, projects meeting the cost-sharing criteria contained under this head in Public Law 99-190 and employing emerging clean coal technologies which are capable of retrofitting, repowering, or modernizing existing facilities, which statements and informational proposals are to be submitted to the Secretary within [sixty] *eighty* days after the publication of such notice; and

(2) no later than [one hundred and twenty days after the receipt of statements of interest and informational proposals] *March 6, 1987*, submit to Congress a report that analyzes the information contained in such statements of interest and informational proposals and assesses the potential usefulness and commercial viability of each emerging clean coal technology for which a statement of interest or informational proposal has been received.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$314,512,000] *$242,947,000*, to remain available until expended, of which $221,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and $2,074,000 to be derived by transfer from unobligated balances in the "Fossil energy construction" account, and in addition, $437,000 to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the "Energy security reserve" established by Public Law 96-126: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, [$30,000,000] *$23,500,000* is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further*, That 20 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1987, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, including the purchase of not to exceed 1 passenger motor vehicle, for replacement only, $122,177,000, to remain available until expended.

Notwithstanding any other provision of law, including Public Law 81-152, the Secretary of Energy (hereafter "the Secretary") is directed to sell all of the United States' interest in Naval Petroleum Reserves Numbered 1 and 3 (hereafter "NPR Nos. 1 and 3"), including its interest in any contract for joint, unit, or other cooperative plans covering NPR 1 and 3 or in any corporate, partnership or other business entity to which the United States' interests in NPR Nos. 1 and 3 has been transferred. The provisions of chapter 641 of title 10, United States Code, shall cease to apply with respect to NPR Nos. 1 and 3 from the date the Secretary prescribes in arranging the sale of the United States interest therein.

The Secretary is directed to arrange sale of the United States' interest in Naval Petroleum Reserves Numbered 1 and 3; the Secretary is directed to attempt, insofar as practicable and consistent with the provisions of this section, to consummate such sales by June 30, 1987 with the initial minimum payment of $200,000,000 to the Treasury on or before September 30, 1987. In order to arrange and conduct a sale, the Secretary is authorized to: (1) create new corporations, partnerships or other business entities, and transfer the United States' interest to the new entities, without their being subject to the requirements of the Government Corporation Control Act (31 U.S.C. 919 et seq.); (2) enter into contracts, including contracts for investment banking and other professional services, without regard to any provision of law or regulation prescribing procedures to be followed in the formation of contracts or terms and conditions to be included in contracts, or regulating the performance of contracts; (3) use funds appropriated for any function or program of the Department of Energy, including the Naval Petroleum Reserves; and (4) negotiate, in consultation with the Secretary of the Interior, a settlement of the State of California's claim of entitlement to lands granted under the Act of March 3, 1953 (10 Stat. 244), and settle such claim out of the proceeds of sale, without paying such funds into the U.S. Treasury.

Before any condemnation proceedings are instituted, an effort shall be made to acquire the property by negotiation, unless, in the judgment of the Secretary, the effort to acquire the property by negotiation would be futile or unduly time-consuming, or otherwise not in the public interest.

In arranging the sale of the United States interest in NPR No. 1, the Secretary shall assure through the provisions in any contract of sale of such interest that: (1) the interest of small and independent refiners is protected by affording small refiners the right of first refusal to purchase at least 50 percent of the crude oil produced from NPR No. 1 for a period of five years from the date of sale and at least 25 percent of the crude oil produced from NPR No. 1 for a period of five years thereafter; (2) no subsequent contract for the purchase of crude oil from the United States share of NPR No. 1 would result in any person obtaining control, directly or indirectly, over more than 20 percent of the estimated annual crude oil production produced from NPR No. 1; and (3) any offer to sell crude oil from NPR No. 1 will be preceded by written notification to each of the small or independent refiners in existence which purchased crude oil from NPR No. 1 within the past 24 months.

Following the sale, the Secretary shall report to Congress on the steps that were taken to protect the interests of small refiners.

Sections 160 (a), (b), and (d) of the Energy Policy and Conservation Act (42 U.S.C. 6240 (a), (b), and (d)) shall cease to apply to the Naval Petroleum Reserves Numbered 1 and 3.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$285,825,000] *$246,413,000*, to remain available until expended[, of which $10,000,000 shall be available for a grant for an energy research facility at Tufts University when specifically authorized by an Act of Congress: *Provided*, That award of such grant may be made only upon approval of an appropriate peer review panel convened by the Department of Energy for the specific purpose of reviewing such grant application and subject to conditions, if any, contained, in legislation specifically authorizing such project: *Provided further*, That $2,500,000 of the amount provided under this heading shall be available for continuing a research and development initiative with the National Laboratories for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel: *Provided further*, That obligation of funds for these activities shall be contingent on an agreement to provide cash or in-kind contributions to the initiative or to other collaborative research and development activities related to the purpose of the initiative equal to 30 percent of the amount of Federal Government obligations: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of

the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further,* That none of the funds included in this appropriation may be used to carry out the requirements of Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341–6346)].

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $23,400,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,044,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), $147,433,000, to remain available until expended.

[SPR PETROLEUM ACCOUNT

[For expenses necessary for the acquisition, transportation, and injection of petroleum into the Strategic Petroleum Reserve, and for other necessary expenses as provided in 42 U.S.C. 6247, $220,000,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, the minimum required rate of fill is 75,000 barrels a day until all funds in this account are expended.]

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$60,361,000] *$59,651,000*[: *Provided,* That hereafter the information survey entitled "Manufacturing Energy Consumption Survey (EIA–846F)" shall contain a section III entitled "Fuel Switching Capability To and From Oil" in essentially the form submitted to the Office of Management and Budget on March 14, 1986, and shall be issued to survey energy consumption in 1985 and every three years thereafter].

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXI and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; [$836,336,000] *$833,106,000*: *Provided,* That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1988*; and $10,000,000 shall remain available until expended, for the establishment of an Indian Catastrophic Health Emergency Fund (hereinafter referred to as the "Fund"). Hereafter, the Fund is to cover the Indian Health Service portion of the medical expenses of catastrophic illness falling within the responsibility of the Service and shall be administered by the Secretary of Health and Human Services, acting through the central office of the Indian Health Service. No part of the Fund or its administration shall be subject to contract or grant under the Indian Self-Determination and Education Assistance Act (Public Law 93-638). There shall be deposited into the Fund all amounts recovered under the authority of the Federal Medical Care Recovery Act (42 U.S.C. 2651, et seq.), which shall become available for obligation upon receipt and which shall remain available for obligation until expended. The Fund shall not be used to pay for health services provided to eligible Indians to the extent that alternate Federal, State, local, or private insurance resources for payment: (1) are available and accessible to the beneficiary; or (2) would be available and accessible if the beneficiary were to apply for them; or (3) would be available and accessible to other citizens similarly situated under Federal, State, or local law or regulation or private insurance program notwithstanding Indian Health Service eligibility or residency on or off a Federal Indian reservation.* Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1988, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1988.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, [$54,921,000] *$60,920,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS–18, and for uniforms or allowances therefor as authorized by law (35 U.S.C. 5901–5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further,* That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations di-

rected at curtailing Federal travel and transportation: *Provided further,* That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That the Secretary of Health and Human Services may authorize special retention pay under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer for the period during which the officer is obligated under section 338B of the Public Health Service Act and assigned and providing direct health services or serving the officer's obligation as a specialist: *Provided further,* That hereafter the Indian Health Service may seek subrogation of claims including but not limited to auto accident claims, including no-fault claims, personal injury, disease, or disability claims, and worker's compensation claims, the proceeds of which shall be credited to the funds established by sections 401 and 402 of the Indian Health Care Improvement Act[: *Provided further,* That none of the funds made available in this Act to the Indian Health Service shall be used to implement additional changes in resource allocation methodology until the proposed changes in detail for fiscal year 1987 and the long-range plans for such changes have been submitted to and approved by the House and Senate Committees on Appropriations]: *Provided further, That section 103(c) of the Indian Self-Determination Act (88 Stat. 2206) is amended by adding the following sentence at the end thereof: "For purposes of section 224 of the Public Health Service Act of July 1, 1944 (42 U.S.C. 233(a)), as added by section 4 of the Act of December 31, 1970 (84 Stat. 1870) and redesignated by section 301(c) of the Act of November 18, 1971 (85 Stat. 463), and chapter 171 and section 1346 of title 28, United States Code, with respect to claims for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, a tribal organization or Indian contractor carrying out a contract, grant agreement, or cooperative agreement under sections 103 or 104(b) of this Act or the so called Buy-Indian Act in the Act of April 30, 1908 (35 Stat. 71) or section 23 of the Act of June 25, 1910 (36 Stat. 861) (25 U.S.C. 47) is deemed to be part of the Public Health Service in the Department of Health and Human Services while carrying out such contract or agreement and its employees (including those acting on behalf of the organization or contractor as provided in section 2671 of title 28) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or agreement.": Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for new hospital facilities in Anchorage, Alaska and in Kotzebue, Alaska, the Secretary of Health and Human Services may exchange any or all interests in any land administered by the Secretary in Alaska for any or all interests in any land of the State of Alaska, any political subdivision of the State, or any corporation, including the University of Alaska and may receive money if necessary to equalize the exchange: Provided further, That any such receipts shall be credited to the Indian Health facilities appropriation and be used to offset the cost of construction of these two facilities.*

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, [$67,236,000] *$62,000,000* of which [$50,021,000] *$46,832,000* shall be for part A and [$14,749,000] *$12,900,000* shall be for parts B and C: *Provided,* That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1988.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, [$22,289,000] *$22,335,000,* to remain available until expended, for operating expenses of the Commission: *Provided,* That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who *has not received relocation benefits and who,* as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe until such time as a new or replacement home is available for such household: *Provided further,* That of the funds provided under this head, not to exceed [$65,000] *$100,000* shall be used to contract for legal services[: *Provided further,* That of the funds provided under this head, not less than $492,000 shall be used for pre- and post-move counseling: *Provided further,* That none of the funds appropriated may be used to contract for the services of anyone who has been registered as a lobbyist for the Navajo and Hopi Indian Relocation Commission: *Provided further,* That the Commission shall relocate those certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation, and to the maximum extent practicable, shall relocate them in the chronological order in which they became certified: *Provided further,* That of the funds provided under this head, not to exceed $410,000 shall be used for personnel compensation and benefits of the Office of Policy and Direction of the Commission].

The Commission shall review the eligibility of all households certified as eligible who have not received relocation benefits and shall decertify any household which was certified contrary to law or regulation.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$189,318,000] *$180,550,000,* including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$4,851,000] *$2,500,000,* to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, [$12,113,000] *$12,028,000,* to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That notwithstanding any other provisions of law, the Secretary of the Smithsonian Institution is authorized to expend and/or transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $100,000 within available funds for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

CONSTRUCTION

For necessary expenses to construct, equip, and furnish the Center for African, Near Eastern, and Asian Cultures in the area south of the original Smithsonian Institution Building, and [a research laboratory and conference facility at] *for* the Smithsonian Tropical Research Institute in Panama, [$6,095,000] *$6,130,000,* to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at

such rates or prices and under such terms and conditions as the Gallery may deem proper, $34,607,000, of which not to exceed $2,420,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds, and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $2,400,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Salaries and expenses, National Gallery of Art" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, [$3,383,000] *$3,138,000.*

ENDOWMENT CHALLENGE FUND

To carry out the provisions of Public Law 99-190 (99 Stat. 1259), $300,000, to remain available until expended.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$136,661,000] *$132,950,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act[: *Provided*, That none of these funds may be used to propose a reprograming of funds for an increase in administration unless a sequestration order under the Balanced Budget and Emergency Deficit Control Act of 1985 is implemented for fiscal year 1987].

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$29,000,000] *$27,000,000*, to remain available until September 30, 1988, to the National Endowment for the Arts, of which [$20,580,000] *$18,000,000* shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$110,141,000] *$107,700,000* shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act[: *Provided*, That none of these funds may be used to propose a reprograming of funds for an increase in administration unless a sequestration order under the Balanced Budget and Emergency Deficit Control Act of 1985 is implemented for fiscal year 1987].

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$28,500,000] *$29,000,000* to remain available until September 30, 1988, of which $16,500,000 shall be available to National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), [$3,500,000] *$4,000,000*[, for the following eligible organizations: Shakespeare Theater at the Folger, Corcoran Gallery of Art, Phillips Gallery, Arena Stage, the National Building Museum, the National Symphony Orchestra, the Washington Opera Society, Ford's Theater, and the Washington Ballet: *Provided*, That none of the funds may be used to implement paragraphs three and four contained under this head in Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a)].

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, [$21,394,000] *$18,888,000*: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further, That the Museum Services Board shall not meet more than three times during fiscal year 1987.*

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), [$420,000] *$450,000.*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $1,533,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $2,684,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $5,000, to remain available until September 30, 1988.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, [$2,342,000] *$2,437,000* for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, [$3,869,000] *$3,924,000*, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, [$2,040,000] *$2,057,000*: *Provided*, That persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: *Provided further*, That any persons so designated shall serve without cost to the Federal Government: *Provided further*, That none of these funds shall be available for the compensation of Executive Level V or higher positions[: *Provided further*, That reimbursement for travel expenses for Council employees is available only when approved by the Chairman of the Council: *Provided further*, That the Chairman of the Council may waive any Council bylaw when the Chairman determines such waiver will be in the best interest of the Council].

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for

use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs[: *Provided further,* That the Secretary of the Interior shall make and publish regulations under this section that are consistent with the existing regulations that have been promulgated by the Secretary of Agriculture].

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 307. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the States of Alaska, and lands in the National Forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1)(A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided,* That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further,* That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. None of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1987 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

[SEC. 314. No funds appropriated or made available under this or any other Act shall be used by the executive branch for soliciting proposals, preparing or reviewing studies or drafting proposals designed to aid in or achieve the transfer out of Federal ownership, management or control in whole or in part the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915, until such activities have been specifically authorized by an Act of Congress hereafter enacted and unless specific provision is made for such activities in an appropriations Act: *Provided,* That this provision shall not apply to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1949, as amended, and the Surplus Property Act of 1944 to sell or otherwise dispose of surplus property.

[SEC. 315. Section 1013 of the Budget and Impoundment Control Act (2 U.S.C. 684) shall not apply to funds herein appropriated.]

SEC. 314. Notwithstanding any other provision of law, funds appropriated by this or any other Act shall be available to the Trust Territory of the Pacific Islands on the same basis as such funds were available during fiscal year 1986 until alternative funding is available under the terms of the Compact of

Free Association Act of 1985 (Public Law 99-239).

SEC. 315. Notwithstanding any other provision of law, any lease for those Federal lands within the Gallatin and Flathead National Forests which were affected by case CV-82-42-BU of the United States District Court for the District of Montana, Butte Division, for which the Secretary of the Interior or the Secretary of Agriculture has directed or assented to the suspension of operations and production pursuant to section 39 of the Act of February 25, 1920 (30 U.S.C. 184) shall be excepted from the limits on aggregate acreage set out in that Act: Provided, That any person, association or corporation receiving relief under this section shall bring its aggregate acreage into compliance with the provisions of the Act of February 25, 1920 (30 U.S.C. 184) within six months from the date the suspension of operation and production ends.

SEC. 316. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

SEC. 317. Section 221 of the Biomass Energy and Alcohol Fuels Act of 1980 (Public Law 96-294; 42 U.S.C. 8821) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1987".

SEC. 318. Section 12(b)(7)(iv) of the Act of January 2, 1976 (Public Law 94-204), as amended, is amended by striking the word "ten" and inserting in lieu thereof the word "seven".

SEC. 319. To assure that National Forest and Bureau of Land Management timber included in sales defaulted by the purchaser, or returned under the Federal Timber Contract Payment Modification Act, is available for resale, the Secretary of Agriculture and the Secretary of Interior are authorized to resell, as part of the sales programs provided for by this Act, all such timber, and to permit necessary roads and other developments, notwithstanding any other provision of law. Sales that are reoffered may be modified without subjecting the decision to reoffer the sale to administrative appeal or judicial review. This section shall not apply to any decision on the determination of damages due to the Government for defaulted or canceled contracts.

Mr. McCLURE. Mr. President, my understanding is that we will defer further business on this bill until tomorrow morning. It will be the pending business at that time and opening statements will consume very little time.

So I might advise those Members who have comments about or interest in that legislation they should expect to be on the floor very promptly on tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1700

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

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

REHABILITATION ACT AMENDMENTS OF 1986

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate turn to Calendar Order No. 809, the Rehabilitation Act Amendments of 1986.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2515) to reauthorize the Rehabilitation Act of 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause, and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Rehabilitation Act Amendments of 1986".

TITLE I—GENERAL PROVISIONS AMENDMENTS

STATEMENT OF PURPOSE

SEC. 101. Section 2 of the Rehabilitation Act of 1973 (hereinafter referred to as the "Act") is amended by inserting immediately before the period at the end thereof a comma and "for individuals with handicaps in order to maximize their employability, independence, and integration into the workplace and the community".

REHABILITATION SERVICES ADMINISTRATION

SEC. 102. Section 3 of the Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall take such action as necessary to ensure that—

"(1) the staffing of the Rehabilitation Services Administration shall be in sufficient numbers to meet program needs and at levels which will attract and maintain the most qualified personnel; and

"(2) such staff includes individuals who have training and experience in the provision of rehabilitation services and that staff competencies meet professional standards.".

DEFINITIONS

SEC. 103. (a) Paragraph (5) of section 7 of the Act is amended—

(1) by inserting "recreational," in subparagraph (B) after "cultural, social,";

(2) by inserting "employability" after "individual's" the second time it appears;

(3) by striking out "and" at the end of subparagraph (F);

(4) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new subparagraph:

"(H) where appropriate, the provision of rehabilitation engineering services to any individual with a handicap to assess and develop the individual's capacities to perform adequately in a work environment.".

(b) Section 7 of the Act is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) The term 'employability', with respect to an individual, means a determination that, with the provision of vocational rehabilitation services, the individual is likely to enter or retain, as a primary objective, full-time employment, and when appropriate, part-time employment, consistent with the capacities or abilities of the individual in the competitive labor market or any other vocational outcome the Secretary may determine.".

(c) Section 7 of the Act is further amended by redesignating paragraphs (11), (12), and (13) as paragraphs (13), (14), and (15), respectively, and by inserting before paragraph (13) (as redesignated) the following new paragraph:

"(12) The term 'rehabilitation engineering' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with handicaps in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.".

(d) Paragraph (13) of section 7 of the Act (as redesignated by subsection (c) of this section) is amended—

(1) by striking out "or" in subparagraph (C) and inserting in lieu thereof "and";

(2) by striking out "and" at the end of subparagraph (K);

(3) by striking out the period at the end of subparagraph (L) and inserting in lieu thereof a comma and "and"; and

(4) by adding at the end thereof "(M) psychosocial rehabilitation services for individuals with chronic mental illness.".

(e) Paragraph (15) of section 7 of the Act (as redesignated by subsection (c) of this section) is amended to read as follows:

"(15) The term 'severe handicap' with respect to an individual means an individual with handicaps—

"(i) who has a severe physical or mental disability which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employability;

"(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

"(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or other disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.".

(f) Section 7 of the Act is further amended—

(1) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively; and

(2) by adding at the end thereof the following new paragraph:

"(18) The term 'supported employment' means competitive work in integrated work settings—

"(A) for individuals with severe handicaps for whom competitive employment has not traditionally occurred, or

"(B) for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability, and who, because of their handicap, need ongoing support services to perform such work. Such term includes transitional employment for individuals with chronic mental illness. For the purpose of this Act, supported employment as defined in this paragraph may be considered an acceptable outcome for employability.".

MONITORING EVALUATION AND ADMINISTRATION

SEC. 104. (a) Section 12(a) of the Act is amended by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

"(5) provide monitoring and conduct evaluations.".

(b) Section 12(b) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) In carrying out the provisions of this Act, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this Act.".

EVALUATION

SEC. 105. (a) The first sentence of section 14(a) of the Act is amended to read as follows: "For the purpose of improving program management and effectiveness, the Commissioner shall evaluate all the programs authorized by this Act, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs.".

(b) Section 14 of the Act is amended by striking out "Secretary" each time it appears and inserting in lieu thereof "Commissioner".

TRANSFER OF FUNDS

SEC. 106. Section 16 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

"SEC. 16. (a) Except as provided in subsection (b) of this section, no funds appropriated under this Act for any research program or activity may be used for any purpose other than that for which the funds were specifically authorized.

"(b) No more than one-half of 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this Act may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.".

REVIEW OF APPLICATIONS

SEC. 107. (a) The Act is amended by inserting after section 16 the following new section:

"REVIEW OF APPLICATIONS

"SEC. 17. Applications for grants or contracts in excess of $125,000 authorized to be funded under this Act shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the rate provided for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.".

(b) The table of contents of the Act is amended by inserting after the item relating to section 16 the following:

"Sec. 17. Review of applications.".

TITLE II—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a)(1) Section 100(b)(1)(A) of the Act is amended—

(A) by striking out "$1,037,800,000" and inserting in lieu thereof "$1,281,000,000";

(B) by striking out "1984" and inserting in lieu thereof "1987"; and

(C) by striking out "1985, 1986, and 1987" and inserting in lieu thereof "1988, 1989, and 1990".

(2) Section 100(b)(1)(B) of the Act is amended by striking out "1985 and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

(3) Subparagraph (C) of section 100(b)(1) of the Act is repealed.

(b) Section 100(b)(2) of the Act is amended by striking out "1984, 1985, and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

(c) Section 100(b)(3) of the Act is amended by striking out "1984, 1985, and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

STATE PLANS

SEC. 202. (a)(1) Section 101(a)(5)(A) of the Act is amended—

(A) by inserting after "severe handicaps" the first time it appears, the following: "including individuals served under part C of title VI of this Act,";

(B) by inserting after "including" the following: "the results of a Statewide assessment of the rehabilitation needs of individuals with severe handicaps residing within the State and the State's response to the assessment,"; and

(C) by inserting after "show" the following: "and provide the justification for".

(2) Section 101(a)(5) of the Act is amended—

(A) by striking out "and" at the end of subclause (A);

(B) by inserting "and" at the end of subclause (B); and

(C) by adding at the end thereof the following new subclause:

"(C) describe how rehabilitation engineering services will be provided to assist an increasing number of individuals with handicaps;".

(b) Section 101(a)(11) of the Act is amended by inserting "mental health community support programs," after "State's public assistance programs,".

(c) Section 101(a)(15) of the Act is amended—

(1) by striking out "(including" and inserting in lieu thereof ", including conducting a full needs assessment for serving individuals with severe handicaps and including"; and

(2) by striking out "agency)" and inserting in lieu thereof "agency".

(d) Section 101(a) of the Act is amended—

(1) by striking out "and" at the end of clause (21);

(2) by striking out the period at the end of clause (22) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clause:

"(23) provide satisfactory assurances that the State has an acceptable plan for part C of title VI.".

INDIVIDUALIZED REHABILITATION PROGRAM

SEC. 203. (a) Section 102(b) of the Act is amended to read as follows:

"(b)(1) Each individualized written rehabilitation program shall—

"(A) be developed, on the basis of a determination of employability to achieve the vocational objective of the individual;

"(B) include a statement of the long-range rehabilitation goals for the individual;

"(C) include a statement of the intermediate rehabilitation objectives related to the attainment of such goals;

"(D) where appropriate, include a statement of the specific rehabilitation engineering services to be provided to assist in the implementation of intermediate objectives and long-range rehabilitation goals for the individual;

"(E) include an assessment of the expected need for post-employment services;

"(F) include a statement of the specific vocational rehabilitation services to be provided and the projected dates for the initiation and the anticipated duration of each such service;

"(G) include objective criteria and an evaluation procedure and schedule for determining whether such goals and objectives are being achieved;

"(H) provide for a reassessment of the need for post-employment services prior to case closure and, where appropriate, for severely handicapped individuals, the development of a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers; and

"(I) provide a description of the availability of a client assistance project established in such area pursuant to section 112.

"(2) Each individualized written rehabilitation program shall be reviewed annually at which time such individual (or in appropriate cases, the parents or guardian of the individual) will be afforded an opportunity to review such program and jointly redevelop and agree to its terms. Each individualized written rehabilitation program shall be revised as needed.".

(b) Section 102(d) of the Act is amended to read as follows:

"(d)(1) Any individual with a handicap (and, in appropriate cases, the parent or guardian of the individual) who is not satisfied with any determination or decision by the designated State unit shall have the right to a review of that determination or decision.

"(2) The Director of any designated State unit shall establish procedures for the review of determinations made by the rehabilitation counselor or coordinator with respect to either a determination of ineligibility or the development or implementation of the individualized written rehabilitation program. Such review shall occur upon the request of the individual with a handicap (and, in appropriate cases, the parent or guardian of the individual). Such review shall be held before an impartial hearing officer and shall be based on the provisions of the State plan approved under section 101(a).".

VOCATIONAL REHABILITATION SERVICES

SEC. 204. Section 103(a) of the Act is amended—

(1) by striking out "and" at the end of clause (10);

(2) by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(12) rehabilitation engineering services.".

CLIENT ASSISTANCE PROGRAM

SEC. 205. (a) Section 112(a) of the Act is amended by adding at the end thereof the following new sentence: "The client assistance program may provide information on the available services under this Act to any handicapped individuals in the State.".

(b)(1) The last sentence of section 112(c)(1) of the Act is amended by inserting after "may" a comma and the following: "in the initial designation,".

(2) Section 112(c)(1) of the Act is amended—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end thereof the following new paragraph:

"(B) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and only after notice has been given of the intention to make such redesignation to handicapped individuals or their representatives.".

(c)(1) Paragraph (1) of section 112(e) of the Act is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $75,000 for States and $45,000 for territories.

"(ii) Subject to subsection (c), the Commissioner may increase the minimum allotment under subparagraph (A) for any fiscal year for which funds appropriated under this section for such fiscal year exceed the sums appropriated under this section for the preceding fiscal year by more than the percentage increase in the Consumer Price Index published monthly by the Bureau of Labor Statistics.".

(2) Section 112(e)(3)(A) of the Act is amended to read as follows:

"(3)(A) The Secretary shall pay to the designated agency from the allotment of the State the amount specified in the application approved under subsection (e).".

(d) Paragraph (1) of section 112(g) of the Act is amended by striking out ", or receive benefits of any kind directly or indirectly from".

(e) Section 112(i) of the Act is amended to read as follows:

"(i) There are authorized to be appropriated $7,100,000 for fiscal year 1987, $7,550,000 for fiscal year 1988, $8,000,000 for fiscal year 1989, and $8,450,000 for fiscal year 1990 to carry out the provisions of this section.".

TITLE III—RESEARCH AND TRAINING

REAUTHORIZATION

SEC. 301. Section 201(a) of the Act is amended to read as follows:

"SEC. 201. (a) There are authorized to be appropriated—

"(1) for the purpose of providing for the expenses of the National Institute of Handicapped Research under section 202, other than expenses to carry out section 204, such sums as may be necessary for fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990; and

"(2) $49,000,000 for fiscal year 1987, $52,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, and $58,000,000 for fiscal year 1990 for the purpose of carrying out section 204, of which $1,000,000 shall be available for fiscal year 1987, $1,050,000 for fiscal year 1988, $1,102,500 for fiscal year 1989, and $1,160,000 for fiscal year 1990 for the purpose of carrying out the last sentence of section 204(2)(C).".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 302. Section 202(j)(2) of the Act is amended—

(1) by inserting immediately before the period the following: "in order to improve services to individuals with handicaps through relevant rehabilitation research and training in the Pacific Basin and to assist in the coordination of rehabilitation services provided by a broad range of agencies and entities; and

(2) by adding at the end thereof the following: "Such Center shall (A) develop a sound demographic base, (B) analyze, develop, and utilize appropriate technology, (C) develop a culturally relevant rehabilitation manpower development program, and (D) facilitate interagency communication and cooperation, implementing advanced information technology.".

COMPOSITION OF INTERAGENCY COMMITTEE

SEC. 303. Section 203(a)(1) of the Act is amended by inserting "the Director of the National Institute of Mental Health," after "Institutes of Health,".

RESEARCH

SEC. 304. (a) The second sentence of section 204(a) of the Act is amended—

(1) by inserting "recreational," after "vocational, social,"; and

(2) by inserting "studies, analyses, and other activities related to supported employment;" after "needs of handicapped individuals;".

(b) Section 204(b) of the Act is amended—

(1) by adding at the end of paragraph (1) the following: "The peer review of all applications for the renewal of a Rehabilitation Research and Training Center grant shall take into account the past performance of the applicant in carrying out the grant. The host institution with which the Rehabilitation Research and Training Center is affiliated may not collect in excess of 15 percent in indirect cost charges.";

(2) in paragraph (2)—

(A) by striking out "and to (B)" and inserting in lieu thereof "to (B)"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and to (C) demonstrate and disseminate innovative models for the delivery of cost-effective rehabilitation engineering services to assist in meeting the needs of, and addressing the barriers confronted by individuals with handicaps. In fiscal year 1987, at least two such Rehabilitation Engineering Centers shall be established. One grant to provide demonstrations pursuant to clause (C) of this paragraph shall be made to an agency or organization in the State of South Carolina and one such grant shall be made to an agency or organization in the State of Connecticut."; and

(3) in paragraph (7) by inserting "the National Institute of Mental Health," after "Institutes of Health,".

(c) Section 204(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(14) Conduct of a demonstration program under which one or more projects national in scope shall be established to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices designed to enable individuals with handicaps to achieve independence and accessibility to gainful employment.".

(d) Section 204 of the Act is amended by adding at the end thereof the following new subsection:

"(d) In carrying out evaluations of research demonstration and related projects under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the project. The Director shall not make a grant under this section which exceeds $299,999 unless the peer review of the grant application has included a site visit.".

TITLE IV—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 401. Section 301(a) of the Act is amended—

(1) by striking out "1986" and inserting in lieu thereof "1990"; and

(2) by striking out "1987" and inserting in lieu thereof "1991".

VOCATIONAL TRAINING

SEC. 402. Section 302(a) of the Act is amended by striking out "1986" and inserting in lieu thereof "1990".

TRAINING

SEC. 403. (a) Section 304(a) of the Act is amended by redesignating clauses (2) and (3) as clauses (3) and (4), respectively, and inserting after clause (1) a comma and the following: "(2) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with severe handicaps,".

(b) The first sentence of section 304(b) of the Act is amended—

(1) by inserting before "rehabilitation medicine" the following: "rehabilitation engineering,";

(2) by inserting "rehabilitation dentistry," after "rehabilitation psychology,";

(3) by inserting "physical education, therapeutic recreation," after "speech pathology and audiology,"; and

(4) by inserting "specialized personnel in providing employment training for supported employment, other specialized personnel for those individuals who meet the definition of severely handicapped," after "services for handicapped individuals,".

(c) Section 304(e) of the Act is amended by striking out "$22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986" and inserting in lieu thereof "$31,000,000 for the fiscal year 1987, $33,000,000 for the fiscal year 1988, $35,000,000 for the fiscal year 1989, and $37,000,000 for the fiscal year 1990".

REHABILITATION CENTERS REAUTHORIZATION

SEC. 404. Section 305(g) of the Act is amended by striking out "1984, 1985, and 1986" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

SPECIAL PROJECTS REAUTHORIZATION

SEC. 405. Section 310(a) of the Act is amended—

(1) by striking out "section 316" and inserting in lieu thereof "sections 311(d), 311(e), and 316"; and

(2) by striking out "$12,900,000 for the fiscal year 1984, $13,600,000 for the fiscal year 1985, and $14,300,000 for the fiscal year 1986" and inserting in lieu thereof the following: "$15,860,000 for fiscal year 1987, $16,790,000 for fiscal year 1988, $17,800,000 for fiscal year 1989, and $18,900,000 for fiscal year 1990".

SPECIAL DEMONSTRATION PROGRAMS

SEC. 406. Section 311 of the Act is amended by inserting at the end thereof the following new subsections:

"(d)(1)(A) The Commissioner may make grants to public and nonprofit rehabilitation facilities, designated State units, and other public and private agencies and organizations for the cost of developing special projects and demonstrations providing supported employment.

"(B) Not less than one such grant shall be nationwide in scope. The grant shall (i) identify community-based models that can be replicated, (ii) identify impediments to the development of supported employment programs (including funding and cost considerations), and (iii) develop a mechanism to explore the use of existing community-based rehabilitation facilities as well as other community-based programs.

"(2)(A) The Commissioner may make grants to public agencies and nonprofit private organizations for the cost of providing technical assistance to States in implementing part C of title VI of this Act.

"(B) Not less than one such grant shall be nationwide in scope. Each eligible applicant must have experience in training and provision of supported employment services.

"(3)(A) On June 1, 1988, and on each subsequent June 1, the Commissioner shall submit a report to the Congress on activities assisted under paragraph (1) for the preceding fiscal year which includes—

"(i) a list of the grants awarded under this subsection;

"(ii) the number of individuals with severe handicaps served by each grant recipient, the average cost to provide support services to each such individual, and the average wage paid to each such individual; and

"(iii) the recommendations of the projects under paragraph (1)(B).

"(B) Each such report shall also include activities assisted under paragraph (2) for the preceding fiscal year, including (i) a list of the grants awarded under subsection (2), (ii) the nature of technical assistance activities undertaken, and (iii) recommended areas where additional technical assistance is necessary.

"(4) There are authorized to be appropriated to carry out the provisions of this subsection $9,000,000 for the fiscal year 1987, $9,520,000 for the fiscal year 1988, $10,080,000 for the fiscal year 1989, and $10,690,000 for the fiscal year 1990.

"(e)(1) The Commissioner, subject to the provisions of section 306, shall make grants in accordance with the provisions of this subsection for the purpose of developing, expanding, and disseminating model statewide transitional planning services for severely handicapped youth. In order to facilitate similar model transitional programs, each grantee under this subsection shall—

"(A) collect data documenting the effectiveness of the project, including data on the outcome of the individuals served; and

"(B) disseminate the information to other States.

"(2) No grant may be made under this subsection unless an application is submitted to the Commissioner at such time, in such form, and in accordance with such procedures as the Commissioner may require.

"(3)(A) One grant under this subsection shall be made to a public agency in a predominantly urban State in New England for an existing model statewide transitional planning services program.

"(B) The application for the grant specified in subparagraph (A) shall—

"(i) provide assurances that a single office or agency of the State has responsibility for managing the referral process assigned under the model program for which assistance is sought;

"(ii) provide assurances that the schools involved, in consultation with families, initiate a referral at least two years prior to the anticipated date on which each such student will finish courses of study at the school;

"(iii) provide assurances that individualized transition plans will be developed by the schools and adult providers working cooperatively;

"(iv) provide assurances that case management responsibilities, together with appropriate tracking of each case designed to report on the progress of the handicapped individual, will be part of the responsibility of the office or agency designed under clause (i); and

"(v) contain such other assurances as the Commissioner may reasonably require.

"(4)(A)(i) A second grant authorized by this subsection shall be made to a public agency in a predominantly rural western State.

"(ii) A third grant authorized by this subsection shall be made to a public agency or nonprofit private organization in a predominantly rural southwestern State.

"(B) Each application for a grant submitted pursuant to subparagraph (A) of this paragraph shall describe model transitional planning services for both severely and mildly handicapped youth designed to develop procedures, strategies, and techniques which may be replicated successfully in other rural States.

"(5) There are authorized to be appropriated $450,000 for fiscal year 1987, $475,830 for fiscal year 1988, $504,427 for fiscal year 1989, and $535,550 for fiscal year 1990 to carry out the provisions of this subsection.".

SPECIAL RECREATIONAL PROGRAMS

SEC. 407. Section 316 of the Act is amended to read as follows:

"SEC. 316. (a)(1) The Commissioner, subject to the provisions of section 306, shall make grants to States, public agencies, and nonprofit private organizations for paying part or all of the cost of initiation of recreation programs to provide handicapped individuals with recreational activities and related experiences to aid in the mobility, socialization, independence, and community integration of such individuals. The programs authorized to be assisted under this section may include, but are not limited to, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, music, dancing, handicrafts, art, and homemaking. Whenever possible and appropriate, such programs and activities should be provided in settings with nonhandicapped peers. Programs and activities under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with handicaps.

"(2) Each such grant shall be made for a minimum of a three-year period.

"(3) No grant may be made under this section unless the agreement with respect to such grant contains provisions to assure that, to the extent possible, existing resources will be used to carry out the activities for which the grant is to be made, and that with respect to children the activities for which the grant is to be made will be conducted before or after school.

"(b) There are authorized to be appropriated $2,330,000 for fiscal year 1987, $2,470,000 for fiscal year 1988, $2,620,000 for fiscal year 1989, and $2,780,000 for fiscal year 1990, to carry out this section.".

TITLE V—NATIONAL COUNCIL ON THE HANDICAPPED

PURPOSE OF THE COUNCIL

SEC. 501. Section 400(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The purpose of the National Council is to promote the full integration, independence, and productivity of handicapped individuals in the community, schools, the workplace and all other aspects of American life.".

DUTIES OF THE COUNCIL

SEC. 502. (a)(1) Section 401(a)(4) of the Act is amended to read as follows:

"(4) review and evaluate on a continuing basis—

"(A) all policies, programs, and activities concerning handicapped individuals and persons with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

"(B) all statutes pertaining to Federal programs which assisted such handicapped individuals and persons with disabilities;

in order to assess the effectiveness of such policies, programs, activities, and statutes in meeting the needs of handicapped individuals and persons with disabilities;".

(2) Section 401(a) of the Act is amended—

(A) by redesignating clauses (5), (6), and (7), as clauses (6), (7), and (8), respectively, and

(B) by inserting after clause (4) the following:

"(5) assess the extent to which such policies, programs, and activities provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;".

(3) Section 401(a)(8) of the Act as redesignated by paragraph (2) is amended by inserting "legislative proposals" after "recommendations".

(b) Section 401(b) of the Act is amended to read as follows:

"(b) The National Council shall—

"(1) examine existing data regarding circumstances of disabled citizens with respect to employment, income, transportation, housing, community living, education, discrimination, health services, and participation in community activities;

"(2) based on data developed under clause (1), establish goals to be reached by the year 2000 for individuals with handicaps in each of the areas referred to in clause (1), and recommend strategies for meeting such goals;

"(3) issue a report outlining the goals and strategies outlined in clauses (1) and (2) within 6 months after the date of enactment of the Rehabilitation Act Amendments of 1986; and

"(4) submit an annual report, beginning on January 30, 1989, to the President and to the Congress outlining the progress of the Nation in meeting such goals.".

STAFF

SEC. 503. Section 403(b) of the Act is amended by striking out paragraph (4).

REAUTHORIZATION

SEC. 504. Section 405 of the Act is amended by inserting before the period at the end thereof the following: "for each of the fiscal years 1987, 1988, 1989, and 1990".

TITLE VI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

REAUTHORIZATION

SEC. 601. Section 502(i) of the Act is amended by striking out "1986" and inserting in lieu thereof "1990".

SPECIAL REPORTS

SEC. 602. Section 502(g) of the Act is amended by adding at the end thereof the following: "The Board shall prepare and submit two additional reports of its activities under subsection (c) of this section, one report on its activities in the field of transportation barriers of handicapped individuals and the other report on its activities in the field of the housing needs of handicapped individuals. The two additional reports required by the previous sentence shall be submitted not later than February 1, 1988.".

ELECTRONIC EQUIPMENT ACCESSIBILITY

SEC. 603. (a) Title V of the Act is amended by inserting after section 507 the following new section:

"ELECTRONIC EQUIPMENT ACCESSIBILITY

"SEC. 508. (a)(1) The Secretary, through the National Institute of Handicapped Research, and in consultation with the electronics industry, shall develop and establish guidelines for electronic equipment accessibility designed to insure that handicapped individuals may use electronic office equipment with or without special peripherals.

"(2) The guidelines established pursuant to paragraph (1) shall be applicable with respect to electronic equipment, whether purchased or leased.

"(3) The initial guidelines shall be established not later than October 1, 1987, and shall be continually revised as technologies advance or change.

"(b) Beginning after September 30, 1988, the Administrator of the General Services Administration shall adopt guidelines for electronic equipment accessibility established under subsection (a) for Federal procurement of electronic equipment. Each agency shall comply with the guidelines adopted under this subsection.

"(c) For the purpose of this section, the term 'special peripherals' means a special needs aid that provides access to electronic equipment that is otherwise inaccessible to a handicapped individual.".

(b) The table of contents of the Act is amended by inserting after item "Sec. 507." the following new item:

"Sec. 508. Electronic equipment accessibility.".

TITLE VII—PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

COMMUNITY SERVICE EMPLOYMENT

REAUTHORIZATION

SEC. 701. Section 617 of the Act is amended by striking out "fiscal years 1984, 1985, and 1986" and inserting in lieu thereof "fiscal years 1987, 1988, 1989, and 1990".

PROJECTS WITH INDUSTRY

SEC. 702. (a)(1) Section 621(a) of the Act is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(B) by inserting after the subsection designation the following: "(1) The purpose of this title is to promote opportunities for competitive employment of individuals with handicaps, to provide appropriate placement resources, to engage the talent and leadership of private industry as partners in the rehabilitation process, to create practical settings for job readiness and training programs, and to secure the participation of private industry in identifying and providing job opportunities and the necessary skills and training to qualify people with handicaps for competitive employment.".

(2) Clauses (A), (B), and (C) of section 621(a)(2) of the Act (as redesignated by this subsection) are amended to read as follows:

"(A) shall create and expand job opportunities for individuals with handicaps by providing for the establishment of appropriate job placement services;

"(B) shall provide individuals with handicaps with training in a realistic work setting in order to prepare them for employment in the competitive market;

"(C) shall provide handicapped individuals with such supportive services as may be required to permit them to continue to engage in the employment for which they have received training under this section;

"(D) shall, to the extent appropriate, expand job opportunities for handicapped individuals by providing for (i) the development and modification of jobs to accommodate the special needs of such individuals, (ii) the distribution of special aids, appliances, or adapted equipment to such individuals, and (iii) the modification of any facilities or equipment of the employer which are to be used primarily by handicapped individuals; and

"(E) shall provide for business advisory councils comprised of representatives of private industry, business concerns, and organized labor who will identify job availability within the community and the skills necessary to fill jobs identified, and prescribe training and programs tailored to their need.".

(3) The amendment made by paragraph (2), adding clause (E) to section 621(a)(2) of the Act, shall take effect one year after the date of enactment of this Act.

(b) Section 621(b) of the Act is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after clause (3) the following new clause:

"(4) provides assurances that an evaluation report containing data specified under subsection (a)(4) shall be submitted to the Commissioner.".

(c) Section 621(d)(1) of the Act is amended by adding at the end thereof the following new sentence: "Such standards shall be revised as necessary, subject to paragraph (4) of this subsection.".

(d) Section 621 of the Act is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Commissioner may provide, directly or by way of grant or contract, technical assistance to (1) entities conducting Projects With Industry for the purpose of assisting such entities in the improvement of or in the development of relationships with private industry or labor, and (2) entities planning the development of new Projects With Industry.".

(e) Subsections (f) and (g) of section 621 of the Act (as redesignated by subsection (c)) are amended to read as follows:

"(f)(1) Each grantee receiving assistance under this section in fiscal year 1986 shall continue to receive assistance through September 30, 1987, unless the Commissioner determines that the grantee is not in compliance with the provisions of the approved application of the grantee.

"(2) Grantees continuing to receive assistance on the basis of the review described in paragraph (1) of this subsection shall be evaluated by the Commissioner using standards described in subsection (d)(1) of this section. Each such grantee shall continue to receive assistance for 3 years unless the Commissioner determines that the grantee is not substantially in compliance with such standards and with the provisions of the approved application of the grantee. In determining whether the grantee is in compliance as required by this sentence, the Commissioner shall annually review each evaluation report submitted under subsection (b)(4) and make a determination concerning the termination, modification, or renewal of each agreement for financial assistance under this section.

"(3) Competition for new grant awards under this part shall include consideration of past performance.

"(g) In approving applications under this section, the Commissioner shall give priority to the geographic areas among the States which are currently not served or underserved by projects with industry.".

PROJECTS WITH INDUSTRY REAUTHORIZATION

SEC. 703. Section 623 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 623. There are authorized to be appropriated to carry out the provisions of section 621, $16,070,000 for fiscal year 1987, $17,010,000 for fiscal year 1988, $18,030,000 for fiscal year 1989, and $19,140,000 for fiscal year 1990, and for section 622 such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990.".

SUPPORTED EMPLOYMENT SERVICES FOR SEVERELY HANDICAPPED INDIVIDUALS

SEC. 704. (a)(1) Title VI of the Act is amended by inserting after part B of such title the following new part:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR SEVERELY HANDICAPPED INDIVIDUALS

"PURPOSE

"SEC. 631. It is the purpose of this part to authorize grants (supplementary to grants for vocational rehabilitation services under title I) to assist States in developing collaborative programs with appropriate public agencies and private nonprofit organizations for training and short-term post-employment services leading to supported employment for severely handicapped individuals.

"ELIGIBILITY

"SEC. 632. Services may be provided under this part to any severely handicapped individuals whose ability or potential to engage in a training program and whose ability to engage in a supported employment setting has been determined by an evaluation of rehabilitation potential as defined in section 7 of this Act.

"ALLOTMENTS

"SEC. 633. (a)(1) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $250,000 or one-third of 1 percent of the sums made available for the fiscal year for

which the allotment is made, whichever is greater.

"(2)(A) For the purposes of this subsection, the term 'States' does not include—

"(i) Guam,

"(ii) American Samoa,

"(iii) the Virgin Islands,

"(iv) the Republic of the Marshall Islands,

"(v) the Federated States of Micronesia,

"(vi) the Republic of Palau, and

"(vii) the Commonwealth of the Northern Mariana Islands.

"(B) The jurisdictions described in clauses (i) through (vii) of subparagraph (A) shall be allotted not less than one-eighth of 1 percent of the amounts made available for purposes of this subpart for each such clause for the fiscal year for which the allotment is made.

"(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State to carry out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States which the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the State's allotment for such year.

"(c)(1) In the first fiscal year in which appropriations are made pursuant to section 638 a State may, in lieu of receiving its allotment under this part, make an application for a planning grant for that fiscal year. The Secretary is authorized to approve the appropriation of States which meet the requirements of this subsection.

"(2)(A) The grant made under this subsection shall be used for planning activities designed to facilitate the State using its allotment under this part.

"(B) No grant under this subsection may exceed a period of 18 months.

"(3) No planning grant made under this subsection may exceed $250,000.

"STATE PLAN

"SEC. 634. (a) In order to be eligible for grants under this part, a State shall submit to the Commissioner as part of the State plan under title I of this Act a State plan supplement for a three-year period for providing training and time-limited post-employment services leading to supported employment for severely handicapped individuals. Each State shall make such annual revisions in the plan supplement as may be necessary.

"(b) Each such plan supplement shall—

"(1) designate each agency of such State designated under section 101(a)(2)(B) of this Act as the agency to administer the program assisted under this part;

"(2)(A) specify results of the needs assessment conducted as required by title I of this Act of severely handicapped individuals, as such assessment identifies the need for supported employment services, including the coordination and use of the information within the State relating to section 618(b)(3) of the Education of the Handicapped Act; and

"(B) describe the quality, scope, and extent of supported employment services to be provided to severely handicapped individuals under this part, and specify the State's goals and plans with respect to the distribution of funds received under section 635 of this part;

"(3) provide assurances that—

"(A) an evaluation for each individual will be performed outlining supported employment training and time-limited post-employment services needed;

"(B) an individualized written rehabilitation program as required by section 102 will be developed outlining the services to be provided;

"(C) such services will be provided in accordance with such program or a program specified under subsection (b)(3)(D) of this part;

"(D) such services will be coordinated with the evaluation, the individual written rehabilitation plan or education plan as required under section 102 of this Act, section 123 of the Developmental Disabilities Act of 1984, and sections 612(4) and 614(5) of the Education of the Handicapped Act, respectively;

"(E) the State will conduct periodic reviews of the progress of individuals assisted under this part to determine whether services provided to such individuals should be continued, modified, or discontinued; and

"(F) the State will make maximum use of services from public agencies, private nonprofit organizations, and other appropriate resources in the community to carry out this part;

"(4) demonstrate evidence of collaboration by and funding from relevant State agencies and private nonprofit organizations to assist in the provision of supported employment services;

"(5) provide assurances that all designated State agencies will expend not more than 5 percent of the State's allotment under this part for administrative costs for carrying out this part; and

"(6) contain such other information and be submitted in such form and in accordance with such procedures as the Commissioner may require.

"SERVICES; AVAILABILITY AND COMPARABILITY

"SEC. 635. (a)(1) Services available under this part may include but are not limited to an evaluation of rehabilitation potential, provision of skilled job trainers who accompany the worker for intensive on-the-job training, systematic training, job development, follow-up services (including regular contact with the employer, trainee, and the parent or guardian), regular observation or supervision of the severely disabled individual at the training site and other services needed to support the individual in employment.

"(2) The evaluation of rehabilitation potential authorized by paragraph (1) of this subsection shall be supplementary to the evaluation of rehabilitation potential provided under title I of this Act.

"(b) Services authorized under this part are limited to supported employment training and time-limited post-employment services. Extended supported employment services shall be provided by the relevant State agencies and private organizations as specified under section 634(b)(4) of this part or any other available source.

"(c) Services provided under this part shall be complementary to services provided under title I of this Act.

"RESTRICTION

"SEC. 636. Each designated State agency shall collect the client information required by section 13 of this Act separately for supported employment clients under this part and for supported employment clients under title I.

"SAVINGS PROVISION

"SEC. 637. Nothing in this part shall be construed to prohibit a State from conducting or from carrying out training and time-limited post-employment services leading to supported employment in accordance with the State plan submitted under section 101 from its State allotment under section 110.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 638. There are authorized to be appropriated to carry out this part $25,000,000 for the fiscal year 1987, $26,470,000 for the fiscal year 1988, $28,060,000 for the fiscal year 1989, and $29,730,000 for the fiscal year 1990.".

(2) The table of contents of the Act is amended by inserting after item "Sec. 623." the following:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR SEVERELY HANDICAPPED INDIVIDUALS

"Sec. 631. Purpose.
"Sec. 632. Eligibility.
"Sec. 633. Allotments.
"Sec. 634. State plan.
"Sec. 635. Services; availability and comparability.
"Sec. 636. Restriction.
"Sec. 637. Savings provision.
"Sec. 638. Authorization of appropriations.".

(b)(1) The amendment made by subsection (a) of this section shall not apply in any fiscal year in which the appropriation for part C of title VI of the Rehabilitation Act of 1973 do not equal or exceed $5,000,000.

(2) The provisions of paragraph (1) are repealed on September 30, 1990.

TITLE VIII—SERVICES OF INDEPENDENT LIVING

ELIGIBILITY FOR COMPREHENSIVE SERVICES

SEC. 801. Section 702(b) of the Act is amended by striking out "recreational activities" and inserting in lieu thereof "recreational services".

STATE PLAN ASSURANCE

SEC. 802. Section 705(a) of the Act is amended—

(1) by redesignating clauses (5), (6), (7), (8), and (9) as clauses (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after clause (4) the following:

"(5) provide assurances that the State will consider recommendations of the State independent living council in determining how independent living services will be expanded or modified;".

STATE INDEPENDENT LIVING COUNCIL

SEC. 803. (a) Part A of title VII of the Act is amended by adding at the end thereof the following new section:

"STATE INDEPENDENT LIVING COUNCIL

"SEC. 706. (a) There shall be established in each State receiving assistance under this title a State Independent Living Council (hereafter in this section referred to as the 'Council'). The Council shall—

"(1) provide guidance for the development and expansion of independent living programs and concepts on a statewide basis;

"(2) provide guidance to State agencies and to local planning and administrative entities assisted under this title; and

"(3) prepare and submit to the State agency designated under section 705(a)(1) a five-year plan addressing the long-term goals and recommendations for the need for independent living services and programs within the State.

"(b)(1) The Council shall be composed of representatives of the principal State agencies, local agencies, and nongovernmental agencies and groups concerned with services to handicapped individuals under this title;

handicapped individuals and parents or guardians of handicapped individuals; directors of independent living centers; representatives from private business employing or interested in employing handicapped individuals; representatives of other appropriate organizations and other appropriate individuals.

"(2) A majority of the membership of the Council shall be handicapped individuals and parents or guardians of handicapped individuals.

"(3) The members of the Council shall be appointed by the director of the State agency designated under section 705(a)(1).

"(c) The chairperson of the Council shall be selected from among the membership and shall also serve as a member of any State advisory committee primarily concerned with the provision of rehabilitation services and any other appropriate State advisory committee concerned with services to handicapped individuals.

"(d) Any State in which there is a council which substantially meets the requirements of paragraphs (1) and (2) of subsection (b) and has the authority or will, promptly after the date of enactment of the Rehabilitation Act Amendments of 1986, have the authority to carry out the functions prescribed in subsection (a) shall be deemed to meet the requirements of this section.".

(b) The table of contents of the Act is amended by inserting after item "Sec. 705." the following new item:

"Sec. 706. State independent living council.".

GRANTS FOR CENTERS FOR INDEPENDENT LIVING

SEC. 804. (a)(1) Section 711(b) of the Act is amended—

(A) by striking out "and" at the end of clause (1);

(B) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new clause:

"(3) contains assurances that each center will have a board which is composed of a majority of handicapped individuals.".

(2) The amendments made by paragraph (1) shall take effect one year after the date of enactment of this Act.

(b) Section 711(c)(2) of the Act is amended—

(1) by inserting after "housing" in clause (E) a comma and the following: "recreation";

(2) by inserting after "housing" in clause (F) a comma and the following: "recreational opportunities"; and

(3) by striking out "activities" in clause (K) and inserting in lieu thereof "services".

(c) Section 711(d) of the Act is amended by striking out "six months" and inserting in lieu thereof "three months".

EVALUATION AND REVIEW OF INDEPENDENT LIVING CENTERS

SEC. 805. (a) Section 711(e)(1) of the Act is amended by adding at the end thereof the following new sentence: "Such standards shall be revised as necessary, subject to paragraph (4) of this subsection.".

(b) Section 711 of the Act is amended by adding at the end thereof the following:

"(g)(1) Each grantee receiving assistance under this section in fiscal year 1986 shall continue to receive assistance through September 30, 1987, unless the Commissioner determines that the grantee is not in compliance with the provisions of the approved application of the grantee.

"(2) Grantees continuing to receive assistance on the basis of the review described in paragraph (1) of this subsection shall be evaluated by the Commissioner using standards described in subsection (e)(1) of this section. Each such grantee shall continue to receive assistance for 3 years unless the Commissioner determines that the grantee is not substantially in compliance with such standards and with the provisions of the approved application of the grantee.

"(3) Competition for new grant awards under this part shall include consideration of past performance.

"(h) In approving applications under this section, the Commissioner shall give priority to geographic areas among the States which are currently not served or underserved by independent living centers.".

REAUTHORIZATION FOR TITLE VII

SEC. 806. Section 741 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 741. (a) There are authorized to be appropriated to carry out part A of this title $11,830,000 for fiscal year 1987, $12,310,000 for fiscal year 1988, $13,050,000 for fiscal year 1989, and $13,860,000 for fiscal year 1990.

"(b) There are authorized to be appropriated to carry out part B of this title $24,320,000 for fiscal year 1987, $25,750,000 for fiscal year 1988, $27,300,000 for fiscal year 1989, and $28,980,000 for fiscal year 1990.

"(c) There are authorized to be appropriated to carry out part C of this title $5,290,000 for fiscal year 1987, $5,600,000 for fiscal year 1988, $5,930,000 for fiscal year 1989, and $6,300,000 for fiscal year 1990.

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990.

"(2) The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this subsection.".

TITLE IX—HELEN KELLER NATIONAL CENTER

REAUTHORIZATION

SEC. 901. Section 205(a) of the Helen Keller National Center Act is amended by striking out the first sentence and inserting in lieu thereof "There are authorized to be appropriated to carry out the provisions of this title such sums as may be necessary for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990.".

TITLE X—TECHNICAL AMENDMENTS AND MISCELLANEOUS PROVISIONS

TECHNICAL AMENDMENTS

SEC. 1001. (a)(1) Section 7(3) of the Act is amended by striking out "designated State units" and inserting in lieu thereof "designated State unit".

(2) Section 7(11) of the Act is amended—

(A) by striking out subparagraph (B) and inserting in lieu thereof "(B) testing, fitting, or training in the use of prosthetic and orthotic devices,"; and

(B) in subparagraph (F) by inserting "psychiatric," before "psychological".

(b) Section 101(a)(8) of the Act is amended by inserting after clauses (1) through (3) the following: "and clause (12)".

(c)(1) Section 130(b)(2) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

(2) Subsections (d) and (e) of section 130 of the Act are redesignated as subsections (c) and (d), respectively.

(3) Section 131 of the Act is repealed.

(d) Section 202(j)(1) of the Act is amended by striking out "at an institution of higher education".

(e)(1) Section 301(b)(1) of the Act is amended by striking out "Commission" and inserting in lieu thereof "Commissioner".

(2) Section 304(a)(2) of the Act is amended by striking out "program, and" and inserting in lieu thereof "program, and".

(3) Section 306 of the Act is amended by striking out "305(g)" and inserting in lieu thereof "305(f)".

(f)(1) Section 501 of the Act is amended by striking out "Office of Personnel Management" each place it appears and inserting in lieu thereof "Equal Employment Opportunity Commission".

(2)(A) Section 501(d) of the Act is amended by striking out "of the the activities" and inserting in lieu thereof "of the activities".

(B) Section 502(d)(2)(A) of the Act is amended by striking out "any, final order" and inserting in lieu thereof "any final order".

(C)(i) Section 502(d)(3) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(ii) Section 502(d)(3) of the Act is further amended by striking out "with respect overcoming to" and inserting in lieu thereof "with respect to overcoming".

(D) Section 502(e)(2) of the Act is amended by inserting "and" after "noncompliance".

(3) Section 503(a) of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

(4) Section 504 of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

(g) Section 611(a) of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

(h) Section 702 of the Act is amended by inserting "(a)" after the section designation.

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

SEC. 1002. The joint resolution entitled "Joint resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (63 Stat. 409) is amended by inserting at the end thereof "The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.".

CIVIL RIGHTS REMEDIES EQUALIZATION

SEC. 1003. (a)(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) The provisions of subsection (a) shall take effect with respect to violations that occur in whole or in part after the date of enactment of this Act.

71-059 O-87-3 (Pt. 16)

EFFECTIVE DATE

SEC. 1004. This Act shall take effect October 1, 1986.

Mr. WEICKER. Mr. President, I rise today to urge the passage of S. 2515, the Rehabilitation Act Amendments of 1986. This bill, which currently has 11 cosponsors, was unanimously ordered reported by the Committee on Labor and Human Resources on August 6, 1986. This legislation reauthorizes for 4 years programs under the Rehabilitation Act—programs which are critical to improving the quality of life for our Nation's handicapped citizens. The amendments made by S. 2515 will strengthen the ability of States to provide the breadth of services required by our most severely handicapped Americans.

It is true, as a Nation, we have progressed in our attitudes toward people with handicaps. No longer do we view people with handicaps in terms of what they cannot do, because such an attitude of limited ability has been challenged by the handicapped themselves, and by their parents, friends, and advocates. And they have won. Our attitudes have changed. They have shown us what they can do, what they can learn and accomplish, given a little help from us.

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Handicapped individuals are no different from those of us who measure our self-worth by our ability to be productive, contributing members of society—and they deserve the same opportunities that the nonhandicapped take for granted. Programs authorized by the Rehabilitation Act offer such opportunities, and have proven themselves to be fiscally sound investments for our Nation as well. In fact, programs funded through the Rehabilitation Act return $11 for every $1 expended. Now that is a good investment.

But in humanitarian terms, the return is even greater, because you cannot pin a price tag on human dignity. The dignity of working, of being independent, or becoming part of our towns and communities—that is what the Rehabilitation Act is all about for the people in our country who happen to be handicapped.

So I am proud to bring before the Senate today the Rehabilitation Act Amendments of 1986. Programs authorized under the Rehabilitation Act include grants to States for vocational rehabilitation, through which employment-related services are currently provided to more than 900,000 individuals. The primary purpose of the Rehabilitation Act is getting people employed—and it has been one of the most successful, cost-effective programs funded by the Federal Government.

The bill before you contains several new initiatives to assist handicapped individuals in their desire to become employed. An important new component authorizes grants for States to develop supported employment services for severely handicapped individuals. Supported employment is competitive work in integrated work settings for individuals who, because of the severity of their handicaps, need intensive, on-going support services to perform such work. We now know that even severely handicapped people can be competitively employed, given appropriate supports. Indeed, some State rehabilitation agencies are already successfully providing such supported employment services through their title I State grant program.

The new title VI supported employment program is designed to supplement the supported employment services which a State agency offers, or may decide to offer, through its State grant program. The bill clearly states that supported employment may now be considered an acceptable outcome for employability, on which eligibility for rehabilitation services under title I is based. In combination with the new grant program under title VI, all States will now be able to develop and expand supported employment programs and get even more severely handicapped people into the workforce. Because of the variance in State rehabilitation agencies in providing supported employment services, the bill allows States to elect a planning period to develop and initiate their statewide system of supported employment services under title VI. For those States that elect this option, an 18-month planning period is provided to enable States to meet State plan requirements for implementing a system of supported employment.

The bill also contains some new provisions which relate to rehabilitation engineering, which is the use of technology to reduce barriers faced by the handicapped so that they can become more independent and more fully integrated into the workforce. We know that people with handicaps face multiple barriers, and, with the systematic application of technologies, these barriers can often be overcome. During hearings before the subcommittee on the handicapped we heard testimony on the success of rehabilitation engineering in reducing these barriers and expanding opportunities for the handicapped, and I am pleased that S. 2515 contains provisions that will expand the availability of rehabilitation engineering services.

Another important provision in the bill strengthens the protections for handicapped people seeking to receive services from the rehabilitation system. The bill requires that the administrative appeal process for solving disagreements relating to the provision of services include consideration by an impartial hearing officer. It is my belief that disputes can be resolved more fairly, and less adversarily, when an impartial reviewer evaluates the situation and renders a decision.

S. 2515 also contains important additions to strengthen provisions relating to independent living and projects with industry. These two programs have proven themselves successful in assisting handicapped people to live independently, and in providing them job placement opportunities in the competitive workforce. The bill provides funding continuity for centers and projects which meet national standards.

The bill further provides for an increased role for the National Council on the Handicapped as a policy advisory body on issues of national scope affecting persons with handicaps. Because we must be looking toward the future, we have mandated that the council prepare a report on goals for the year 2000 for the handicapped, and strategies for achieving those goals. The Council will be expected to report to Congress annually on the progress we are making toward realizing those goals.

There have been several modifications to S. 2515 since it was originally introduced. One significant addition clarifies the intent of Congress where violations of section 504 by recipients of Federal financial assistance are concerned. This addition provides that States shall not be immune under the 11th amendment from suit in Federal court for violations of section 504 of the Rehabilitation Act, or other Federal statutes prohibiting discrimination. This provision closes a gap in civil rights protections by allowing individuals to enforce their rights in Federal court when State or State agency actions are at issue. The gap in protection of individual rights was made evident by the Supreme Court decision in Atascadero State Hospital versus Scanlon, which provided immunity to a State from suit in Federal court based on the 11th amendment. S. 2515 will return civil rights protection to individuals where violations by States or State agencies are concerned.

Another modification was the addition of language relating to the accessibility of electronic office equipment purchased or leased by the Federal Government. Congress has recognized in the past the need to make Federal buildings accessible to the handicapped. The bill before you today will allow for the development of Federal guidelines for accessibility of electronic office equipment. The buildings are accessible, and now it is time to look at barriers which exist inside those buildings in terms of equipment that can be easily and readily made accessible to a handicapped person.

I would also like to address a concern that I have regarding the author-

ization levels in S. 2515 for the State Vocational Rehabilitation Grant Program. The authorization level in the bill is $1,281,000,000 for fiscal year 1987, with allowance for cost-of-living increases in the succeeding 3 fiscal years. In addition, the bill provides for additional funds as Congress deems necessary and appropriate, and removes the cap on the amount of dollars Congress may appropriate.

It is my understanding, however, that the administration has interpreted the language of the law to mean that Congress intends to reauthorize only a cost-of-living increase for each year for this very important program, which is not consistent with our intention in developing this bill. It is my hope that the House and Senate conferees will address this issue during the course of the conference.

In conclusion, we know that handicapped people are able to be employed. Even more—we know that they want to be employed. A recent Harris poll, commissioned by the National Council on the Handicapped, indicated that two-thirds of disabled Americans between the ages of 16 and 64 are not working—and that is an unemployment statistic that surpasses all others in this Nation. Further, two-thirds of these individuals want to work. In fact, many of these individuals want to work even at the risk of losing Federal or State benefits.

It is imperative that we respond to this need by reauthorizing the Rehabilitation Act with the improvements included in the Rehabilitation Act Amendments of 1986. This is a solid and progressive piece of legislation which will make a significant impact on the lives of handicapped people in our country.

By adopting S. 2515, we have the opportunity to reaffirm our commitment to the millions of disabled individuals in this country. Let us help them in their effort to help themselves: in their efforts to obtain and maintain employment, achieve independence, and become fully integrated into community life.

Mr. KERRY. Mr. President, I am pleased that the Senate has the opportunity today to pass S. 2515, the Rehabilitation Amendments of 1986.

Historically, the Rehabilitation Act has provided essential comprehensive vocational services to mentally and physically challenged individuals across our Nation. Last year, over 930,000 handicapped persons received services under the Rehabilitation Act, and over 225,000 disabled citizens were successfully rehabilitated. These numbers represent the proven value of the act in assisting disabled Americans in achieving employment and self sufficiency.

I am proud to say that the legislation before us this evening represents a true bipartisan effort resulting from the diligent efforts by my distinguished colleagues on the Labor and Human Resources Committee. The legislation before us builds upon the existing act through both the continuation and enhancement of a program which has come to mean so much to so many. The committee unanimously endorsed S. 2515, thus paving the way for what I expect will be prompt passage this evening.

The legislation that we are about to pass furthers the vital investment into the lives of handicapped adults throughout America. S. 2515 represents an innovative approach to assist more severly handicapped individuals. It establishes a new supportive employment program which will give opportunities to severely handicapped individuals to better their quality of life. Demonstration grants have proven that supported employment works. The new program in our bill will offer States adequate time to plan for this very needed initiative.

The legislation also places a new emphasis on rehabilitation engineering and it greatly strengthens the peer review process for grants and contracts. The amendments offer core funding to both Independent Living Centers and Projects with Industry for the 4-year reauthorizing period contingent on both programs meeting newly revised standards by the National Council on the Handicapped. These programs have successfully worked to assist handicapped persons in leading more independent lives. The Independent Living Centers have become an integral component of our service delivery system for disabled people. As consumer-controlled organizations, the Independent Living Centers make an essential contribution in the lives of disabled Americans and I am particularly pleased that this legislation strengthens these centers.

In addition, the package includes demonstration projects in the area of transition for severely disabled youth exiting the educational system. Experience has shown that severely handicapped students having received state-of-the-art educational services often leave school with significant vocational needs and a confusing array of agencies to contact for appropriate services. To avoid confusion and loss of valuable services, this legislation includes demonstration grants in this essential area of transition. Another area which the legislation focuses on is the need to better serve the chronically mentally ill and it also places a new priority on physical educational services. It is clear that this package strengthens our existing law through a number of innovative initiatives that have culminated months of detailed review and comprehensive study.

The Rehabilitation Act Amendments of 1986 is authorized for 4 years. Funding for the new initiatives in the act meet the targets of the Budget Committee, and funding for the program next year has been included in the fiscal year 1987 Senate Labor HHS appropriations bill which I look forward to passing in the upcoming days.

In closing, I want to note that, according to a recent Harris poll, there are over 20 million unemployed disabled Americans of working age who want to work—a staggering 60 percent. The reauthorization bill before us today is designed to assist these individuals so that they can in fact become employed and active contributing members of our society. I am proud to be a cosponsor of this legislation which, when enacted, will enhance the lives of so many disabled citizens across America. I want to particularly commend the distinguished chairman of the subcommittee for his tireless leadership in this area and for his fine work on this legislation. I urge my colleagues to join with me and unanimously pass the Rehabilitation Amendments of 1986.

Mr. STAFFORD. Mr. President, I am pleased to join my distinguished colleague, Senator WEICKER, in giving my complete support of S. 2515, the Rehabilitation Act Amendments of 1986.

This significant legislation will provide for a continuation of the State grant program for another 4 years, create a new supported employment training program for severely handicapped individuals and will provide for other significant improvements in this law.

The State grant program has been in existence for over 65 years. Millions of handicapped individuals have received the services they needed in order to become part of this Nation's work force. For each person that is rehabilitated, the cost of the services received is paid back to the Federal Government within 4 years from income taxes paid by the disabled person. Therefore, each individual that receives services through this program ends up paying back whatever money was spent on them.

The concept of supported employment training is not a new one. Supported employment training programs, in Vermont, have existed for many years, and Vermont has the distinction of being only one of two States which has a documented 5-year track record in providing these types of services. During this time period, over 180 severely handicapped Vermonters have received training and have been placed in the competitive labor market. I am proud to say that this program enjoys an 85 percent success rate. Vermont utilizes the cooperation of many of the State agencies responsible for programs ranging from vocational rehabilitation, to mental health, special education, and developmental disabil-

ities. This type of cooperation is what has made this program such a success in Vermont.

I feel that this new program will assist—for the first time—those individuals who are believed to be unable to compete in the work force and assist them in becoming more self-sustaining.

The Rehabilitation Act Amendments of 1986 continues the only existing training and placement program especially for the disabled citizens of this Nation. I urge my colleagues to join in giving their support to this important piece of legislation.

Mr. SIMON. Mr. President, I am pleased to support S. 2515, the Rehabilitation Act Amendments of 1986. This is the fourth reauthorization of the Rehabilitation Act in which I have been privileged to play some role. Each time it has been with a sense of great satisfaction. The Congress, always through bipartisan effort, has been the strongest advocate of vocational rehabilitation, and we in Congress can continue to point with pride to this act's demonstrated record of success.

Title I of the act, which is an entitlement program of State grants, remains the Federal Government's primary employment program for Americans with disabilities. It ensures that a wide range of rehabilitation services are available to persons with substantial handicaps to employment, but who have the potential to become gainfully employed. As a whole, the act's programs have become a model of coordinated and comprehensive efforts which interrelate basic services with research, training, independent living and competitive job placement programs. In addition, through its antidiscrimination provisions, this act provides protection of the civil rights of Americans with disabilities. S. 2515, as reported by the Labor and Human Resources Committee, continues the responsible growth of this comprehensive set of programs and increases the ability of those who work in rehabilitation to respond to the needs of individuals with disabilities in a continually changing world.

The gap between the needs of disabled persons and the ability of this program to serve them continues to be much too great. It is disturbing that rehabilitation agencies are able to provide services to fewer clients today than 10 years ago. One of the reasons for this decline is the more costly services they are providing to more severely handicapped clients, a priority that Congress has approved. The other, and primary reason for the decline, is that, in spite of funding increases, thanks to the efforts of Senator WEICKER, States simply do not have the spending power for this program that they had 10 years ago. Inflation, along with the elimination of most of the Social Security trust funds for rehabilitation, has taken a tremendous toll at the very time that new technologies, new methods for training and placing severely handicapped individuals, and new clients—young people coming out of special education—have created many new challenges and new opportunities for rehabilitation.

When the committee began the reauthorization process this year, I asked that we recognize that for every new burden we place upon the program, there is a cost involved; that if we agree upon new initiatives for new types of services, we recognize that we must provide new resources so that we are not being unfair to those who are already dependent upon rehabilitation services as a means of entering competitive employment. This was of particular concern to me as the committee considered ways of encouraging State rehabilitation agencies to increase their involvement in a relatively new method of serving severely handicapped individuals—supported employment. I am pleased that the reported bill does take such a responsible approach. The bill provides a source of funding for States to develop supported employment programs without putting potential supported employment clients into competition with all other State rehabilitation agency clients for limited service dollars. In addition, it permits States to apply for planning grants during the first 18 months in order to set up the systems that will be necessary to the success of supported employment programs. Since all members of the committee agreed that the responsibility of State rehabilitation agencies in regard to supported employment should be time-limited, State agencies will not be able to carry out supported employment programs without the close cooperation of other agencies and providers of services to severely handicapped individuals.

There is much that we do not yet know about supported employment—for example, its long-term cost benefits, its potential impact on the service and administrative funds of rehabilitation agencies, the numbers of appropriate supported employment clients, the most effective models over time and the most workable interagency agreements. The committee bill requires the sort of data and recordkeeping that should help the Congress in making future decisions about supported employment.

The committee bill contains a number of important provisions that respond to concerns over current administration neglect of the Federal responsibilities to the program through the functioning of the Rehabilitation Services Administration. I hope that the Secretary of the Department of Education will not wait for a bill to come out of a conference committee this year to begin to act on implementing his new responsibilities in regard to upgrading the staffing situation at this major Federal agency with such critical importance to the lives of millions of our citizens with disabilities. As the committee report states, the continuing responsibility of the Federal program to its State partners includes having the ability to maintain accountability, develop national goals and provide some uniformity in the program from State to State. It is clear that the RSA is rapidly losing—through drastic reductions in experienced, well-qualified staff and through radical reductions in travel funds for such purposes as onsite monitoring and technical assistance—the ability to carry out its duties as part of this State/Federal partnership. Without immediate steps to improve the situation, I am greatly concerned that the program will not only be unable to respond to new and increased demands from the Congress, but that the basic program itself will become more fragmented and less consistently effective. The situation demands immediate attention.

The committee bill recognizes through a new definition of employability that the purpose of the Title I Program is to help States put individuals with handicaps into competitive jobs. The definition clarifies that the efforts of the State agency must primarily be directed toward placing the client in full-time competitive employment, and that although part-time employment may be an acceptable closure, only when full-time employment is not an option should a case be closed in part-time employment. The committee report also notes that the most recent statistics from the RSA show that the percentage of rehabilitated persons placed in competitive employment reached 79 percent in 1984, the highest level that can be traced in historic records for this program. This achievement, along with simultaneous increases to record levels of services to those with severe handicaps, clearly indicates that a priority to serve severely handicapped individuals can be carried out without decreasing the emphasis on the primary purpose of this program—to put handicapped persons into full-time, gainfully competitive jobs. I look forward to seeing the continuation of effective efforts of State agencies in both of these areas.

There are other significant provisions of S. 2515, and I want to commend two of my colleagues in particular for two of those that are most important. First, Senator CRANSTON, who introduced the legislation last year to overturn the effects of the Supreme Court's decision on Atascadero State Hospital versus Scanlon, continued his leadership on this vital effort during

our reauthorization process. The provisions in section 1003 of the bill clarify congressional intent in regard to the rights of litigants under section 504 and similar civil rights statutes in regard to actions in Federal courts when State or State agency actions are at issue. Senator CRANSTON has been the leader on so many issues affecting the civil rights of disabled persons for so many years, and I am pleased to acknowledge his accomplishment in bringing together a consensus on this section of S. 2515.

In addition, I want to compliment Senator HATCH and his staff for taking the initiative on providing a new section of the act requiring the development and adoption of guidelines for electronic equipment accessibility, and for a provision which would fund grants for the development of orphan technological devices. Our economy has changed greatly over the past decade, becoming an "information society." Today we see that it is as important for disabled persons to be able to use the technology housed within accessible buildings as it is for the buildings themselves to be accessible. The amendments in this bill will build upon the progress that has already been made in this area, and, again, I commend our colleague for his initiative.

And finally, I think it is important that we recognize the commendable motivation of those who choose to work in the field of rehabilitation. I have never met one who was in it for the money, or for the glamour, or because it was an easy job. They are the ones upon whom we place the demands. They are the ones who should also get our help in carrying out the increasingly complex and difficult job they are being asked to do.

I want to thank Senator WEICKER for his continuing leadership, and for allowing all of the members of the Labor and Human Resources Committee the opportunity to be very much involved in the committee bill that we are adopting today. We owe disabled Americans the dignity of having a job and we deprive all of us by not doing more to help disabled Americans to achieve this goal. The reauthorization of the Rehabilitation Act continues to move us closer to the achievement of these purposes, and I ask my colleagues to join me in support of S. 2515.

Mr. THURMOND. Mr. President, I rise today to urge my colleagues to support the Rehabilitation Act Amendments of 1986 which reauthorize many of the Federal programs in the rehabilitation field.

Mr. President, I would like to take this opportunity to commend the leadership of Senator WEICKER in this area. As chairman of the Senate Subcommittee on the Handicapped, he has been most active in reporting legislation which benefits the disabled citizens of our Nation. I would also like to recognize the dedicated and fine work of Senator WEICKER's staff, Terry Muilenburg and Chris Button.

For many years, I have been an ardent supporter of vocational rehabilitation. Citizens who are less fortunate than others should be given the opportunity to overcome obstacles which may confront them during the course of their lives. Throughout the years, vocational rehabilitation programs have consistently demonstrated that properly trained persons with disabilities can function as superior employees. Recent studies show that, through these programs, approximately 226,000 persons are rehabilitated yearly.

In addition, during this period of budgetary restraint, we should not forget the cost effectiveness of programs like vocational rehabilitation. Recent reports show that in the first year after completion of the Rehabilitation Program, persons rehabilitated paid Federal, State, and local governments an estimated $211.5 million more in income, payroll, and sales taxes, than if they had not been rehabilitated. Furthermore, another $68.9 million is saved as a result of decreased dependency on public support payments and institutional care. Therefore, the grand total first year benefit from persons rehabilitation is over $280 million.

Mr. President, I am also pleased that the longstanding primary purpose of the Title I Program—that of placing the disabled into the competitive workforce of this Nation—is continued and emphasized.

Mr. President, with results such as these, I am proud to be an original cosponsor of this legislation. Furthermore I would point out to my colleagues that the Labor and Human Resources Committee voted unanimously to favorably report this bill. Accordingly, I urge the support of my colleagues for this legislation.

Mr. HATCH. Mr. President, I am pleased to rise in support of Senate bill S. 2515, the "Rehabilitation Act Amendments of 1986," sponsored by the Senator from Connecticut. The provisions of this bill were developed as a result of input from hearings held in Washington on March 20 and 25, 1986. Suggestions and testimony were given by the National Council on the Handicapped, the Rehabilitation Services Administration, Americans with disabilities, and other agencies and organizations. The bill was introduced on June 5, 1986, and subsequently referred to the Subcommittee on the Handicapped. This bill, which required many hours of negotiation, was polled out of the subcommittee on June 24, 1986, and reported out of the full committee on August 6, 1986. I commend Senator WEICKER, chairman of the Subcommittee on the Handicapped for his diligence in guiding this bill through the legislative process. I am pleased with the provisions found in this bill.

S. 2515 strengthens the Rehabilitation Act of 1973. This law has done much to assist Americans with disabilities through vocational rehabilitation programs, and is well-known for being the key in unlocking the doors and making America's Federal programs and facilities accessible to all Americans.

This bill contains two special provisions which I recommended. The first gives new authority for the Director of National Institutes of Handicapped Research to conduct projects and demonstrations for providing incentives for the development and marketing of orphan technologies. The term "orphan technological devices" was coined to reflect a perceived lack of concern about devices which can only be utilized by a relatively small number of people. New technologies can often bypass individuals with disabilities if there is a limited interest by the private sector in developing manufacturing and marketing specialized technology to meet the needs of small groups of handicapped individuals with unique needs. This amendment will authorize demonstration projects to implement on a pilot basis appropriate procedures and incentives to facilitate getting orphan devices to the disabled population.

The second provision creates a new section dealing with electronic office equipment accessibility. In response to the special needs of individuals with handicaps, Congress passed laws to require that programs and buildings are accessible. Now that architectural barriers are being eliminated, it is important that the equipment housed within these facilities is also accessible to individuals with handicaps.

Many current standard microcomputer software programs, copy machines, and other automated office equipment cannot be used by disabled people. With appropriate low cost and no cost modification, the number of individuals who could use such equipment would multiply significantly. Other modifications would also greatly facilitate the attachment of special input and output systems and further decrease the cost for such modifications. In addition these changes would benefit mass market users as well by providing them with a wider variety of options. The current direction in which automated systems are evolving will automatically encompass most of the required features and capabilities if they are properly implemented. In discussion with engineers and designers of computers, many of the desired changes could have been included in the original design of the computers

many of the desired changes could have been included in the original design of the computer at minimal cost if the developers had been aware of their importance.

In response to this need, the White House Committee for Equal Access to Standard Computers and Information Systems, the National Institute of Handicapped Research, and representatives from the computer industry have been involved in developing guidelines for the design of computers and information processing systems to increase their access by persons with disabilities. The goal of these guidelines is to provide an awareness of the different types of problems as well as the focal point for listing possible solution strategies. The content of the guidelines document reflect the combined contributions of industry, researchers, and consumers.

In addition, an Interagency Committee on Computer Support for Handicapped Employees had been established by the General Services Administration to help agencies acquire accessible information technology systems. As the Federal Government's main purchasing agent, GSA has recognized the need for language in procurement contracts that would ensure that new office equipment could be used by disabled employees. It is our intent to have the Assistant Secretary for Special Education and Rehabilitative Services work with the Interagency Committee on Computer Support for Handicapped Employees to develop the guidelines.

After September 30, 1988, the Administrator of the General Services Administration shall adopt the guidelines for electronic equipment accessibility and be responsible for assuring that each agency comply with the guidelines. These guidelines shall be applicable to all federally procured electronic equipment, whether purchased or leased.

The bill also contains many other provisions in order to allow a broader range of persons with disabilities to participate within the framework of the Vocational Rehabilitation Program. By authorizing the creation of various supported employment programs, the act will now be able to provide services to more severely handicapped individuals.

I support the provisions contained within S. 2515 and strongly encourage my colleagues to vote for its passage.

Mr. WEICKER. Mr. President, I would like to clarify for the chairman of the Budget Committee, my good friend Senator DOMENICI, the intent of sections 702(e) and 805(b) of the Rehabilitation Act Amendments of 1986. The intent of the bill language is to authorize continued assistance in fiscal year 1987 for grantees receiving assistance in fiscal year 1986 and to authorize continued assistance for 3 years for qualified grantees. Both provisions of sections 702(e) and 805(b) are subject to subsequent appropriation action and are not intended to create new entitlements.

Mr. DOMENICI. I thank my good friend from Connecticut for clarifying the intent of the committee that sections 702(e) and 805(b) of S. 2515 are not intended to create new entitlement authority.

Mr. WEICKER. Mr. President, I also would like to pay a special tribute to the ranking member of my subcommittee, Senator KERRY, who has worked long and hard on this legislation, and to the chairman of the full committee, Senator HATCH.

This matter has not been one that has been entirely smooth, as there have been differing points of view. But when it came out of committee, it came with the support of all and especially the individuals that I have mentioned.

Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be adopted, and that the bill as amended be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

□ 1720

AMENDMENT NO. 2773

(Purpose: To provide for a special maintenance of effort rule under the Education of the Handicapped Act)

Mr. BYRD. Mr. President, on behalf of Mr. EAGLETON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. EAGLETON and Mr. DANFORTH, proposes an amendment numbered 2773.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

MAINTENANCE OF EFFORT

SEC. . (a) Notwithstanding any other provision of the Education of the Handicapped Act, the Secretary and the State educational agency, in the case of section 614(a)(2)(P)(ii) of that Act, shall not include expenditures made from an accrued fund reserve surplus after July 1, 1983, which are used for services for handicapped children.

(b) The amendment made by subsection (a) shall take effect with respect to fiscal years beginning after September 30, 1983.

UNIQUE PROBLEMS OF ST. LOUIS SPECIAL SCHOOL DISTRICT

Mr. EAGLETON. Mr. President, on behalf of myself and my colleague from Missouri, Senator DANFORTH, I send an unprinted amendment to the desk and ask for its immediate consideration. The Special School District of St. Louis County, established in 1957, was specifically established for the sole purpose of providing education and training for handicapped children. In 1965, pursuant to State legislation, the district was authorized to provide free vocational instruction for children under the age of 21. The mission of the special school district remains primarily one of education for the handicapped and severely handicapped with 82 percent of its expenditure going for that purpose.

During fiscal years 1984 and 1985, the special school district increased its budget substantially in order to hire additional personnel to provide better services to its handicapped students and to deal with a backlog of some 3,000 referrals of children for evaluation and placement. To meet those expenses, the district used approximately $11 million of its building fund reserves in fiscal year 1984. In the following year, the district used virtually all its remaining $8 million building fund reserves to upgrade its program.

As a consequence of using its building fund reserves in fiscal years 1984 and 1985 to provide better services to handicapped children, the district is now caught under the nonsupplanting provisions of Public Law 94-142. As the distinguished floor manager knows, the prohibition against supplanting non-Federal funding of education of the handicapped programs with part B Federal funds has been an essential component of Public Law 94-142 since its inception. A major premise of the program is that even with State and local funding of education programs for handicapped children there are still needs that are unmet. While Federal funds are available for these unmet needs, the basic purpose of Public Law 94-142 would be defeated in part B funds simply took the place of State or local funding. The purpose of the nonsupplanting provision in Public Law 94-142, therefore, was to ensure that part B funds did not take the place of State and local funds. I applaud that purpose and in no way seek to change it.

In the specific instance of which we seek a remedy, there is no suggestion that Federal funds were used to take the place of any State or local funds. Rather, due to unusual circumstances, the district significantly increased its services to handicapped students through the use of reserve funds. Once the reserve funds were exhausted, the district could not possibly sustain this funding increase. I would also emphasize, there was never an instance where the eventual reduction in local funding resulted in more funds to programs for the nonhandicapped.

The amendment we seek would not change the underlying nonsupplanting requirements of Public Law 94-142. Rather, it would provide that only during the period of time in which the special school district used the building fund reserves—fiscal year 1984-85—that such funds spent from a reserve account specifically for the purpose of improving educational services for handicapped children would not be counted in the determination of supplanting.

I urge adoption of the amendment.

Mr. DANFORTH. Mr. President, I am pleased to join my able colleague, Mr. EAGLETON, in sponsoring this amendment to the Rehabilitation Act. I also appreciate the cooperation of the distinguished manager of the bill in agreeing to accept this amendment.

This is a simple amendment which will prevent the Special School District of St. Louis from being penalized for improving services to handicapped children.

The Special School District of St. Louis County, MO, is an extraordinary educational agency. It was established back in 1957, preceding the Education for All Handicapped Children Act by many years. The special school district has led the country in providing education programs for handicapped children.

In fiscal years 1984 and 1985, the special school district made extraordinary expenditures from accrued surplus funds to hire additional staff in order to upgrade services and to catch up a backlog in evaluation and placement services for handicapped children. The special district has now depleted these reserves and is unable to continue supporting handicapped services at the 1984 and 1985 levels. Because of the special school district's inability to maintain these unusually high levels of support, it is in technical noncompliance with the nonsupplanting provisions of Public Law 94-142.

The nonsupplanting provisions were intended to prevent educational agencies from using Federal moneys to supplant State and local support for handicapped education. The amendment that my senior colleague from Missouri and I are offering does not change the nonsupplanting requirements but simply clarifies the intent of the law with respect to extraordinary expenditures made from reserves to improve educational services for the handicapped. Such expenditures would not be counted for purposes of determining compliance with the nonsupplanting requirements. The amendment will not, however, allow the special district to use Federal funds for the education of handicapped services to take the place of State and local support for handicapped education.

Unless this amendment is adopted, the special district will be penalized for improving services to handicapped children of St. Louis County. I believe that the amendment is consistent with the intent of the Education for All Handicapped Act and is necessary to correct an unintended application of the law.

Mr. WEICKER. Mr. President, the amendment is acceptable. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2773) was agreed to.

Mr. BYRD. Mr. President, on behalf of Mr. EAGLETON, I thank the distinguished Senator from Connecticut [Mr. WEICKER].

Mr. WEICKER. I thank my distinguished colleague, the distinguished minority leader, for his assistance.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WEICKER. Mr. President, I ask unanimous consent that H.R. 4021, the House-passed Rehabilitation Act Amendments of 1986, be discharged from the Committee on Labor and Human Resources and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4021) to extend and improve the Rehabilitation Act of 1973.

Mr. WEICKER. Mr. President, I move to strike all after the enacting clause and insert the text of S. 2515, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. WEICKER. Mr. President, I urge passage of H.R. 4021, as amended.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4021), as amended, was passed.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I ask unanimous consent that S. 2515 be indefinitely postponed.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, earlier today the distinguished minority leader and this Senator from Kansas discussed a couple of resolutions we would submit. We have now completed drafting which has been cleared by both Senators LUGAR and PELL, and the so-called Daniloff resolution has been cleared. The resolution on terrorists is in the process of being retyped. There has been an agreement on language. I will submit the Daniloff resolution.

SENATE RESOLUTION 486—RELATING TO THE ARREST OF U.S. CORRESPONDENT NICHOLAS DANILOFF

Mr. DOLE. Mr. President, on behalf of Senator BYRD, Senator LUGAR, Senator PELL, Senator GORTON, Senator DURENBERGER, Senator CRANSTON, Senator BOSCHWITZ, Senator FORD, Senator EXON, Senator BENTSEN, Senator DECONCINI, and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 486

(Relating to the arrest of U.S. correspondent Nicholas Daniloff)

I. Whereas the arrest and indictment on trumped up charges by the government of the Soviet Union of Nicholas Daniloff, American correspondent for U.S. News & World Report, is in clear contravention of accepted standards of international law and civil liberties;

II. Whereas the treatment of Mr. Daniloff is an inexcusable denial or the rights of a journalist to engage in the legitimate pursuit of his profession and a violation of Soviet obligations as a signatory of the Final Act of the Helsinki Accords guiding relations between participating states, specifically Basket III, Section 2, Article (c), Principles for the Improvement of Working Conditions for Journalists, which state that ". . . the participating states reaffirm that

the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them."

III. Whereas the actions of the Soviet government further violate the spirit and letter of the provisions adopted at the review of the Helsinki Accords held in Madrid in March, 1983, specifically Basket III, Cooperation in Humanitarian and other Fields, which affirms that the participating states ". . . will also consider ways and means to assist journalists from other participating states and thus enable them to resolve practical problems they may encounter . . ." and ". . . further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources;

Now therefore be it resolved by the Senate of the United States that the Senate—

1. condemns the Soviet Union for the unjustifiable arrest and indictment of Nicholas Daniloff and demands his immediate and unconditional release from custody by the Soviet Union,

2. expresses it deep concern that the failure of the Soviet Union to immediately and justly resolve this matter threatens to undermine constructive relations between the United States and the Union of Soviet Socialist Republics and jeopardizes the hopes for Summit Meeting between President Reagan and General Secretary Gorbachev, and

3. urges that all responsible news gathering and news accrediting organizations that provide support, membership or other privileges to Soviet news organizations should consider appropriate actions to underscore the demand for Daniloff's release.

Mr. DOLE. Mr. President, I ask unanimous consent that no amendments be in order to the resolution and that a vote occur on the adoption of the resolution at 2:30 p.m. tomorrow, Tuesday.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

SENATE RESOLUTION 487—RELATING TO THE CONDEMNATION OF RECENT ACTS OF TERRORISM IN PAKISTAN AND TURKEY

Mr. BYRD. Mr. President, I send to the desk a resolution for myself, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CRANSTON, Mr. GORTON, Mr. DECONCINI, Mr. FORD, and Mr. BENTSEN, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

S. RES. 487

(Condemnation of Recent Acts of Terrorism in Pakistan and Turkey)

Whereas, the recent terrorist attacks in Karachi, Pakistan, and Istanbul, Turkey, demonstrate that international terrorism remains a principal threat to human life and democratic values;

Whereas the hijacking of Pan American Flight 73, which ended in the loss of many lives at Karachi International Airport, and the murder of 22 Turkish Jews as they worshiped in an Istanbul Synagogue, underscores the continuing need for action against international terrorism and for all civilized nations to redouble their efforts to eradicate this scourge; and

Whereas, the United States should seize the initiative to expand international cooperation and coordination in the campaign against terrorism, and should be supported in that effort by its allies, and by all other responsible nations: Now, therefore, be it resolved that, the Senate

(1) Condemns vigorously the most recent terrorist acts in Karachi, Pakistan, and Istanbul, Turkey, and offers its deepest sympathies and condolences to the victims of those attacks, and to their families;

(2) Declares that international terrorism is a scourge which effects, ultimately, all nations, and that all civilized and responsible nations of the world should expand their efforts to combat this scourge;

(3) Urges close international cooperation in the swift prosecution and punishment of those responsible for these crimes; and

(4) Urges the President to take the following actions—

(A) Place the subject of terrorism and the urgent need for international cooperation, including cooperation between the United States and the Soviet Union, in combatting this scourge on the agenda of any future U.S.-Soviet summit meeting;

(B) Make increased antiterrorism cooperation a high priority subject to every appropriate opportunity he has with the leaders of the allies and friends of the United States;

(C) Redouble efforts to establish an international antiterrorism committee as called for in recently enacted legislation (PL 99-399) so that civilized countries may better cooperate in responding to these barbarous acts;

(D) Actively utilize existing rewards-for-information authorities to assist in apprending and bringing to justice all those responsible for these reprehensible crimes;

(E) Consider taking appropriate constitutional measures against the individuals responsible for these heinous crimes.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the adoption of the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. This vote will follow the vote on the Daniloff resolution? I ask unanimous consent that that be the case.

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

Mr. DOLE. I ask unanimous consent that the time between 2 and 2:30 be equally divided between the majority and minority leaders or their designees for statements on these resolutions.

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

Mr. DOLE. I ask unanimous consent that no amendments be in order to the second resolution, the terrorism resolution.

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

APPOINTMENT OF CONFEREES—H.R. 4868

The PRESIDING OFFICER. The Chair, pursuant to the order of August 15, appoints the Senator from Indiana [Mr. LUGAR], the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. PELL] as conferees on the part of the Senate on H.R. 4868.

ORDERS FOR TUESDAY

RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Tuesday, September 9, 1986.

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

RECOGNITION OF SENATORS PROXMIRE AND LEVIN

Mr. DOLE. Following the recognition of the two leaders under the standing order, I ask unanimous consent that there be special orders for not to exceed 5 minutes each in favor of Senators PROXMIRE and LEVIN.

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

ROUTINE MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

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

CONSIDERATION OF H.R. 5234

Mr. DOLE. Mr. President, at 10:30 a.m., the Senate will resume consideration of Calendar No. 833, H.R. 5234, the Interior appropriations bill.

RECESS BETWEEN 12 NOON AND 2 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 pm., in order for the weekly party caucuses to meet.

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

PROGRAM

Mr. DOLE. Mr. President, as previously indicated, at 2 p.m., there will be 30 minutes of debate on the two resolutions, to be followed by the rollcall

votes on adoption of the Daniloff and terrorism resolutions.

I believe there will also be additional votes on the Interior appropriations bill. I am advised by the distinguished chairman of the committee [Mr. McCLURE] that he believes the Interior appropriations bill can be completed by sometime tomorrow afternoon. If that is the case, it is my hope that we could then move to consideration of the Labor-HHS appropriations bill. I am advised that with one exception, that bill could move rather quickly.

I am also advised that the distinguished chairman of the full Appropriations Committee [Mr. HATFIELD] will be meeting with proponents and opponents on some modification of the abortion amendment on that particular legislation.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until the hour of 10 a.m. on Tuesday, September 9, 1986.

The motion was agreed to and, at 5:35 p.m., the Senate recessed until tomorrow, Tuesday, September 9, 1986, at 10 a.m.