

1 MARKUP SESSION

2 - - -
3 TUESDAY, SEPTEMBER 25, 1984
4 - - -

5 United States Senate,
6 Committee on Appropriations,
7 Washington, D.C.

8 The committee met at 9:53 a.m. in room SD-192, Dirksen
9 Senate Office Building, Hon. Mark O. Hatfield, chairman,
10 presiding.

11 Present: Senators Hatfield, Stevens, Weicker, McClure,
12 Garn, Cochran, Andrews, Abdnor, Kasten, D'Amato, Mattingly,
13 Rudman, Specter, Domenici, Stennis, Proxmire, Inouye,
14 Hollings, Eagleton, Chiles, Johnston, Huddleston, Burdick,
15 Leahy, Sasser, DeConcini and Bumpers.

16 Chairman Hatfield. The committee will please come to
17 order.

18 This will be our last session of the 98th Congress.
19 Before proceeding to any other business, I want to thank all
20 the Members of the committee for a year of hard work under
21 very difficult circumstances. I would especially as well
22 like to thank the staff for performing in a very extraordinary,
23 capable way.

24 Our schedule has been truncated at both ends this year,
25 delayed until the so-called "Rose Garden" agreement could be
reached in the spring, and delayed again this fall while

1 waiting for an agreement on Defense. I am not criticizing
2 anyone for these delays; just emphasizing this committee
3 has not had very much time to do its work. Nevertheless,
4 this committee has reported 12 of the 13 regular FY 1985
5 appropriations bills and will shortly report the 13th and
6 final one.

7 Four of these have become law. Three more have passed
8 the Senate and there is reason to hope that we can pass two
9 more. In addition, we have acted on two urgent supplementals,
10 and a sizable general supplemental as well.

11 We now have before us the Continuing Resolution of
12 massive proportions. It covered the nine bills not yet
13 signed into law and provides spending authority for nearly
14 a half trillion dollars. None of us here thinks this is
15 the way we should do business, and I deplore it as well. I
16 want to make sure everyone understands the necessity for
17 the Continuing Resolution does not arise because of this
18 committee's inaction. We have accomplished our work. The
19 problem lies elsewhere.

20 So, again, let me heartily and sincerely thank you for
21 your hard work and generous help this year. I hope we can
22 carry through this markup with the same spirit.

23 Our order of procedure today will be to report both the
24 CR and Defense bill once we have achieved a quorum. Then I
25 would propose that we deal with the so-called "leadership"

1 agreement on defense which will be offered by Senator Stevens,
2 chairman of the subcommittee. Then I suggest we take up
3 the CR and try to complete it by noon time, adjourn for the
4 caucuses and the Senate-picturetaking session in the Chamber
5 and resume the Defense bill this afternoon at the completion
6 of those other activities.

7 I can assure you, it will be a long day and, Senator
8 Stennis, I would now ask if you have any opening remarks.

9 Senator Stennis. First, I want to say for all, thank
10 you very much for your splendid services. You are among all
11 our membership understand and give guidance to this massive
12 program that you had this year, and I don't approve the way
13 we have done it. We had to do it, and that is what we are
14 up against.

15 We thank you for your services and appreciate it very,
16 very much, Mr. Chairman. We are ready to go, as far as I
17 know.

18 Senator Weicker. Mr. Chairman?

19 Chairman Hatfield. I thank the Senator from Mississippi.
20 The Senator from Connecticut.

21 Senator Weicker. Mr. Chairman, I join, I might add, with
22 my good friend, John Stennis, in a tribute to you and the way
23 you have run this committee. The chairmanship of the committee
24 has been most outstanding since I have been here.

25 As you know, we have the Labor-HHS appropriations bill

1 on the floor. It will be my hope that we will be able to
2 dispense with the measure even this afternoon, and if we
3 do, it should obviate the necessity of bringing that matter
4 to the committee.

5 So I would hope that portion of the committee's work
6 can be postponed until we see which way the wind is
7 blowing on that matter.

8 Chairman Hatfield. We will be very happy to subscribe
9 to the procedure offered by the Senator from Connecticut as
10 it relates to the Labor-HHS.

11 Let me suggest this, it was my intent, as we prepared
12 the committee print, to reference if it is the Senate-passed
13 bill or the conference report bill, whichever might be most
14 updated, and, thereby, we could move through the CR with
15 relative ease.

16 We have the requirement now for the motion -- two more
17 persons to constitute a quorum. We would then hope to take
18 subcommittee by subcommittee, take any action required, and
19 then close that subcommittee to further amendments and move
20 through it with that type of order.

21 If it is possible, we may have to accommodate individual
22 Senators and move out of that order, but I would like to
23 try to follow that order beginning with Agriculture and the
24 committee print was made, of course, before the conference.
25 So the Senator from Mississippi is the chairman of that

1 committed. I guess we can take preliminary action here
2 subject to the quorum. Excuse me, the Senator from Idaho
3 was seeking recognition.

4 Senator McClure. Only to ask of the chairman when you
5 expect we will take the CR to the floor.

6 Chairman Hatfield. It is my hope that we can take the
7 CR to the floor on Thursday, go to conference on Friday and
8 bring the conference report back and act upon it on Saturday.
9 That may be a bit optimistic, but it depends in some part, of
10 course, on how the House responds today.

11 The House will take up the CR today on the floor. Let
12 me say, just as sort of a casual observer on the process,
13 that we are going to be dealing with a rather difficult
14 vehicle if the House proceeds along the course it seems to be
15 moving, which is adopting a rather extensive public works
16 authorization bill as a part of the CR and a number of other
17 things that will require, perhaps, very difficult time in
18 conference. But I do hope we can follow that general pattern.

19 Senator McClure. Mr. Chairman, the reason I ask,
20 similar to the comments made by the Senator from Connecticut,
21 we are ready to move on the floor on the Interior and Related
22 Agencies bill, and it would be my hope that even though we
23 may have acted here in this committee on the CR on that issue,
24 that we will still go ahead and act on the floor on the bill
25 probably tomorrow, if it would be clear to do that.

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1 Chairman Hatfield. I want to assure the Senator, I
 2 have been pressuring the leadership as much as conceivable,
 3 as much as possible to get these bills up. As you recall,
 4 this was to be a session -- once we returned from the recess --
 5 to focus upon the appropriations bills. We have had the
 6 Labor-HHS bill on the floor reported, ready since June the 29th.
 7 I made the commend on the floor the other day, and we have
 8 yet to take that bill up.

9 Now, again, it is not a question of pointing fingers
 10 and saying who is at fault. It is an issue we are there in
 11 that situation now. But other bills, like the Senator from
 12 Idaho, your bill has been on the floor since August the 6th.
 13 So here we have had the Interior since August 6; Labor-HHS
 14 since the 29th of June and yet neither bill has been called up

15 One matter of business we can conduct at this point,
 16 short of the 15 member quorum, is that at this time, the
 17 committee needs to authorize the following:

18 We need authorization authority to offer the substance
 19 of this original Senate Joint Resolution as amendments to
 20 H.J. Res. 648 if that measure has not been received by this
 21 afternoon. That is a procedural matter that we need such
 22 authorization. If the House acts and sends it over to us
 23 by late afternoon, this authorization request that I now
 24 make in the form of a motion will not be required. But if
 25 they are not, we will need this.

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1 Is there any objection? If not, the authorization is
2 adopted.

3 I would like to recognize the Senator from Mississippi
4 for the Agriculture section.

5 Senator Cochran. Thank you, Mr. Chairman. Last week,
6 we were able to get to conference with the House and work
7 out a conference agreement, but the report, I am advised, has
8 not yet been filed, but is expected to be filed today. I
9 would like to ask unanimous consent that upon the filing of
10 the report that it be considered included and referenced in
11 the CR rather than the Senate-passed bill, if that is
12 appropriate procedure.

13 If not, I would move to amend the committee print to
14 reflect that intent.

15 Chairman Hatfield. Is there objection to referencing
16 the Agricultural part of the CR to the conference report
17 that will be filed rather than to the Senate-passed version?
18 If not, that will be adopted.

19 I would like to recognize the Senator from Mississippi
20 for the usual motion in reporting both the Defense bill and
21 the CR, subject to amendments.

22 Senator Stennis. Mr. Chairman, a quorum being present,
23 I move now with reference to the two bills, the appropriations
24 bill of the Department of Defense and the Continuing Resolution,
25 that each of these be reported as may be amended by the

1 committee and reported to the Senate.

2 Chairman Hatfield. The Senator from Mississippi has
3 made the motion to report both the Defense appropriations bill
4 and the CR as they may be amended by this committee to the
5 Senate floor. Any objections? If not, the motion is passed.

6 The Senator from Mississippi, we will now begin with
7 the Agriculture Subcommittee.

8 Senator Cochran. Mr. Chairman, the conference committee
9 agreed upon a bill that will appropriate about the same amount
10 of money that was made available for all of these accounts
11 during this current fiscal year carrying out the general
12 agreement to try to provide level funding on those domestic
13 spending programs where we can outside of the defense area.

14 We are within the subcommittee's allocation. We are
15 slightly below the funding level for last year. The total
16 dollar amount in the bill is a little over \$35 billion. We
17 have provided, in the case of food programs, appropriation
18 for the full year for food stamps, child nutrition and WIC
19 also, subject to a formal request for that additional funding
20 being submitted by the Administration.

21 Member may recall that the House --

22 Senator Specter. (Interposing) May we have order,
23 Mr. Chairman?

24 Chairman Hatfield. Would the Senator withhold? I wonder
25 if we can dispense with these many mini-conferences going on?

1 The Senator cannot be heard. The Senator from Mississippi.
2 Senator Cochran. The Members may recall the House
3 provided funding for only part of the year at the level of
4 the budget request submitted by the Administration. If we
5 had not made the change that the Senate insisted upon to
6 provide full-year funding, then inevitably at some point
7 about midyear, we were either going to have to pass a
8 supplemental or give notice to states that there was not
9 sufficient monies available to carry out those programs for
10 the balance of the year.

11 I think the provision that we included in the bill will
12 prevent that kind of problem from occurring and we hope the
13 Administration does provide that additional request for
14 funding by the Congress, which would immediately trigger the
15 availability of those funds.

16 Other than that explanation, Mr. Chairman, the bill
17 contains guaranteed loan funds requested by the Administration
18 to provide assistance to farmers this year who may have
19 trouble refinancing their portfolio in being able to continue
20 to operate in business -- the deferral program of the Farmers
21 Home Administration, of course, was announced.

22 There is a provision provided by the conference that
23 requires regulations to be issued by the Secretary of
24 Agriculture to carry out that deferral and the moratorium
25 program. It was made at Senator Eagleton's request.

1 Other than that, I know of no special provisions of the
2 conference that ought to be brought to the attention of the
3 Members. There are a few amendments which have been analyzed
4 that will be offered today. I think at least in the instance
5 of two amendments, one by Senator Chiles and one by
6 Senator Rudman, we are prepared to recommend the conference
7 accept those amendments.

8 So I am hoping that if they are brought up, the
9 conference will go along with these recommendations.

10 Chairman Hatfield. Senator Chiles.

11 Senator Chiles. Mr. Chairman, the amendment that I am
12 offering today would make available to the University of
13 Florida an additional \$1 million for citrus canker research.
14 I think everybody has read Florida has got the citrus canker.
15 It is sort of the worse thing that can happen to citrus,
16 evidently, of all. We had it in the early 1900s. It took
17 16 years to get rid of it.

18 We have now stopped the picking and production of all
19 our groves now. The nurseries in which it has been found
20 are being literally burned and every tree in them is being
21 destroyed. We don't have any way of stopping this other
22 than pulling up every tree and destroying it.

23 We have an order out that says any tree that came from
24 the nursery where we found it not only must you burn and
25 destroy that tree, but 125 feet in every direction. That

1 means if you reset your groves, you have to take out about
2 an acre and a half of each tree you put in.

3 It is sort of the worse thing that has hit us. Of
4 course, it could hit any other citrus-producing state. We
5 are trying to keep it from getting to Texas, California, and
6 the university is ready to speed up their research program.

7 This is a million dollars that would help in that
8 regard. I would just urge the adoption.

9 Chairman Hatfield. The Senator from Mississippi.

10 Senator Cochran. Mr. Chairman, during the conference,
11 the Senator from Florida, Mrs. Hawkins, presented a proposal
12 which the conference agreed to, to direct the Agricultural
13 Research Service to accelerate its research program in this
14 citrus canker area. This will provide funding that will
15 help carry out that language and that provision, and I thank
16 the Senator from Florida for presenting this to the committee.
17 It is a serious problem. Almost everybody is aware of the
18 seriousness of it and I recommend the conference accept the
19 amendment.

20 Chairman Hatfield: Any objections? If not, the amendment
21 is adopted.

22 Senator Rudman. Mr. Chairman?

23 Chairman Hatfield. The Senator from New Hampshire.

24 Senator Rudman. Mr. Chairman, I believe that the
25 amendment I want to offer has been cleared. An interesting

1 situation happened with the drug price Drug Price Competition
2 and Patent Restroation Act, that is the so-called "Generic
3 Drug" bill. When it was passed, it was subsequent to the
4 time Senator Cochran's committee had done their appropriations.
5 The result was here we have this bill, which was supported
6 widely in both houses, without any funding.

7 I believe had the timing been different, the funding
8 would have been included in Senator Cochran's bill. So what
9 this essentially does is put in the \$3.2 million for FY 1985
10 for salaries and expenses of the FDA to carry out the
11 purposes of that act, a very important act which streamlines
12 the generic drug bill.

13 I have the amendment and language, and I believe it
14 has been cleared.

15 Senator Cochran. Mr. Chairman?

16 Chairman Hatfield. The Senator from Mississippi.

17 Senator Cochran. Mr. Chairman, this amendment is
18 necessary because legislation that was signed yesterday
19 requires that it be implemented within 60 days, and there are
20 not sufficient funds in the bill to provide for the salaries
21 and expenses of some 73 additional personnel that will be
22 needed to carry out the program that was enacted.

23 The funds that are recommended by Senator Rudman are
24 exactly what is needed. There is no time nor any other
25 vehicle to which this money could be added before we adjourn.

1 So I recommend the amendment be agreed to.

2 Chairman Hatfield. Any objection? If not, the amendment
3 is adopted.

4 Senator D'Amato. Mr. Chairman, I have an amendment
5 dealing with the Food Stamp Program, and really dealing
6 with the basic inequity that took place in the 1982 Omnibus
7 Reconciliation Act when we changed the longstanding practice
8 of basing benefits on 100 percent of the food plan and
9 requiring a 1 percent reduction to 99 percent.

10 My amendment would essentially return that to the
11 100 percent as it really should be. There is no reason to
12 say those who are the neediest should have 99 percent of
13 what is recommended as being basic minimum but rather
14 100 percent.

15 I cleared it. I believe the amendment is acceptable with
16 the chairman.

17 Senator Cochran. Mr. Chairman?

18 Chairman Hatfield. The Senator from Mississippi.

19 Senator Cochran. Mr. Chairman, there was a recently
20 completed study by the Administration, or at the request of
21 the Administration by the President's Task Force on Food
22 Assistance. There were several recommendations made by this
23 task force and some Senators have been discussing the
24 possibility of amendment the CR or adding to the appropriations
25 bill a number of recommendations that have been made. I think

1 that is a bad idea; that is a bad way to legislate.

2 The legislative committee ought to have the responsibility
3 of reviewing the requested changes, recommended changes and
4 making a recommendation for change in the authorizing law;
5 that ought not to be the responsibility of this committee or
6 this subcommittee.

7 However, if this is the only change that is recommended
8 for inclusion in the Continuing Resolution, I would be
9 inclined to recommend that we agree to it. If there are going
10 to be a number, a whole laundry list of suggestions for
11 change, then I am going to recommend that we resist all of
12 them because I don't think we need to get into the business
13 this morning of rewriting the Food Stamp law. I don't think
14 any Member wants to do that. I hope nobody wants to do that.

15 I would strenuously resist that, Mr. Chairman. But if
16 this is the only change that is going to be recommended, this
17 is one I think most everybody agrees with, then I would
18 recommend that we accept the amendment. So I don't know
19 what the intention of the Senator --

20 Chairman Hatfield. (Interposing) Are there any
21 other amendments going to be offered to rewrite the Food Stamp
22 law? If not, without objection, this amendment is adopted.

23 Any other amendment on the Agriculture Subcommittee? If
24 not, does the chair wish to move to close it?

25 Senator Cochran. Mr. Chairman, I recommend --

1 Chairman Hatfield. (Interposing) Closed to further
2 amendments.

3 Senator Cochran. And closed to further amendments.

4 Chairman Hatfield. Any objection? If not, the
5 subcommittee is now closed to any further amendments.

6 State, Justice, Commerce -- the acting chairman of
7 that committee, the subcommittee chairman from New Hampshire
8 is recognized.

9 Senator Rudman. Mr. Chairman, I believe there are people
10 who wish to offer amendments.

11 Chairman Hatfield. This is one that is signed into law
12 so that consequently the reference in the resolution is
13 completed. In fact, it is not in the resolution. So we
14 now open for any amendments under the subcommittee dealing
15 with State, Justice and Commerce. If not, is there
16 a motion?

17 Senator Rudman. I would make a motion in the appropriate
18 form. We only have in this bill some technical language.
19 I would say, Mr. Chairman, in fairness to some people who are
20 not here, that I have been informed that there are several
21 people who wish to offer amendments, one of which is highly
22 controversial to be offered by Senator Hollings.

23 I would think it has little chance of passing, but I
24 think he ought to have the opportunity of offering it.

25 Chairman Hatfield. This committee has been in session fo,

1 45 minutes. I must say that we have a long, long day ahead,
 2 and if we are going to start dragging along just to pick up
 3 some amendments that we hear about, the Senators all ought
 4 to be on notice that we are here to do business. We have a
 5 quorum and we are going to do business.

6 Senator Inouye. Mr. Chairman?

7 Chairman Hatfield. The Senator from Hawaii.

8 Senator Inouye. I can assure the Chairman Senator
 9 Hollings is on his way and should be here soon.

10 Chairman Hatfield. With that assurance, we will pass on
 11 to D.C. The District of Columbia is in conference, I believe.
 12 Senator Specter is not here.

13 Senator Domenici. Mr. Chairman?

14 Chairman Hatfield. We will get on to the Energy and
 15 Water.

16 Senator Domenici. Mr. Chairman, could I ask a question?

17 Chairman Hatfield. Yes.

18 Senator Domenici. I didn't understand when you were
 19 talking about the Ag bill which has been conferred about and
 20 there will be a conference report. Is it the chairman's
 21 intention to try to pass the conference report as a separate --

22 Chairman Hatfield. (Interposing) Yes.

23 Senator Domenici. -- conference report and send it
 24 to the President?

25 Chairman Hatfield. Yes. It is not only our intent to

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1 pass the conference report, it is our intent to proceed
2 with all the bills that are reported to the floor of the
3 Senate from this Senate Committee.

4 For instance, Labor-HHS will be taken up today, hopefully,
5 and Interior. Hopefully, they could go to conference even
6 perhaps before we adjourn. Once that happens, and we pass
7 the conference reports, then these all would drop out of the
8 CR.

9 Senator Domenici. Thank you, Mr. Chairman.

10 Senator Leahy. Mr. Chairman?

11 Chairman Hatfield. The Senator from Vermont.

12 Senator Leahy. I didn't quite understand what the Chair's
13 disposition was of the District of Columbia.

14 Chairman Hatfield. We were saying the District of
15 Columbia, the subcommittee chairman, Mr. Specter, is chairing
16 a hearing at this moment and will be returning some time
17 before the noon time to take that up.

18 Senator Mattingly. Mr. Chairman, do you have the Energy
19 and Water bill now?

20 Chairman Hatfield. We are now opening the Subcommittee
21 on Energy and Water.

22 Senator Mattingly. Mr. Chairman?

23 Chairman Hatfield. The Senator from Georgia.

24 Senator Mattingly. I understand the committee, the
25 chairman has agreed with strong report language we wish to

1 have included in this bill --

2 Chairman Hatfield. (Interposing) Would the Senator
3 withhold a moment? Could we have order? It is very
4 difficult to hear. These conferences are very disruptive.
5 If they have to occur, please go into the ante-room. The
6 Senator from Georgia.

7 Senator Mattingly. Mr. Chairman, I understand that we
8 have reached agreement on some strong report language in
9 reference to the Corps of Engineers which has already passed --

10 Chairman Hatfield. That is report language. There is
11 no money involved.

12 Senator Mattingly. There is no money involved. It
13 is just to reinforce what was already done in that bill and
14 say that funding is not to be continued in any way on
15 signing of any cost-sharing agreement by the local sponsors --

16 Chairman Hatfield. (Interposing) Would the Senator
17 repeat his question? Does the Senator propose a question?

18 Senator Mattingly. The Senator is asking that you
19 accept the report language we have worked out mutually with
20 your committee.

21 Chairman Hatfield. Senator Johnston, is that satisfactory
22 with you.

23 Senator Johnston. Excuse me, I was talking to Senator
24 Chiles over here.

25 Chairman Hatfield. Now we are going to give our full

1 attention to the Senator from Georgia.

2 Senator Mattingly. I am not sure whether it is worth
3 it now. It is just some report language reinforcing what
4 has already been done in the Energy and Water Committee to
5 instruct the Corps of Engineers to follow what we passed
6 and funding that it was not to be continued in any way on the
7 signing of any cost-sharing agreements by the local sponsors
8 for studies.

9 Senator Johnston. On all studies you are talking about?

10 Senator Mattingly. That's correct. The Corps sort of
11 jumped the gun by saying, in effect, they would have to
12 sign an agreement. It was based upon a law that may pass
13 in the future.

14 Senator Johnston. That is all right, Mr. Chairman.

15 Chairman Hatfield. There is evidence one of the agencies
16 in the Federal Government is anticipating legislation not in
17 place, and they are beginning to apply certain criteria;
18 if that legislation were in place, it would be applicable.

19 Senator Johnston. I am strongly in favor of that. I
20 would be with the chairman in his resolve.

21 Chairman Hatfield. I thank the ranking Member of the
22 committee for his total support. The Senator from Idaho.

23 Senator McClure. Mr. Chairman, I almost hesitate to
24 offer an amendment that will add money. I discussed this
25 money with you before and with your staff, the North Cache

1 Water Development Project. It would appropriate an
2 additional \$200,000 for the planning, development and
3 engineering and preconstruction expenses associated with the
4 North Cache Water Development Project in the States of Idaho
5 and Utah.

6 Mr. Chairman, very briefly, this project is one that
7 attempts to convert -- it is a small reclamation project --
8 it attempts to convert existing irrigation systems into a
9 pressurized irrigation system so that the farmers who get
10 that water can both conserve water but more importantly, but
11 their power pumping, sprinkling charges by using the gravity
12 pressure rather than having to pump the water for pressure
13 sprinkling.

14 I wouldn't be here today at all if we had been
15 able to get a regular appropriation matter through. This
16 matter has been pending during a period of time when energy
17 costs escalated very rapidly and particularly escalated
18 very rapidly in the Utah Power and Light Service area.

19 These farmers are desperately seeking some financial
20 relief from the costs of the increased pumping charges. This
21 is one way of getting that done.

22 For that reason, I offer the amendment. Again, I am
23 almost reluctant to offer it, but nevertheless, I feel that
24 I must on behalf of those folks that are involved.

25 Chairman Hatfield. I wonder if the Senator from Idaho --

1 I understand his reluctance because if we begin to offer
2 these as bill language, we are going to set a precedent,
3 perhaps, for other projects. He indicates it is \$200,000?

4 Senator McClure. Yes, sir.

5 Chairman Hatfield. What if we can make within available
6 funds or make that report language?

7 Senator McClure. The difficulty with the report language
8 I would have difficulty with report language. I have no
9 difficulty at all within available funds.

10 Chairman Hatfield. Would you like to see if the report
11 language works and if it doesn't work, then we can make some
12 pressure or put it on the first vehicle that comes down?

13 I am just concerned if we get into the bill, we are going to
14 have a proliferation of such requests.

15 Let me just show you one. (Indicating) This, my friends,
16 is 377 pages of projects that are being suggested we add to
17 this CR in the Authorization Act. This is from the House
18 bill, the Subcommittee on Public Works, the Roe bill, and
19 we are trying to resist this.

20 Senator McClure. Mr. Chairman, I am very much aware of
21 that. That is why I was almost apologetic to raise the issue.

22 Chairman Hatfield. That is why I suggested report
23 language.

24 Senator McClure. Mr. Chairman, I would be happy if we
25 put it in the report language with some assurance that if that

1 doesn't work that we will seek the next available opportunity.

2 Chairman Hatfield. I give the Senator full assurance.

3 Senator Johnston. Mr. Chairman?

4 Chairman Hatfield. The Senator from Louisiana.

5 Senator Johnston. Thank you, Mr. Chairman. Mr. Chairman,
6 I did not get a chance --

7 Chairman Hatfield. (Interposing) Excuse me. Is there
8 objection to the Senator from Idaho's amendment?

9 Senator Johnston. No objection.

10 Chairman Hatfield. If there is no objection, the
11 amendment is adopted.

12 Senator Johnston. Mr. Chairman, I didn't get a chance
13 to talk to you about section 106. While I quite concur we
14 should not open the door here and let a lot of projects
15 through, section 196 is unusual for two reasons.

16 First, because Barnegat Inlet in New Jersey is one of
17 those projects that we had in our regular Energy and Water
18 Appropriation bill in report language, but we found the
19 Corps was unable to construct the jetties with just report
20 language. They insist on statutory language. So in that
21 respect, it is an unusual provision and, secondly, Chairman
22 Jim Howard feels very strongly about it, has personally
23 called me several times and owing to the fact we have got
24 a few of these authorizations here, I think that combined
25 with the fact we did have it in our regular bill, we ought

1 to be able to create a very small exception. It is a small
2 project; a very little one to build those jetties there to
3 keep the inlet open.

4 So I hope we can make an exception in this limited case.

5 Chairman Hatfield. I wonder if the Senator would -- we
6 have this in conference, and I would give the Senator full
7 assurance cooperating in trying to achieve this objective
8 in conference. It gives us bargaining room, and it also
9 holds against the precedent I fear once we break we are
10 going to have a flood.

11 If the Senator would be willing, we will work this out
12 in conference, I am sure, to his satisfaction. Rather than
13 taking that action now, I would much prefer to wait in
14 conference.

15 Senator Johnston. The Chairman speaks wisely and I will
16 accede to his wishes.

17 Chairman Hatfield. I thank the Senator.

18 Senator Chiles. Mr. Chairman?

19 Chairman Hatfield. The Senator from South Carolina.

20 Senator Hollings. Go ahead. I am getting that amendment
21 retyped.

22 Senator Chiles. Mr. Chairman, I have one that may fit
23 in that category; I don't know. It is the Tampa Harbor east
24 Bay Channel authorization. We have a situation there in which
25 within one year, the port estimates of the channel depth will

1 be too shallow to safely accommodate a major portion of the
2 vessels that are now using the East Bay Channel.

3 If the construction is not completed or underway within
4 a year, the port is in danger of losing about 40 percent of
5 the East Bay cargo shipments. The House has included that.
6 It is one of those things that would require an authorization,
7 but no money because the money would be within available funds.

8 That report language would say within available funds
9 the Corps of Engineers is directed to initiate construction
10 of the East Bay Channel in Florida.

11 The only reason I raise this now is because of the fact
12 that they say within a year, it is probably going to stop
13 about 40 percent of that cargo.

14 Chairman Hatfield. Senator, that is on page 25; that
15 is another one of those separate projects. You say it is
16 included by the House. We struck it and we are bargaining
17 a little bit with the House. We will help you in conference
18 We have also included new starts in our package of 26 projects
19 for Florida, so we will be happy to work with you.

20 Senator Chiles. Thank you.

21 Senator Abdnor. Mr. Chairman?

22 Chairman Hatfield. The Senator from South Dakota.

23 Senator Abdnor. I sent an amendment up to you a moment
24 ago. I know it is not in the bill. It is something that
25 occurred very recently. It is a very small item. We may very

1 well not have an option before the year is over to get the
2 water bill we worked on for so long.

3 Chairman Hatfield. I don't think I have a copy of it.
4 You say you sent up a copy?

5 Senator Abdnor. Keith, I guess. What it does,
6 Mr. Chairman, it would call upon the Secretary of the Army,
7 acting through the Corps of Engineers, to take action which
8 may be necessary to repair, restore and rehabilitate those
9 existing recreation facilities and lands as determined by the
10 Chief of Engineers to have sustained inordinate damages to
11 structures, roads, support facilities and shoreline.

12 Let me tell you what it does. The State of South Dakota,
13 as poor as it is, put a number of facilities in, working through
14 the corps. Once again, we have just become the victim
15 of high slow waters through the dams this year. We were
16 called upon to store an unusually large amount of water.

17 Chairman Hatfield. If the Senator would withhold for
18 a moment, I must say, I don't think anyone in here is really
19 hearing the Senator. This is an important matter, and we
20 must be able to understand what the Senator is proposing.

21 Senator Abdnor. What I am trying to say is, this
22 past spring, with all the rainfall --

23 Chairman Hatfield. (Interposing) Is this report
24 language, Senator?

25 Senator Abdnor. No, this would call for \$650,000 to

1 to repair those damages that was caused by the inordinate
2 amount of water held back -- way more than usual.

3 The States of Nebraska and Missouri both have been
4 flooded. Once again, South Dakota was called upon to hold
5 not just the ordinary amount of water, but a great deal
6 more that took out the recreational areas --

7 Chairman Hatfield. (Interposing) The flood in
8 South Dakota --

9 Senator Abdnor. (Interposing) If we let the water go
10 down, we would have been in good shape. I just feel there is
11 a responsibility here on the part of the Corps of Engineers
12 that choose to hold that water there, take out the recreational
13 areas they choose as the site for assuming everything was
14 all right. I just think it is the responsibility of the Corps.

15 Chairman Hatfield. Senator, let me suggest a method of
16 accomplishing this. Your proposal here could run into
17 technical difficulties in conference because you are putting
18 it in a bill. I believe we can put it in O&M and put
19 it in report language and direct them, through O&M funds
20 that are already appropriated and achieve the same objective.

21 Senator Abdnor. You have the right approach. That
22 sounds excellent.

23 Chairman Hatfield. If we can make that report language
24 and direct it out of O&M funds already appropriated.

25 Senator Abdnor. I appreciate that very much.

1 Chairman Hatfield. Senator Johnston, do you have any
2 trouble with that?

3 Senator Johnston. No; we agree with that.

4 Chairman Hatfield. Without objection, the amendment of
5 the Senator from South Dakota is adopted. The Senator from
6 North Dakota.

7 Senator Burdick. Mr. Chairman, in 1976, the Corps of
8 Engineers obtained a 60-acre park to maintain for public
9 use and recreation. During the year, the area has been
10 inhabited by trailers and small camping sites and
11 things of that nature. It seems the lands conveyed should be
12 in cabin sites because of the indefinite period in which
13 these structures can stay is questioned. And this costs
14 no one any money, but if we adopt this language, that the
15 lands can be used for cabin sites, it gives a longer term
16 of years. It costs no money and it is something Mountrail
17 County can use.

18 Chairman Hatfield. Where is the money going to be coming
19 from?

20 Senator Burdick. The money is paid for by Mountrail
21 County and they get the money from the campers. It is a
22 recreation site along the Lakes of Coccawea.

23 Chairman Hatfield. Without objection, the amendment
24 is adopted. Is that all right, Senator?

25 Senator Johnston. Yes.

1 Senator Burdick. One more. This is report language.
2 It is to direct the Corps of Engineers to extend \$200,000 out
3 of available funds for planning assistance in a program
4 establishing resource service in the State of North Dakota.
5 This service is needed in relation to the severe flood control
6 problems on the river basin.

7 I understand there will be money for it and no
8 appropriations is required.

9 Chairman Hatfield. This is report language.

10 Senator Burdick. Correct.

11 Chairman Hatfield. The Senator from Louisiana, do you
12 have any problems with this report language?

13 Senator Johnston. That is agreeable.

14 Chairman Hatfield. The Senator from South Carolina had
15 an amendment to offer to the State, Justice and Commerce
16 section. Just one moment. Are there any other amendments
17 on this chapter? Can we complete this section?

18 Senator Domenici. Mr. Chairman?

19 Chairman Hatfield. The Senator from New Mexico.

20 Senator Domenici. I don't have an amendment. I have
21 proposed report language with reference to Hooker Dam.
22 Last year we attempted to change it statutorily. I am asking
23 in behalf of Senator Bingaman that we have report language
24 expediting the planning and the environmental work and the
25 final decision --

1 Chairman Hatfield. (Interposing) This is report language?

2 Senator Domenici. Report language only. We have run
3 it through Senator Johnston.

4 Chairman Hatfield. Does the Senator from Louisiana
5 accept the language on Hooker Dam?

6 Senator Johnston. Yes.

7 Chairman Hatfield. No funds involved. Any objection?
8 If not, the amendment is adopted. The Senator from New York.

9 Senator D'Amato. I have report language dealing with
10 Hempsted Harbor. That is a project funded fully and
11 delineates the lines of federal expenditure with nonfederal
12 expenditures. I would hope the Chair would --

13 Chairman Hatfield. (Interposing) Do we have a copy of
14 that language?

15 Senator D'Amato. Yes, you do. I believe the
16 recommendation has been to accept this.

17 Chairman Hatfield. Does the Senator from Louisiana
18 have any trouble with this report language?

19 Senator D'Amato. There are no federal funds. What it
20 does is simply indicate the manner of which allocation of
21 two-thirds federal and one-third nonfederal, so they can get
22 on with the job.

23 Senator Johnston. Do you agree with this, Mr. Chairman?
24 We would agree.

25 Chairman Hatfield. If no objection, the report language

1 is adopted.

2 Does the Senator from Louisiana wish to make a motion to
3 close to further amendments?

4 Senator Johnston. Yes, Mr. Chairman. I move to close
5 the chapter.

6 Chairman Hatfield. Without objection, the motion is
7 offered. Now we go back to State, Justice. The Senator
8 from South Carolina is recognized.

9 Senator Hollings. Again, this is 1578. The bill
10 would exempt city fathers from treble damage. You can
11 remember when we debated State, Justice and Commerce, there
12 was an amendment from Senator Thurmond that did exactly that.
13 It passed the Senate. The House absolutely refused to keep
14 that on. They wanted a separate bill.

15 Since that time in August, they passed separate bills
16 so what is proposed here, with one exception, I won't
17 mislead, with retroactivity, but with that exception on
18 retroactivity, this particular amendment has passed both
19 houses and I think appropriate for the Continuing Resolution.

20 In essence, we compromised on retroactivity. Senator
21 Eagleton feels very strongly about it, and he is here and can
22 speak to thatpoint. I agree with Senator Eagleton that we
23 shouldn't try to retry the Lake County case where a jury
24 verdict has already been obtained, and I don't think we should
25 have it fly retroactively to pending cases unless the court

1 find it is inequitable not to apply.

2 So I think that would clear up one particular issue,
3 one that is debated further in both houses. If we can take
4 that in the Continuing Resolution, I would appreciate it
5 because the city fathers have the bill. It has passed the
6 Senate; it has threatened a hold on that particular on the
7 floor by one or more Members. It kept it from being called
8 but it has passed, as I indicated, not only the Senate in the
9 fall with retroactivity, of course, when we debated, Justice,
10 Commerce, Mr. Chairman, on appropriations.

11 That has come over as a separate bill from the House
12 now and is pending now.

13 Chairman Matfield. I wonder if the Senator from
14 South Carolina who knows very well I support this measure,
15 early supporter and consistent supporter, this bill has
16 been reported out by the Judiciary Committee, as the Senator
17 has indicated.

18 I would be very hopeful the Senator would withhold
19 offering the amendment at this point because I don't want
20 to see the CR become a vehicle for the whole legislative
21 calendar that we haven't acted upon.

22 I think we are going to find enough of that effort at
23 the time we come to the floor with the CR and it could well
24 be that dam will break and everything is going to happen
25 that way, but I would like to go to the floor, if possible, with:

1 a clean bill as it relates to the legislative matters.

2 I am going to say to the Senator I will simply oppose
3 all such efforts on the floor as the manager of the bill
4 because I am very concerned about this issue, but I think if
5 we add these legislative matters in the committee, we weaken
6 the committee's position on the floor when we try to resist
7 this becoming the vehicle for the unfinished business of the
8 legislative calendar.

9 Senator Hollings. We haven't been doing that?

10 Chairman Hatfield. Pardon me?

11 Senator Hollings. I was rather hesitant on the very
12 basis that you are pointing out, not to break the dam and
13 start piling on authorizing legislation on the Continuing
14 Resolution appropriations.

15 Chairman Hatfield. We have not done it on this vehicle
16 so far.

17 Senator Hollings. You haven't done it yet. Can I
18 withhold and come back later if something occurs along that
19 line? I will be around a little while on this.

20 Senator Rudman. Mr. Chairman?

21 Chairman Hatfield. The Senator from New Hampshire.

22 Senator Rudman. I agree essentially with what the
23 chairman just stated. The amendment as now drafted is a bit
24 different from what I had anticipated and essentially agree
25 with what the Senator from South Carolina has submitted here.

1 I do believe there is an omission which is strictly
2 inadvertant which would assure that actions under section A
3 against private defendants, that this would be prospective
4 in nature, but we can talk about that later.

5 This would affect your concern. I believe when this
6 was drafted, the concern that we all had that private
7 defendants, as distinguished from municipal defendants,
8 certainly ought not to be affected and this ought to be
9 prospective as to them.

10 But let me simply say the Senator from South Carolina
11 is absolutely correct. We went to conference with a bill.
12 It, of course, did have some FTC language in it. The Senator
13 from South Carolina didn't agree with it, but, of course,
14 the Members of the House did agree with it. They agree with
15 him on that, but were not willing to take authorizing
16 legislation at that time.

17 Mr. Chairman, at 2:30 this afternoon, there will be a
18 meeting of about six or seven parties to this dispute.
19 Hopefully, we will work something out at that time which
20 essentially, I believe, will be similar or possibly exactly
21 like what we have here.

22 I am just not sure whether we will or we won't. Let
23 me say this. If, in fact, that fails, I, as much as anyone
24 here, want to make sure we do confer the immunity the
25 Senator from South Carolina has taken a leadership position

1 in, and I would certainly support this on the floor if it
2 came to that. But I would hope we might do what the chairman
3 suggests here and keep it clean at this time and then maybe
4 work together to get passage, if the judiciary negotiations
5 should fail.

6 Senator Hollings. Mr. Chairman, I see how successful
7 you are. I will cooperate with the Chairman to hold up on
8 the legislation and not make this particular measure a
9 singular exception, but if you don't mind, I might resubmit
10 it later here while we are marking it up. Let's see how
11 we go. I withhold at this particular time with the agreement.
12 Senator Eagleton, is that all right?

13 Senator Eagleton. Yes.

14 Chairman Hatfield. I thank the Senator from South
15 Carolina. The Senator from Wisconsin.

16 Senator Kasten. Thank you, Mr. Chairman.

17 Chairman Hatfield. Could we close off Commerce? I made
18 a mistake. With the contingency of the Senator from South
19 Carolina to meet his amendment, do you wish to move to close?

20 Senator Rudman. Mr. Chairman, I understand we can close
21 off this chapter with that possible exception, but I
22 understand Senator Bumpers has a brief amendment, which is
23 acceptable to the committee, if he is now ready to offer
24 that. If not, I suppose we can defer it.

25 Senator Bumpers. Mr. Chairman, this is simply a

1 reinstitution of what everybody on the Small Business
2 Committee understood was to be the case, that was to allow
3 Small Business Administration to guarantee pollution control
4 bonds for small business.

5 At one time, the money was stripped out of the bill to
6 provide aid for the handicapped, and I think the Finance
7 Committee at that time had some objection to it, but it is
8 a very simple provision. It gives us the aid, the authority to
9 help small business finance pollution control devices by
10 guaranteeing bond issues that they issue for that purpose.

11 Senator Weicker, who is not here, is chairman of the
12 Small Business Committee, and he is co-sponsor of this
13 amendment.

14 Senator Rudman. Mr. Chairman, it is our belief on the
15 subcommittee that what the Senator from Arkansas is proposing
16 is precisely what the law is now. As we often have the
17 problem occasionally with OMB, they don't want to seem to
18 follow the law as it is currently drafted and have adopted
19 a position which I think is quite contrary to what the law
20 says.

21 We are prepared to accept it. I understand there might
22 be opposition from certain quarters on the floor. But if
23 that happens, so be it. I would accept the amendment, if
24 there is no objection.

25 Chairman Hatfield. Any objection? If not, the amendment

1 is adopted.

2 Senator Rudman. Mr. Chairman, I suspect this chapter
3 can be closed subject to the right of the gentleman from
4 South Carolina.

5 Chairman Hatfield. The amendment of the Senator from
6 Arkansas is adopted.

7 Senator Rudman. I make the motion in the appropriate
8 form the chapter be closed.

9 Chairman Hatfield. The motion has been made by the
10 acting chairman of the Subcommittee on State, Justice and
11 Commerce to close this subcommittee to further amendments
12 with the exception of the Senator from South Carolina's
13 contingency on the amendment he may offer. Without objection,
14 it is closed.

15 Senator Kasten. The Foreign Assistance section of the
16 Joint Resolution references the Senate-reported bill. That
17 bill includes appropriations of roughly \$1.5 billion for the
18 Multilateral Development Bank; \$6.6 billion in bilateral
19 economic assistance; \$2.3 billion in military assistance;
20 \$3.8 billion for direct loans for the Ex-Im Bank.

21 Mr. Chairman, there are a couple of amendments that we
22 have on the Foreign Assistance chapter of the resolution,
23 which I hope we can deal with relatively quickly, and I at
24 this time would like to move the adoption of an amendment
25 having to do with Poland which was just distributed.

1 This amendment would make up to \$10 million for
2 assistance to private agriculture in Poland. For some months,
3 the Administration has been working on a plan whereby we
4 can assist the private sector, especially agriculture, without
5 directly aiding the Government of Poland. This is an effort
6 which I have been aware of; the Administration has been working
7 on. It had not been worked through at the time that we
8 adopted our bill in committee.

9 Now this amendment is supported by the Administration,
10 and I believe the ranking Member, the Senator from Hawaii,
11 also is in support of the amendment.

12 I might say, Mr. Chairman, this money is out of existing
13 funds. There are no new funds here. The \$10 million are
14 out of existing money.

15 I would like to yield at this time to the Senator from
16 Hawaii.

17 Senator Inouye. Mr. Chairman, I am pleased to support
18 Senator Kasten on this.

19 Chairman Hatfield. Any objection? If not, the amendment
20 is adopted.

21 Senator Inouye. Mr. Chairman, I have an amendment I
22 would like to propose. I have circulated the amendment. It
23 is an amendment that declares that it is the policy and
24 intention of the United States to provide annual appropriations
25 for economic support for assistance to Israel in amounts which

1 equal or exceed the annual debt repayment from Israel
2 to the United States.

3 Incidentally, this amendment does not in any way add
4 dollars to this bill. However, it is much stronger than the
5 sense of the Senate or sense of the Congress provision which
6 we had originally adopted because it makes both a finding of
7 fact by the Congress and declaration of policy and intent
8 by the Congress with respect to future assistance to Israel.

9 Incidentally, under the present condition, the amendment
10 will not be operative because the debt service repayment to
11 the United States is less than the assistance we are providing.
12 However, the incorporation of this amendment into the law
13 will provide greater assurance to the people of Israel that
14 the United States assistance to Israel is consistent and
15 predictable, and I think Israel, as a result, will be secure
16 economically and strengthened in their efforts to continue
17 pursuing the peace process.

18 It will also provide assurance to the international
19 community of Israel's financial strength and viability and, at
20 this time, with Israel facing an economic crisis, I think
21 this amendment is most appropriate.

22 So I hope the committee will adopt it.

23 Senator Kasten. Mr. Chairman?

24 Chairman Hatfield. The Senator from Wisconsin.

25 Senator Kasten. Mr. Chairman, I would simply like to say

1 to the committee this is an issue we have discussed for a
2 number of months. This particular language is already
3 included on a bipartisan vote from the authorizing committee.
4 I have been asked to be made a co-sponsor of the amendment, and
5 I support the amendment.

6 I believe we want to move in this direction, and although
7 we have expressed this concept in report language, I think it
8 is more appropriate that we express it in bill language.
9 The Senator from New York has been asked to be made a
10 co-sponsor of the amendment as well.

11 So I ask unanimous consent the Senator from New York,
12 Mr. D'Amato, be made a co-sponsor of the Inouye-Kasten
13 Amendment.

14 Chairman Hatfield. Isn't this more appropriate for the
15 Foreign Relations Committee to express policy of this type?

16 Senator Inouye. I think this is germane because we have
17 already covered the subject in the proviso we adopted a few
18 months ago.

19 Chairman Hatfield. Then why must we do that now?

20 Senator Inouye. Because this is a new amendment to the
21 Continuing Resolution.

22 Chairman Hatfield. Any discussion?

23 Senator Hollings. Mr. Chairman, let me ask my distinguished
24 colleague here, I don't know that I am reading it right. If
25 you say it shall not be less than the annual debt re-

1 payment, then that sort of cancels the debt, doesn't it?

2 What is the debt?

3 Senator Inouye. At the present time, the assistance
4 program totals \$2.6 billion. The debt repayment cost to
5 Israel is less than a billion dollars. Therefore, this
6 intention, or this proposal would not be operative.

7 If, however, the time should come where the debt service
8 costs would exceed whatever assurance program, then we would
9 assure Israel the assistance program would equal or exceed
10 the debt service cost.

11 Senator Hollings. But what is the total debt now, Dan?
12 I don't know; I am not trying to be picky about this thing,
13 but I am just reading. If you are going to guarantee, as
14 I see it here, the annual debt repayment from the Appropriations
15 Committee and Congress, I take it, if we adopt this, then you
16 are committing to cancelling the debt. I want to know what
17 is the overall debt? Am I reading that thing wrong?

18 Senator Inouye. No, this does not affect the debt
19 itself, just the annual repayment cost.

20 Senator Hollings. But if the annual repayment cost is
21 guaranteed every year, you might as well forget about the
22 debt. You say in here, "in recognition that such a principle
23 serves the United States' interests." I don't know that it
24 serves the United States or Israel's interest to just cancel
25 the debt.

1 Senator Inouye. We would not be cancelling the debt,
2 but if the United States would decide not to provide any
3 assistance to Israel, this proposal would not be in its way.

4 Let's say for some reason the United States would decide
5 to sever diplomatic relations with Israel and there is no
6 more aid, this does not operate. Israel will continue to make
7 the repayment, as they have in the past. It is conceivable
8 that in about four years, the debt repayment would exceed
9 \$1.2 billion, but the history up until now is that our
10 assistance program has always exceeded the debt repayment.

11 Senator Hollings. Can someone from the staff tell us
12 what the debt is? I heard someone a minute ago say something
13 like \$29 billion, Senator. If you have a \$29 billion debt
14 and payments runs 1.2, 2.1, whatever, annually over a series
15 of years, that is understandable, but if you also have a
16 commitment made by the Congress and the Appropriations
17 Committee, don't worry, because we find as a matter of
18 policy, and the intention that it is the policy and the
19 intention of the United States that annual appropriations of
20 funds be allocated to Israel will be not less than the annual
21 payment. Once you guarantee the payment of the debt as a
22 matter of principle and as a matter of policy and intention
23 here, then we have cancelled the debt and maybe if that is
24 what we want to do, I think we ought to discuss it a little
25 bit more fully because I don't know what that is in the

1 interest of Israel and the United States to cancel the debt
2 in a rather casual way.

3 What is the debt? Does anybody on the staff know what
4 it is?

5 Senator Inouye. \$1,018,000,000.

6 Senator Hollings. It is more than \$1 billion.

7 Chairman Hatfield. That is the debt service.

8 Senator Hollings. That is the debt service on the
9 total debt of -- and what is the answer to that question?

10 Senator Kasten. Mr. Chairman, I can't answer that
11 question precisely. We are not talking about cancelling the
12 debt. What we are talking about is allowing Israel to have
13 the ability to keep up with the debt so we don't have to
14 reschedule any payments.

15 Right now, frankly, the particular language here would
16 never be operative based on what we have done over the last
17 several years. We have always had our aid levels rather than
18 their servicing the debt.

19 Senator Chiles. Why don't we do that?

20 Senator Kasten. All Senator Inouye and I are saying is
21 we will continue to do that, but the debt is probably
22 \$18 billion or \$20 billion. What we are saying is that we
23 will allow them the opportunity to continue to repay, and we
24 are just basically tracking what has already been adopted on
25 both the authorizing committees.

1 Chairman Hatfield. Basically one Congress cannot bind
2 a future Congress anyway, and this is meaningless language --

3 Senator Inouye. (Interposing) This does not bind the
4 next Congress.

5 Chairman Hatfield. It is trying to make a future
6 commitment and "intention of the United States," so forth,
7 on that last sentence.

8 Senator Inouye. It is the intention of this Congress
9 and the policy of this Congress.

10 Senator Johnston. Question?

11 Chairman Hatfield. It says, "the Congress."

12 Senator Hollings. It says, "the Congress," and I can
13 tell you now we will never make that commitment and further
14 Congresses will be reniging.

15 I don't think we should put further Congresses in that
16 position. Now that we know it is about a \$20 billion debt,
17 the distinguished chairman, Senator Kasten, says we are not
18 talking about that. That is exactly what we are talking
19 about. That is the way I read it -- fiscal provisions. It
20 is \$28 billion, I think the staff has now provided. A total
21 of \$28 billion in principal and interest. That is the
22 schedule. So the total debt -- look, we all have payments
23 to make. If you have them, introduce yourself around here.
24 I can tell you that now. That is what I hear when I talk
25 to my bankers -- \$28,897,000,000. That is almost a \$29 billion

1 debt. What we are saying, if the Congress declares a policy
2 or intention to provide funds in annual appropriations which
3 shall not be less than the annual debt repayment, so you are
4 saying to Israel, forget about the debt because we have
5 guaranteed repayment; we are going to appropriate your payment
6 to us.

7 Senator Johnston. Question, Mr. Chairman. Is this
8 present debt or any future additions as well?

9 Senator Hollings. That says "annual appropriations." The
10 economic support funds, so I would imagine that this general
11 language, and if it is in the authorization legislation,
12 I don't think it was fully debated because we are all in
13 favor of the preamble part. We are all for Israel. Certainly
14 if you have a provision in here to help Perez make that
15 comeback with something like 400 percent inflation over there,
16 we ought to double it; let's give them \$2.8 billion, whatever
17 is necessary, but let's do it a year at a time and not
18 express the intent.

19 I am for helping Israel. I don't think I help a debtor
20 when I in 1984 say your total \$28 billion debt that it is
21 the intention and policy that we are going to provide the
22 annual repayment. I just don't think that is good for
23 Israel and I don't think it is good for the United States.

24 Senator Inouye. At the present time, this sort of
25 assurance, I believe, Israel requires as it deals with the

1 international financial community.

2 At the present time, because of this heavy external debt,
3 because of this internal economic crisis, obviously they are
4 having problems in the public and private sector in
5 borrowing money. With this type of provision in our laws,
6 it will give assurances not only to the people of Israel, but
7 also to the international financial community that the United
8 States does, in fact, support Israel.

9 Now, the history shows that the debt service repayment
10 will never exceed the assistance programs that we have and,
11 therefore, it will never become operative. However, if it
12 never even becomes operative, a provision like this would
13 provide the psychological assurance that Israel at this moment
14 needs in trying to resolve this problem.

15 Senator Kasten. Mr. Chairman, I just would like --
16 Chairman Hatfield. (Interposing) The Senator from
17 Wisconsin.

18 Senator Kasten. I would like to remind the Senator from
19 South Carolina we are not talking about Israel's total debt,
20 but Israel's debt to the U.S. We are not talking about debt
21 they would owe to other people, other nations. This is
22 Israel's debt to the U.S.

23 Essentially, what we are saying is it is the policy, and
24 the authorizing committees debated this at great length,
25 and we addressed it in our previous bill in our report language,

1 we are simply saying that the policy is that, and this
2 particular language would never be operative; we are simply
3 saying for the future --

4 Chairman Hatfield. (Interposing) Would the Senator
5 yield for a question?

6 Senator Chiles. It could be operative.

7 Senator Kasten. We can argue it and vot on it, but this
8 does not include Israel's total debt. We are talking about
9 the relationship between Israel, dollars we are giving them on
10 grants and loans and their ability to make repayments.

11 Chairman Hatfield. What is the report of the authorizing
12 committee? What bothers me about this is not the principle
13 so much incorporated in this as it is we are in the
14 authorizing business here. You said they debated it in the
15 authorizing committee. What was the --

16 Senator Kasten. (Interposing) They approved it and
17 reported it out and the House committee approved and reported
18 it out as well.

19 Chairman Hatfield. Why don't we pull it off the
20 calendar -- again, as I tried to get -- successfully thus far --
21 trying to make this for the legislative unfinished business.
22 I would like to ask the Senator the same question if he
23 would also accommodate this committee of withholding this
24 amendment and since it is on the legislative calendar, let
25 us see what we can do to get the leadership to bring it up from

1 the legislative calendar and offer this from the floor. But
2 I hate to go to the floor with all of the unfinished business
3 of a legislative calendar on the Continuing Resolution. That
4 is what the Senator from Wisconsin is precisely in the same
5 role the Senator from South Carolina was.

6 Senator Hollings. Mr. Chairman, in response to our
7 distinguished colleague, I have in my hand, which I ask
8 unanimous consent to make this one page a part of the record.

9 (The information referred to follows:)

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1 Senator Hollings. It is the Congressional Budget Office
2 sheet of April of this year entitled, "Estimated Israeli
3 Debt Repayment." It has foreign military credits, foreign
4 aid loan, P.L.-480, CCC credits, Ex-Im Bank. It goes across
5 there and that is exactly what the particular amendment
6 discusses, and that is its annual debt repayment, and the
7 total debt repayment schedules of the \$28,897,000,000.

8 What we say in this amendment, and I plead with my
9 colleague, this is not in the interest of Israel. You overstep
10 bounds here in a quiet morning in the United States Congress,
11 and just slip in an amendment there and momentarily it might
12 work for a couple of years, but I think the body politic of
13 this land, when they understand with all the debts -- lets'
14 start with our own running \$172 billion or \$173 billion.
15 We started a new spending program, Senator, that we couldn't
16 avoid this year -- \$25 billion more on interest costs on the
17 national debt. That was a new spending program.

18 Next year beginning here in 10 days, less than 10 days,
19 October the First, we are going to launch another spending
20 program. That is \$33 billion, just added carrying charges.
21 What we are saying is carrying charges are principal and
22 interest, to our good friend Israel, forget about it because
23 it is the intent and the policy that we annually appropriate
24 those amounts.

25 So whatever they are, that's been the set policy here on

1 a quiet morning. I think when that thing comes out in the
2 open, that is where we have handled our financial affairs here,
3 with our best of allies and friends, then it is going to
4 react against the Congress and it is going to react against
5 Israel.

6 I don't think it is wise or in their best interest. I
7 would oppose it.

8 Senator Stevens. Mr. Chairman?

9 Chairman Hatfield. Senator from Alaska.

10 Senator Stevens. I have great respect for the chairman,
11 but I doubt seriously we are going to be able to get that
12 bill up on the floor, and I think every Member here knows
13 that. We want to look on that interest on the national debt --
14 I call your attention to the fact there is \$165 billion
15 in the budget for maintaining our forces in Central Europe.
16 They are not paying us a dime.

17 Senator Hollings. I agree.

18 Senator Stevens. The Israelis are maintaining the
19 Southern really anchor for our whole concept of defense in the
20 region, and they are borrowing money and doing it themselves.
21 I wonder how many people would like to see us charge Germany,
22 The Netherlands and the rdst, what they ought to be charged
23 for maintaining our troops over there.

24 Instead of that, we are paying them to repair their
25 highways, to build their railroads, to build new buildings.

1 We are maintaining 1.1 million people a day in Central Europe
2 at taxpayers' expense.

3 These people are trying to go it alone and all the
4 Senator's amendment does is say we are not going to push it
5 to the point of bankruptcy. I think it is an absolutely
6 necessary amendment. It does not bind the next Congress. The
7 next Congress can change the law.

8 Senator D'Amato. Would the Senator yield for a question?
9 What would the effect of this amendment be in the banking
10 community with respect to Israel's credit? Would it strengthen
11 it?

12 Senator Stevens. I believe the authorization committee
13 would have to offer that. I think they have explored it.

14 Senator D'Amato. I defer to our distinguished bank
15 member. Wouldn't this have a salutary effect in terms of
16 Israel having to deal with the financial crisis it now --

17 Senator Hollings. (Interposing) Let's agree there is
18 a financial crisis and let's agree you know the United States
19 is not going to shove Israel to bankruptcy. All of us can
20 agree to that. That is not the issue.

21 It is orderly banking procedures and in response to your
22 question, the banking community ought to say, well, that
23 debt was written off. If you can guarantee it, that kind of
24 guarantee and representation made and if it is made after
25 years, it would be hard to forego at any subsequent date, and

1 I think it would put it over on the thing as already paid and
2 give us some more credit. That isn't my -- I think it is bad
3 policy.

4 Senator D'Amato. I simply would like to suggest, I believe
5 adoption of this amendment would have a great effect on the
6 world financial community as it relates to Israel in its
7 current fiscal dilemma and that it should not be put on the
8 hooks of wondering whether or not the United States of America,
9 the Congress, will do in the next session or future sessions.

10 It is rather important to maintain its financial credit
11 throughout the world, not just dealing with this particular
12 appropriations matter. It goes far beyond that.

13 Senator Chiles. I think it is interesting to note that
14 next year, the United States is going to owe the rest of the
15 world. We will owe more next year than the rest of the world
16 owes us. When you start talking about financial credit, by
17 God, you better think something about it at home and our
18 financial credit.

19 Now, again, from a budgetary aspect, if you really look
20 at this, what you are doing is, you are saying, you are writing
21 off that debt from a budgetary aspect, so you are saying, we
22 are going to assume another \$29 billion of debt. I am all
23 for helping Israel now. I have got a record I will match
24 with about anybody's own here as to how you vote on that,
25 but to go in and say what we are binding this Congress the

1 next five years, I think that is fine, but to say henceforth
2 you are going to, in effect, write off that debt, that isn't
3 good policy for us to be doing.

4 Senator Inouye. Mr. Chairman?

5 Chairman Hatfield. Senator from Hawaii.

6 Senator Inouye. Just for the record, the amount that
7 Israel has borrowed from the United States is \$9.5 billion.
8 The interest on the schedule will be \$16,000,269. I am
9 certain in discussing this matter with the Israeli Finance
10 Minister, if the economic conditions should improve, they
11 will accelerate payment on the interest and principal, which
12 will bring down the final cost drastically.

13 But at this time, it is just not possible with 400 percent
14 inflation, and I think we should put some flesh on this
15 preamble that we have here as to the role Israel has played
16 in recent days in our diplomatic relations.

17 I would like to suggest that in the history of mankind,
18 only one country has ever given up land adjacent to theirs that
19 was taken over by conquest. No other country has given up
20 land adjacent to theirs taken over by conquest. We did
21 not give up Arizona, New Mexico, California, and we don't
22 intend to do that, nor do we intend to give up Puerto Rico.
23 We have up Philippines because it is half way around the world.

24 But in this case, under our auspices, we told the Israelis
25 you give it up and if you should have some problems with your

1 oil because you are going to give up the oil fields, we will
2 make up the loss which, incidentally, we did not.

3 We also tole them that we will replace the two air bases
4 which were then located in the Sinai dollar for dollar, which
5 we did not. And as a result of the result of this oil field,
6 incidentally, if they had the oil fields today, I suppose
7 it would be covering at least half of their needs, but we
8 all know that during the oil crunch, it was not possible for
9 the Israelis to go to Saudi Arabia to buy oil; they had to
10 buy it on the spot market at the highest prices becuase none
11 of the Arabic countries were going to provide fossil fuel
12 to Israel.

13 And so I think Israel did paly its part in the Camp
14 David Accords, realizing it may suffer a loss, and what we
15 are trying to do is to say, Look, you went into debt because
16 of going along with us on this peace process; we will
17 assure you you will not go bankrupt.

18 As my colleague from Alaska pointed out, in the case of
19 Israel, we are gettinga bargain as compared to the rest of
20 the world.

21 Senator Hollings. Let me correct that first figure.
22 The first figure only has to do with foreign farm credits;
23 it did not include P.L.-480 or CCC credits or Ex-Im Bank
24 there. It isn't solely \$9,509,000,000. It is all these
25 items that add up the total of \$11,521,000,000 and \$17,776,000,000

1 in interest costs for total overall principal and interest
2 of \$28,897,000,000. Those are the CBO figures, and all of
3 a sudden bring up the Camp David Accords on this particular
4 one, we are not going to let Israel go bankrupt.

5 To casually one morning in the Appropriations Committee
6 to set the policy -- it says, "policy," It doesn't talk about what
7 the distinguished chairman has suggested, authorizing
8 legislation; it doesn't talk about appropriations; it says
9 let's establish as the principle and the policy and clear intent
10 that we write off each year whatever those annual debt
11 repayments come to; we appropriate a similar amount. That is
12 writing off the total debt. It helps the banks and everything
13 else, but that is not in the interest of the United States.
14 We haven't done it; we shouldn't do it here; and it isn't
15 the long run, frankly, for Israel. It would give them
16 temporary relief.

17 If they want temporary relief, let's appropriate \$25 billion
18 now, not just to write off the debt here because we know we
19 haven't discussed this fully and had hearings on this
20 particular procedure.

21 Chairman Hatfield. Let me renew my request in the
22 sense of expediting the business of this committee. The
23 Senator from South Carolina withheld an equally important
24 matter dealing with the legislative calendar. He will offer
25 it later in this meeting if we break the precedent of offering

1 legislative matters on this bill or of his right to offer
2 his amendment at the time of the floor action.

3 I would like to renew the Senator from Hawaii and the
4 Senator from Wisconsin as co-authors of this amendment. My
5 objection is purely procedural at this point. I could very
6 well end up supporting the concept if it were done on an
7 annual basis, changing the words "the Congress" to "this
8 Congress," but I would like to ask if you would withhold
9 this in order not to open this up to the legislative calendar,
10 reserving your right to offer it later in the meeting if
11 we find other ways, if we find on other occasions we adopt
12 this type of legislative action.

13 But I do think to offer something that has been strictly
14 an established policy on this is very obviously a nonappropriation
15 matter. Directly -- it may be indirectly -- but not directly.

16 Would the Senators consider withholding this at this time?

17 Senator Inouye. Mr. Chairman, this provision was in
18 essence adopted by this committee just a few weeks ago. It
19 was at that time a sense of the Congress, sense of the Senate
20 amendment and it was unanimously adopted.

21 All this does is to say that it is our intention to carry
22 out the sense of the Senate. It is not changing anything
23 that we have done so far. That is why we made it through this
24 amendment.

25 Chairman Hatfield. There is a world of difference between

1 the sense of the committee in report language and now putting
2 it in as bill language. The other is advisory. So there is
3 a distinction between what this committee did do in the
4 sense of the committee --

5 Senator Inouye. (Interposing) It is in the bill.

6 Chairman Hatfield. This is, in the sense --

7 Senator Inouye. (Interposing) Sense of the Senate is in
8 the bill.

9 Chairman Hatfield. Senator Kasten told us in the report:
10 he reported that in the proceedings of the committee.

11 Senator Inouye. Section 5 --

12 Senator Kasten. (Interposing) You are both right, it
13 is in the report and in the bill. It is in the bill as sense
14 of the Senate Resolution and is also in the report.

15 Chairman Hatfield. Well, that was not fully reported
16 then. It was reported a while ago by the chairman of the
17 committee that this was in the report language.

18 Senator Kasten. I am sorry. It is in both the report
19 language and the bill language as a sense of the Senate
20 Resolution.

21 Chairman Hatfield. If we are referencing his bill in
22 this, why do we need this amendment if it is in the bill?
23 Why are you offering at this time, if it is in both your
24 report language and in your bill language, and we are
25 referenceing your bill?

1 Senator Kasten. The author of the amendment can
2 respond for himself, but let me say it is in the bill as a
3 sense of the Senate Resolution. This will put it in the
4 bill as a statement of policy.

5 Senator Inouye. We are operating it from the sense of
6 the Senate and declaration of policy.

7 Chairman Hatfield. Are you ready for a vote? If the
8 Senators do not withdraw, we will have a show of hands.

9 Senator Hollings. Roll call, Mr. Chairman.

10 Chairman Hatfield. A roll call has been asked for.

11 Senator Bumpers. Mr. Chairman, if I may before we vote,
12 would the Senator from Hawaii, to address what I am inclined
13 to support, but I think the ranking Member of the Budget
14 Committee has made a point, establishing this as a policy.
15 Would the Senator from Hawaii consider, say, a three or four-year
16 extension amendment stating, for example, about five lines
17 from the bottom of your amendment that "the funds provided in
18 annual appropriations for the economic support funds which
19 are allocated to Israel for the year 1985, 1986 and 1987 shall
20 not be less than"?

21 Would the Senator consider such an amendment as that?
22 I think that takes care of the amendment and your problem, and
23 it also addresses the problem the Senator from -- if you want
24 to make it four years, for that matter.

25 Senator McClure. How about five years?

1 Senator Bumpers. That is fine with me. I think as a
2 matter of policy, we ought to limit it to some number of years.

3 Senator Chiles. At least we see what we are doing.

4 Senator Bumpers. Congress can undo it any time it wants
5 to, but I think as a matter of -- nobody wants to vote
6 against --

7 Senator Inouye. (Interposing) I accept the amendment
8 if you make it for five fiscal years.

9 Chairman Hatfield. The amendment has been modified to
10 limit the procedure or the policy to five years.

11 Senator Inouye. To fiscal 1989.

12 Chairman Hatfield. To fiscal 1989.

13 senator McClure. I appreciate the suggestion Senator
14 Bumpers has made to limit it for a period of time. I do
15 believe Israel is in desperate financial straits today and they
16 do need to have some opportunity to reform their debt, get
17 their feet under them and see whether they can get their fiscal
18 condition so they can pay the debts they have, and I know
19 they want to pay it.

20 It seems to me the suggestion has been made that has
21 now been approved by the authors of the amendment gives them
22 the opportunity to reform their financial condition so they
23 have the opportunity to repay, and I think the amendment,
24 as modified, deserves our support.

25 Chairman Hatfield. The Senator from South Carolina, do

1 you wish to withdraw your request for a roll call?

2 Senator Hollings. I do so.

3 Chairman Hatfield. All in favor of the amendment to
4 limit the policy to five years signify by saying "aye."

5 (Chorus of ayes.)

6 Chairman Hatfield. Opposed?

7 (No response)

8 Chairman Hatfield. The amendment is adopted as modified.

9 I would like to offer an amendment. Some 10 years ago, the
10 United States participated in a world food conference in Rome.

11 I happened to be a delegate to that Food Conference. We
12 made a commitment at that time to help establish a fund for
13 agricultural development. Along with Iraq, Iran and Libya,
14 we are the only countries that are in arrears in the first
15 replenishment of \$90 million to that fund.

16 I would like to offer an amendment of \$40 million to
17 make America current to its obligations to take us out of the
18 company of Iraq, Iran and Libya as nonpaying or noncurrent
19 payment of our obligation.

20 The Senator from Wisconsin.

21 Senator Kasten. Mr. Chairman, your amendment was, as
22 you know, accepted by the committee and in the course of
23 considering the supplemental. Unfortunately, the House in
24 conference rejected it. I don't know why. In effect, what
25 happened is the House rejected the funding for all the

1 multilateral banks. We are going to have to revisit this
2 whole group of issues and I accept your amendment.

3 I am hopeful that the House will be more supportive of
4 not only this amendment, but the funding for the multilateral
5 banks. These institutions, once more, will be in conference,
6 and we accept your amendment.

7 Chairman Hatfield. The Senator from Hawaii.

8 Senator Inouye. I concur with my chairman. This was
9 already considered in his supplemental. We approved it.

10 Senator Andrews. Mr. Chairman, I was a delegate to
11 that FAO Conference two years before you were. This is a
12 common theme going. I think the chairman is to be congratulated
13 for bringing it up. It is an idiotic posture we have been
14 taking and to correct it makes eminent good sense.

15 Chairman Hatfield. I thank the Senator from South
16 Dakota. Any other discussion? If not, without objection,
17 the amendment is adopted. The Senator from New York.

18 Senator D'Amato. Thank you, Mr. Chairman. I have an
19 amendment that deals with the Child Survival Fund. This is an
20 amendment that really follows through on the authorizing
21 committee, both of which the House and Senate have authorized
22 a \$25 million Child Survival Fund.

23 The House Appropriations Committee has also designated
24 \$25 million for the fund. The fund will be used to supplement
25 other UNICEF efforts to improve health of children.

1 If I might touch briefly on the elements of the Child
2 Care package this fund will provide, it is rather inexpensive
3 and rather crucial to the saving of lives. Vaccinations are
4 estimated to cost \$8 a child. The oral rehydration package
5 costs only five cents to ten cents each. We are talking
6 about a matter of child survival.

7 I have discussed it with the committee chairman, and I
8 do believe that with some provisos in terms of designating
9 those would be eligible for these funds, he would accept it.

10 Chairman Hatfield. The Senator from Wisconsin.

11 Senator Kasten. Mr. Chairman, I don't think anyone in this
12 group would want to be in opposition to something called
13 the "Child Survival Fund." But I would like just to suggest
14 that what we are doing here is setting up a new institution.
15 What we are doing here is setting up essentially another fund
16 which, for all practical purposes, is identical in terms of
17 the work being done through existing institutions. They are
18 being done right now by such worthwhile agencies as the
19 United States Development Program and, specifically, by
20 UNICEF, which has had strong support from all of us.

21 So I would like to suggest to the Senator from New York
22 that we can compromise this out without setting a new
23 bureaucracy up, but also expressing our concern for the
24 direction. I would like to suggest we go along with the
25 \$25 million, provided that we earmark \$15 million of the

1 \$25 million for the United States Development Program and
2 that we earmark \$10 million of the \$25 million for UNICEF.
3 These are the organizations that are in the field, doing the
4 work in this area. UNICEF spends almost all of its time
5 on this kind of activity, and I think we can meet the
6 concerns of the Senator from New York and not at the same
7 time set up a new bureaucracy.

8 We can, in fact, help children more by allocating the
9 \$25 million. So, Mr. Chairman, I would propose, and it has
10 been distributed, a substitute to the amendment of the Senator
11 from New York, which would allocate dollars in the way I just
12 described.

13 Chairman Hatfield. The Senator from New York.

14 Senator D'Amato. Mr. Chairman, I have no objection.
15 I think we all agree there is a crying need for this, and the
16 manner in which it is distributed and the allocation is
17 certainly something I would support.

18 Chairman Hatfield. This would then, as I understand the
19 Senator from Wisconsin, you are cutting out the private groups
20 that are getting support now directly, and they would have
21 to then go through UNICEF to some other group to apply for
22 funds through that.

23 Senator Kasten. It is not my intention to cut out anyone.

24 Chairman Hatfield. But you have.

25 Senator Kasten. They still go through their normal grant

1 process on all their other programs. The question here is
2 whether or not the two agencies -- UNICEF and UNED, the agencies
3 most directly affected with the Child Survival Programs --
4 what I am suggesting is we earmark these funds for the
5 agencies that are already in the child survival business, and
6 we don't set up yet another bureaucracy. The other groups
7 can still be eligible for grants, et cetera, in exactly the
8 same way.

9 Chairman Hatfield. I would like you to check that out.
10 That is not the information I am getting, that you have
11 successfully in this amendment cut them out from the direct
12 role they now have and support. You are putting them through
13 another agency.

14 Senator Kasten. Other AID programs, Mr. Chairman, would
15 still be available to all the different groups. We are not
16 in anyway --

17 Chairman Hatfield. (Interposing) I would like you to
18 check with them because this is not the reading we are getting.

19 Senator Kasten. I will be happy to work this out. If
20 we can accept the amendment as substituted at this point and
21 then on the floor, or in the conference, we can deal with
22 the question.

23 Chairman Hatfield. We may have to have a clarification on
24 this because I think this would do precisely what I indicated.

25 Do you have any objections to the amendment?

1 Senator Inouye. No.

2 Chairman Hatfield. Any objection to the amendment as
3 amended?

4 (No response)

5 Chairman Hatfield. The Senator from Vermont.

6 Senator Leahy. Mr. Chairman, I have a little amendment
7 here which I think will resolve an issue of concern to AID.
8 The House version of the Continuing Resolution contains language
9 which would establish a separate account for U. S. funds
10 given to the Government of El Salvador. The House version
11 attempted to overcome a problem of the comingling of funds,
12 not being able to track where they go, by setting up a
13 separate account for so-called EIF fund.

14 AID says this will create time-consuming paperwork. What
15 I am doing is revising the House position to take care of
16 the paperwork problem. Basically what my amendment does,
17 Mr. Chairman, is give us the ability to at least track where
18 our monies go. It is not a question of whether or not we
19 should send more, less or any other money to El Salvador,
20 but saying in this account we know where the money goes.

21 There has been a problem, whether through this committee,
22 GAO or anybody else, in being absolutely sure just where those
23 dollars are going. I think that it has general approval.
24 It doesn't affect the dollar level. It just has a tab to the
25 account.

1 Senator Rudman. Would the Senator from Vermont yield
2 for a question? Are you telling us right now if you want
3 to see specifically how much is allocated from the general
4 fund to each country for each purpose, you cannot find out?

5 Senator Leahy. Certainly you can find out how much is
6 allocated. I want to make sure where the money goes once
7 it gets there.

8 Senator Rudman. You mean you can't find that out now?

9 Senator Leahy. In some countries you can. We have a
10 problem, apparently, in El Salvador. The current practice
11 is to provide electronic cash transfer of funds to the Central
12 Bank of El Salvador. The funds are comingled with the
13 Salvadorans and in the past, according to GAO and everybody
14 else, they can't figure out how to track the U. S. dollars,
15 where they are being used.

16 We all know exactly how -- I think Senator Kasten's
17 subcommittee and he himself can tell us exactly how much we
18 spend down there. I think we all know exactly how much goes
19 down, but we want to make sure where it goes once it gets
20 there.

21 Senator Kasten. Mr. Chairman, we have reviewed this
22 amendment and I might also say it has been reviewed by some
23 of the AID staff people. There are problems in getting at
24 the questions the Senator from Vermont is addressing. I think
25 the amendment is a constructive one. The amendment would

1 provide the necessary oversight of the necessary support funds.
2 I think that oversight is something we will continue to work
3 toward in our subcommittee. The provisions eliminate some of
4 the negative aspects the Administration and others were
5 concerned about in the beginning because they were concerned
6 about the application of various procurement procedures.

7 I think the Senator has worked that out to our satisfaction
8 and the satisfaction of the Administration, and I would hope
9 this amendment could be adopted.

10 Chairman Hatfield. Any further discussion? If not,
11 without objection, the amendment is adopted.

12 Senator Leahy. Mr. Chairman, I just also ask the staff
13 to be allowed to make whatever technical change is necessary
14 to conform my amendment to the Senate bill.

15 Chairman Hatfield. Without objection.

16 Senator Leahy. I thank the chairman of the subcommittee.

17 Senator Inouye. Mr. Chairman?

18 Chairman Hatfield. The Senator from Hawaii.

19 Senator Inouye. Mr. Chairman, I propose an amendment which
20 earmarks for assistance to Tunisia \$20 million of funds
21 provided in this resolution for economic support funds.
22 It will not add anything. If you recall, when we passed
23 S.2793, the committee underscored this intention by placing
24 in the committee report that \$20 million of the ESF should
25 be provided for Tunisia. This we can assure ourself.

1 Tunisia has Morocco on one side; it has been harassed with
2 unemployment, underemployment and riots. It has been
3 a good ally of the United States.

4 I think this small amount would give the assurance
5 that it needs at this time.

6 Senator Kasten. Mr. Chairman?

7 Chairman Hatfield. The Senator from Wisconsin.

8 Senator Kasten. Mr. Chairman, in the regular bill,
9 this language was provided in the report, and we included
10 this report language in the bill. I have no objections to the
11 amendment. I might ask the Senator, do you feel that it is
12 necessary at this point to move it to the bill?

13 Senator Inouye. Yes, I believe so.

14 Senator Kasten. I have no objection to the amendment.
15 The committee is already on record in favor of this position.
16 This would simply strengthen the position of the committee.

17 Chairman Hatfield. Any objection? If not, the
18 amendment is adopted. The Senator from New York.

19 Senator D'Amato. Mr. Chairman, I have an amendment
20 that deals with the injustice that has taken place down in
21 Honduras. In May of 1983, Mr. Ramirez learned the United
22 States selected his land to be the site for the Regional
23 Military Training Center sponsored by the U.S. and operated
24 by the United States in collaboration with the Honduran
25 Armed Forces.

1 Initially, 1,500 to 2,000 acres of Ramirez's land was to be
2 taken for this facility for which he was assured that he
3 would be promptly and fully compensated. Since then, 5,300
4 additional acres of his land have been taken for use by the
5 RMTC. No offer of comepnasation has been made by either the
6 United States or the Honduran Government.

7 Operation of the RMTC on RAMirez's land totally destroyed
8 his ranch and related ranches, causing loss of his investment
9 totally attributable to the destruction of his business.

10 The Honduran official denied any commitment to arbitrate
11 the matter. Moreover, they repeatedly assured him that in
12 their view that it is a United States problem; Ramirez should
13 obtain compensation by the United States Government.

14 Efforts of Mr. Ramirez in negotiating with the Honduran
15 Government failed to produce anything. There is no prospect
16 for Pamirez to receive any compensation from the Honduran
17 Government. No prospect for him to receive compensation
18 and this matter has been indiscussion since negotiatons
19 the spring of 1983, and I think it is imperative we find a
20 mechanism to at least give Mr. Ramirez by which he can bring
21 forth his claim. That is what has been the impetus of this
22 amendment.

23 Chairman Hatfield. The Senator from Wisconsin, do you
24 wish to comment on the last amendment of the Senator from
25 New York?

1 Senator Kasten. Mr. Chairman, this is a very complicated
2 subject, and I hope you will simply bear with me. As the
3 Senator from New York knows, there is in law a procedure
4 in the Foreign Assistance Act for expropriation cases. This
5 is an expropriation case.

6 First of all, I would like to ask the Senator from New York
7 if he is aware, do you know if Mr. Ramirez has exhausted
8 all of those procedures?

9 Senator D'Amato. I believe he has.

10 Senator Kasten. I ask the question to make a point.
11 The Administration and also the Government of Honduras does
12 not, in fact, believe and we are told Mr. Ramirez has not
13 exhausted all of his procedures.

14 I don't want to oversimplify. What you can say there
15 is an individual here who has chosen rather than go through
16 the expropriation procedures which are complex and complicated,
17 they simply chose to shortcut the regular expropriation
18 procedure and come to us to get it taken care of legislatively.

19 I support from the point of view Mr. Ramirez's claim.
20 I think it has merit. I am very, very hesitant to shortcut
21 the regular expropriation case procedure by passing a law
22 on this bill, and I know there are a number of people across
23 this world that have expropriation cases. Frankly, if this
24 case were to establish some kind of precedent, we would have
25 all the expropriation problems coming to us as opposed to the

1 expropriation process, which is a legal one that is following
2 along. Everyone would hire a lawyer or lobbyist and
3 every expropriation question would end up in this room rather
4 than through the procedure.

5 If the provisions in the Foreign Assistance Act are not
6 adequate, the expropriation procedures are not accurate, then
7 they should be changed, but I don't believe we should be
8 taking ad hoc actions on these type of cases, and I would like
9 to ask, can we distribute -- I would like to simply say,
10 Mr. Chairman, unquestionably, a wrong has been done in this
11 instance. The wrong should be remedied, but I simply don't
12 think we ought to legislate that remedy here and now.

13 In the process of trying to do something for Mr. Ramirez,
14 I think it is also important we don't damage our relationship
15 with Honduras and this whole issue goes through the relationships
16 of the U. S. and Honduras as well as Mr. Ramirez and the
17 U. S. Government.

18 I alluded to this earlier, but I want to remake the point.
19 I don't want to set a precedent here. I just simply don't
20 want to have every expropriation case lined up outside our
21 door. I would like to, Mr. Chairman, offer a substitute
22 for the amendment offered by Senator D'Amato which
23 expresses concern, and I believe helps Mr. Ramirez but yet
24 doesn't break the regular process.

25 My compromise would prohibit the obligation or expenditure

1 of any funds for construction of the base until and unless
2 the President first submits a report that Honduras has
3 provided a site for such a facility without competing claims
4 as to ownership and, second, that the Honduras have committed
5 themselves to long-term training for armed forces of other
6 friendly countries and a plan has been submitted between
7 cost estimates for construction of such a center and
8 determination Honduran recognizes the need to compensate a
9 United States citizen who has a claim against it and, fifth,
10 the President provides periodic records as called for on
11 these matters.

12 These meet with the approval of our Administration -- the
13 State Department and others -- who are involved in this
14 expropriation process and I, therefore, recommend the committee
15 approve it.

16 I might add Senators Hatch and Garn, who have been
17 interested in this, likewise have seen this compromise and
18 support it.

19 I also would like to state to the committee by doing
20 this, we are starting in and setting somewhat of a precedent
21 by taking this particular expropriation case and even naming
22 it in this way. But as chairman, I would not want to go further
23 than my substitute.

24 I would yield to the Senator from Hawaii on the question
25 of these precedents, and I would hope the committee would

1 support our subcommittee.

2 Chairman Hatfield. The Senator from Hawaii.

3 Senator Inouye. I am convinced Chairman Kasten is
4 absolutely correct in his assessment of the problem. If the
5 amendment offered by the Senator from New York is adopted,
6 it would set, I think, a very painful precedent that we
7 would be facing each session. Even the compromise itself
8 would set a precedent, but I am well aware of the practical
9 facts of life.

10 Keeping that in mind, I would prefer Senator Kasten's
11 compromise over the original bill. I would be supporting the
12 compromise.

13 Chairman Hatfield. Does the Senator from New York wish
14 to comment on the offered compromise?

15 Senator D'Amato. Mr. Chairman, I think it is a very
16 acceptable compromise.

17 Chairman Hatfield. Without objection, the compromise
18 amendment is adopted.

19 Any further amendments? If not, do you wish to move
20 to close the section?

21 Senator Kasten. Mr. Chairman, I have one --

22 Chairman Hatfield. (Interposing) I thought the Senator
23 offered his last amendment.

24 Senator D'Amato. I have just a little amendment,
25 Mr. Chairman, which may save some money, if adopted. It would

1 save over \$200 million.

2 Chairman Hatfield. Can we get on with it?

3 Senator D'Amato. Mr. Chairman, I have an amendment which
4 embodies the same language that the Foreign Relations
5 Committee adopted in dealing with the matter of aid to Turkey.
6 The House of Representatives has reduced the Turkish aid
7 to some \$540 million in similar language that I have submitted
8 here with linkage to the issue of Cyprus.

9 I in no way seek to punish Turkey. I say they are anything
10 less than an ally, but I don't believe we in good conscience
11 can continue a policy which, if anything, simply turns our
12 head and our attention from what has taken place in Cyprus
13 and what continues to take place in Cyprus.

14 The fact of the matter is there is no reason why Turkey
15 should not bring about the return of land that rightfully
16 should be under the aegis of Cyprus and what we attempt
17 to do here is to move them toward that process, nor should the
18 United States of America be compensating Turkey for the
19 stationing of some 20,000-plus troops on Cyprus at a cost in
20 the area of about \$200 million, and this amendment seeks
21 to reduce that appropriated sum recommended from \$755 million
22 by some \$215 million to \$540 million.

23 In addition, we offer an inducement to bring about
24 the return of at least the City of Pankusta Marusha -- that
25 area -- which has been seized by the Turks to the Government

1 of Cyprus under the auspices of the United Nations for the
2 immediate resettlement of refugees.

3 We talk about refugees, here is a city that is vacant --
4 absolutely, totally vacant. I don't understand how we can
5 in good conscience countenance this. I think we have engaged
6 in the area of political expedience by saying these are
7 our wonderful, trusted allies; we need them. I don't say
8 they are not.

9 By the same token, I don't think we should reward them
10 for this kind of activity and supply them with the money for
11 necessary resources to maintain over 20,000 troops on Cyprus,
12 which is no threat to anyone and certainly is not building
13 an enduring NATO alliance.

14 This is not in the interest of NATO or our alliance or
15 military contracts to have the Turks on Cyprus in such a
16 manner as to have them continue this occupation that has now
17 gone on for too long.

18 So, Mr. Chiarman, I understand that there are those who
19 believe that this would rupture that relationship. I would
20 simply suggest to you that we not continue this relationship.
21 I suggest if we want to bring Greece and Cyprus into our
22 alliance in terms of being dependable, reliable allies, this
23 will go a long way to showing them we are going to be even-
24 handed in our approach.

25 Chairman Hatfield. The Senator from Mississippi.

1 Senator Stennis. Mr. Chairman, I think this is a
2 highly important question we are dealing with. And I would
3 strongly side against doing anything meaningful until there
4 has been more of a hearing, more of a probing and more of a
5 consideration and chance for debate.

6 Now I want to take just a few minutes, ladies and
7 gentlemen. I happened to be here when NATO was formed, and
8 I remember how crucial and how necessary it was in the minds
9 of everyone to get Turkey into this alliance. And because
10 of other things, including the geographical situation, Turkey
11 has a common border with the Soviet Union and also Bulgaria,
12 Iran, Iraq, Syria and Greece. Now, each of those countries,
13 except for Greece, each of those others are either in the
14 Warsaw Pack or controlled by the unstable governments that
15 are generally anti-Western.

16 Turkey, we must remember, is a pro-Western Moslem
17 country in a very unstable part of the world, but what I want
18 to point out clearly is if we had trouble of this kind, we
19 had serious trouble of this kind just about ten years ago.
20 At that time, I was chairman of the Armed Services Committee
21 and also chairman of the subcommittee handling the
22 appropriation bill for the Department of Defense, and I
23 remember so well what a burning question this was, what we
24 acted rather hastily and did terminate a part of our aid to
25 Turkey, and we suffered dearly, we suffered early for something

1 grind, and I am not capable of making this enquire further.
2 I am not the one to do it. But I urge and I pray that
3 we not go off hastily on this matter, but get to the bottom
4 of it and see the way out.

5 If I may relate an incident here that is characteristic
6 of the response I have seen over and over from Turkey, back
7 in those days of formation when we were building those bases,
8 I was chairman of the Military Construction Subcommittee, and
9 along with the late Senator Francis Case of South Dakota,
10 we went on an extensive trip over there going to all these
11 allied nations, particularly where there was construction
12 going on, including Turkey.

13 I am pretty strong on the idea of trying to talk to the
14 natives. We went there on the ground in the mud where they
15 were building this base in Turkey -- air base -- and I found
16 one of those workmen down there in that ditch in the muck,
17 in the grime, in the mud, rainwater and sweat, perspiration,
18 everything else, and I got his attention and got an
19 interpreter to get him out of that pit where I could talk to
20 him.

21 And through the splendid interpreter, we talked about
22 things, what he was doing and he responded he was proud of
23 his work, glad to do everything he could, and he got on down
24 in, I said, "Well, maybe you want to ask me questions."
25 "Yes, yes." "Well," I said, "what's your first question?"

1 "Well," he said, "when we're finished this," and he pointed
2 to the ditch he was digging and the field they were on and
3 the air base they were building, he said, "When we get through
4 with this, we're gonna hit 'em, aren't we?" And he pointed
5 the other way.

6 Well, I had to improvise rather rapidly and said in
7 effect, "Well, I don't know about that." He said, "Well,
8 if we're not going to hit 'em, why are we digging this thing?"
9 He meant that. That's his attitude. That's their approach.
10 In self-defense and every other defense, and it has been
11 a very valuable asset to us.

12 A few things we don't like, maybe it costs too much
13 money, the time we are living in, and I counsel strongly
14 that we not abandon these people or restrict them or restrain
15 them on this money alone. Influence them some other way in
16 these outside matters.

17 I thank you for the time.

18 Senator Kasten. Mr. Chairman?

19 Chairman Hatfield. I thank the Senator from Mississippi
20 for providing continuity to the whole institution. It is a
21 very valuable contribution you make, Senator. The Senator
22 from Wisconsin.

23 Senator Kasten. I would like to congratulate and thank
24 the Ranking Member from Mississippi on his statement. Let
25 me just say this is an issue we have dealt with now over the

1 past couple months with the Senator of Hawaii, the
2 distinguished Ranking Member who has been very interested
3 in this subject. He decided after debate and discussion
4 not to offer this amendment because there were real signs
5 of progress in the discussion involving all aspects of the
6 Island of Cyprus. That decision was made by the committee
7 a couple of months ago, and the Senator from Hawaii withdrew
8 his amendment.

9 Since that time, there has been even more progress.
10 On September 14, the Secretary General of the United Nations
11 made the following comment about the talks:

12 He said, "In my judgment," speaking about the Secretary
13 General, "in my judgment, the talks have been serious,
14 business-like and conducted in a constructive spirit."

15 It is important, I think, to emphasize this statement was
16 made by the Secretary General. As I have noted over the
17 last several weeks, some working in favor of the amendment
18 tried to make a case that the talks are going nowhere. The
19 only way we can get progress is by some kind of congressional
20 action. I just don't believe that is the case.

21 I also would like to point out, just late last week
22 the talks were going well. Further talks are scheduled
23 to begin in about three weeks. Secretary Shultz has
24 scheduled meetings with all of the parties on this issue in
25 New York on Thursday of this week. The positive signs are

1 there. It is a very complicated process, and I think for
2 us to act at this time with an amendment of this type would
3 upset the negotiations which right now are on track.

4 I would like to just say, and I don't want to repeat
5 what the Senator from Mississippi said, but we have two
6 very important allies in this area, Greece and Turkey. As
7 the Senator from Mississippi went through the map, what we
8 are talking about, the Greeks and Turks are in this area of
9 the world; we have Albanians; Yugoslavia, Bulgaria, the
10 Soviet Union; then Iran and Syria. The access that Turkey
11 and Greece controls in terms of that whole area is
12 absolutely critical to us.

13 The Turkish Forces right now have, roughly speaking,
14 World War II vintage equipment. They need the aid we are
15 talking about. I would hope at this time -- I will be happy
16 to yield to the Senator from Hawaii -- but our vital interests
17 are so important to both the Greeks and the Turks, I just
18 feel this amendment at this time is not well-considered,
19 and I would hope it would be withdrawn.

20 I don't want to discuss here the importance of the
21 intelligence aspect of this region of the world. IF there are
22 Members of the Intelligence Committee in the room and
23 Subcommittee of Defense, all of us are aware of the important
24 intelligence aspects of this area. I would hope this
25 amendment would be withdrawn and that we could move forward.

1 I would like to yield to the Senator from Hawaii.

2 Senator Inouye. Mr. Chairman?

3 Chairman Hatfield. The Senator from Hawaii.

4 Senator Inouye. Mr. Chairman, I have spent much time
5 thinking about this amendment, as Senator Kasten has reported.
6 I was the author of the D'Amato amendment a few months ago.
7 Since that time, as reported by the Secretary General of the
8 United Nations, the opposing factions in Cyprus have gotten
9 together, and we have been given assurances that they will
10 get together again and continue to discuss this matter.

11 We are also aware that involved in this discussion
12 is our United States and political security interests, and
13 we are also aware that as long as the Cyprus issue is not
14 resolved, the southern flank, that is, Turkey and Greece,
15 will not be an effective operating unit in NATO. Therefore,
16 it would be incumbent upon us to do everything possible to
17 resolve the Cyprus problem.

18 At this time, I would believe the D'Amato amendment would
19 not serve the purpose of resolving the Cyprus problem.
20 Therefore, I would like to offer a substitute for the D'Amato
21 amendment.

22 Senator D'Amato. If the Senator from Hawaii would
23 withhold before he introduces that substitute amendment,
24 it was several months ago in our subcommittee markup in which
25 we discussed introducing the amendment that I introduced today.

1 After listening to your good counsel, I decided to withhold
2 because there was a certain feeling that was given to us by
3 the State Department and by the Turks, the Government of
4 Turkey, that, indeed, there would be some meaningful
5 negotiation undertaken.

6 I suggest to you that there has been a history, a litany
7 of this has gone on for years, and I don't want to bore the
8 committee with the dates and times, but we can go through it
9 every single time there is an appropriation coming for aid
10 to Turkey, to Cyprus and to Greece, Turkey begins, "Yes, we
11 are going to negotiate," and they never follow through -- never.

12 We are at that time again and they are saying, "We are
13 really going to talk this time." I would suggest to you
14 history will repeat itself again unless at some point in
15 time we say we are tired of you putting us off year after
16 year after year and that is all they are doing, dilatory
17 tactics; we are tired of your threats. If you want to
18 be our ally, be our ally. We don't see how 20,000 troops
19 on Cyprus are helping our NATO partners or 80 percent of the
20 military on the border facing the Greek Islands are helping
21 our security relationships as we say they are. I don't see it.

22 What I am suggesting is that this is going to continue, and
23 we will be back here next year and there will be another
24 committee and they will say, don't cut of aid because we
25 are prepared to do something.

1 Senator DeConcini. Would the Senator Yield? The
2 Senator is correct. In February of 1984, prior to the
3 consideration of the aid issue, the Turkish Government
4 promised to come to the United Nations Security Council and
5 what happened? They delayed the visit and they never came.

6 In March of 1984, just prior to the House Foreign Affairs
7 Committee vote on aid to Cyprus, the same promise was made
8 and after the committee vote not to cut the aid, Turkey
9 publicly rejected the possibility of a return to the
10 settlement regarding that.

11 Then in June of 1984, the same thing happened. I have
12 the deepest respect for the Ranking Member here and the former
13 chairman of the Armed Services Committee, and I realize what
14 he is talking about, the defense of our flank that Turkey
15 addresses and sets against the Soviet Union. We are not
16 ruling out all military aid.

17 If the Senator from New York's amendment passes, it would
18 still receive \$540 million in this bill. So we are talking
19 about aid that is channeled now towards the maintenance of
20 the Turkish Army on Cyprus and I understand the Senator from
21 Hawaii's deep concern because he is the one that really brought
22 this to my attention that it was long overdue, and I realize
23 now he is convinced otherwise.

24 Quite frankly, I just have to concur with the Senator
25 from New York that it is time we send a message. If they are

1 going to meet, as they promised to come back in three weeks
2 and meet, fine, that is going to be taken care of. Then we
3 can make some alternations. It is important to know about
4 this great ally of Turkey when the hostages in Iran were a
5 real problem to this country, the Turkish Government refused
6 bases and the use of our bases there for any relief for that
7 problem.

8 The same thing was refused by the Turkish Government for
9 bases in support of our efforts in Lebanon where 241 Marines
10 were killed.

11 Now it is time we tell an ally, "Yes, we are an ally,"
12 and I think \$540 million is a pretty good determination, that
13 we expect some action and we have got to have some courage
14 and some backbone. I thank the Senator.

15 Chairman Hatfield. Let me give a little schedule. I
16 intend to close Foreign Ops before lunchtime, HUD, Legislative,
17 Mil Con and possibly District of Columbia. If there is time
18 left for lunch, then we will come back here at three o'clock
19 to complete the work on the CR and the Defense bill. We
20 have caucuses meeting until two and official picture in the
21 Chamber at some time about two or a little after.

22 It seems to me we come back at three. I hope we can
23 bring this matter to a conclusion and this subcommittee. Is
24 there further discussion? The Senator from Kentucky.

25 Senator Huddleston. Briefly, Mr. Chairman, I don't want

1 to delay the committee. I do want to emphatically express my
2 support for the position that has been expressed by the
3 distinguished Senator from Mississippi and the distinguished
4 subcommittee chairman. I am not unaware of the difficult
5 problems that have been outlined by the Senator from New York
6 and the Senator from Arizona, but I am very much at unease
7 with the idea that we here this morning in this room are going
8 to resolve those differences.

9 There is a proper forum for addressing those, and as
10 the Senator from Mississippi has indicated, that is where we
11 ought to use the influence of the United States. It seems
12 to me it doesn't make an awful lot of sense for us to
13 commit these funds, and they are substantial, as an aid program
14 to an ally like Turkey and then take some meaningless action
15 that is not going to have any effect that dissipates that aid,
16 diminishes its effect and causes an ally to have suspicion
17 of us that certainly reduces the effect that our expenditures
18 would have.

19 I was here when we took the last action. It did not do
20 anything to resolve the problems. It cost the United States
21 hundreds of millions of dollars to try to compensate for a
22 situation that placed the security of this country in jeopardy
23 for a period of time without any question. And I don't see
24 any need to repeat that.

25 I hope that both of those amendments, the substitute and

1 the original amendment would be rejected.

2 Chairman Hatfield. The Senator from Hawaii, I think,
3 has a substitute.

4 Senator Inouye. I would like to offer a substitute
5 which, in essence, would restore a ratio which by legislative
6 action has been adopted since 1978, the so-called "7/10 ratio."
7 In order to achieve that 7/10 ratio, we would have to reduce
8 the request amount of \$755 million to a grand total of
9 \$715 million. This substitute also would place sufficient
10 pressure on both parties to resolve this matter. It will
11 require the Government of the United States, through the
12 President, to make certain that he is in compliance with the
13 provisions of S. Res. 278 which the President has to call
14 upon both governments to resolve this matter.

15 I have been assured that the discussions going on in
16 the United Nations at this time is real. I think because of
17 the seriousness of this problem, we can give the two opposing
18 parties this chance to try to resolve this matter.

19 From the standpoint of American interests, I think the
20 committee would be interested to know recently the GAO looked
21 into the agreement we have with Turkey and concluded that today
22 the United States, and I am quoting the GAO report, "has freer
23 access to military facilities and installations and long-range
24 navigation station." These things are extremely important
25 to the Department of Defense.

1 I would not wish to be involved in any proposition that
2 would impede the very delicate discussions that are now
3 taking place in New York City under the auspices of the
4 Secretary General. I am certain that my substitute will not
5 in any way impede these discussions.

6 It will, at the same time, reinstate long-established --
7 established for six years -- this defacto ratio of seven to
8 ten. Therefore, I hope that the committee will support the
9 substitute.

10 Senator Kasten. Mr. Chairman?

11 Senator Inouye. I would like to note the circulated
12 amendment, I made a slight change. Four lines from the bottom
13 right after the Numeral 2, insert the following: "that Turkey
14 is making efforts to insure."

15 Senator Kasten. Mr. Chairman?

16 Chairman Hatfield. The Senator from Wisconsin, do you
17 wish to comment?

18 Senator Kasten. Mr. Chairman, I like the effort that
19 the Senator from Hawaii is making, and I greatly appreciate it.
20 I would point out to my colleagues the effect of this amendment
21 is a reduction, a slight reduction in aid to Turkey. I think
22 after we have had this discussion, this debate, if we are
23 able, all of us, to agree upon the amendment of the gentleman
24 from Hawaii, I would hope we would, although I know a number
25 of people would prefer the exact total.

1 I believe the Turkish defense efforts can be met with the
2 numbers of the Senator from Hawaii, and I am hopeful the
3 committee will adopt the substitute amendment.

4 Chairman Hatfield. Is there any further discussion? If
5 not, all in favor of the substitute amendment signify by
6 saying "aye."

7 (Chorus of ayes.)

8 Chairman Hatfield. Opposed no?

9 (Chorus of noes.)

10 Chairman Hatfield. The ayes appear to have it; the
11 ayes do have it. Anything else with Foreign Operations?

12 Senator Kasten. Mr. Chairman, I have been asked by a
13 number of people on the House Foreign Affairs Committee to
14 present for consideration to the committee the concept which
15 they have developed whereby the United States would join in
16 cooperative projects with third world countries with Israel
17 on a certain group of technical assistance, particularly
18 for African countries.

19 The amendment that I am offering would shift \$2 million
20 from the energy and selected development activities account to
21 the science and technology account. There is no change in
22 dollars. It would just mean the cooperative efforts in
23 Africa could be taking place under this different account.

24 Chairman Hatfield. Any objections to the amendment? If
25 not, the amendment is adopted. Do you wish to make a motion to

1 now close?

2 Senator Kasten. I move the Foreign Operations section
3 close.

4 Chairman Hatfield. Without objection -- any other
5 amendments? Without objection, this subcommittee is closed.

6 Senator Rudman. Mr. Chairman, could I have one minute?

7 Chairman Hatfield. Always you may have one minute any
8 time.

9 Senator Rudman. I bring this up because a matter has
10 come to my attention in the last hour which I think is of some
11 importance. I would like to explain to the committee why we
12 are going to have to have floor action on the Commerce, Justice,
13 State bill that I had said earlier we would not be addressing.

14 This morning's paper is carrying an article that the
15 State Department was going to request \$327 million of additional
16 security for embassies overseas. We received a call this
17 morning from OMB that they were not aware of it; they had
18 not been told.

19 I might add, the committee had not been told. We are
20 now told that OMB is working with State and there will be
21 an amendment brought by this subcommittee in behalf of the
22 Administration to the floor on the CR for some portion of
23 those funds.

24 I simply wanted the committee to know that as of this
25 morning when we closed this section as the acting chairman,

1 or the chairman, as a matter of fact, himself did not know
2 that this had been done. I might say it is rather poor
3 practice in this Senator's view for the State Department to
4 announce publicly the request that is going to be for that
5 kind of money without having the courtesy of notifying either
6 the committee or certainly the OMB. With that, I yield the
7 floor.

8 Chairman Hatfield. The Senator from Utah is recognized
9 for HUD.

10 Senator Garn. Mr. Chairman, I think the full committee
11 knows the HUD and Related Agencies bill was signed by the
12 President in June. We have no request for money to be added
13 to HUD and Independent Agencies. All I am aware of is some
14 language be added by several Senators. I have one that
15 I will start off with.

16 The Environmental Protection Agency on Spetember 21, 1984,
17 proposed reprogramming for its fiscal year 1985 operating
18 plan which, in part, would redirect \$7 million of funds
19 otherwise available for state grants and other contract
20 funds for storage disposal and indemnification of EDP
21 stocks currently in the hands of applicators, distributors and
22 distributors of this banned pesticide.

23 To shorten this up, I do not think we should take
24 \$7 million away from other needed programs. I Think this
25 should be addressed by additional funds, but not today. So

1 I am recommending report language that the committee disapprove
2 the pending EPA request, reprogramming of FY 1984 funds for
3 EPA indemnities and directs these previously appropriated
4 funds be utilized as originally contemplated.

5 Further, the committee direct EPA to submit to Congress
6 early next spring a budget estimate for supplemental
7 appropriations of an amount necessary to resolve --

8 Chairman Hatfield. Is there any objection to the report
9 language offered by the Senator from Utah? If not, the
10 report language is adopted. The Senator from Mississippi.

11 Senator Stennis. Mr. Chairman, I refer to certain report
12 language in which the Senator from Utah is familiar. I
13 understand it meets his approval. No new money.

14 Senator Garn. That is correct.

15 Senator Steniis. National Science Foundation.

16 Senator Garn. The Senator from Mississippi has report
17 language on the National Science Foundation and does not
18 include any additional money. It is accepted.

19 Chairman Hatfield. Without objection, the report language
20 of the Senator from Mississippi is adopted. The Senator
21 from Kentucky is recognized.

22 Senator Huddleston. I recommend, Mr. Chairman, we
23 include language as we have in each of the past three
24 Continuing Resolutions directing the head of each department
25 and agency to utilize loan authority to the full extent

1 provided in the Appropriations Act, subject only to the
2 availability of qualified applicants.

3 This is the so-called "anti-impoundment" provision.

4 Senator Garn. The distinguished Ranking Member of the
5 subcommittee is correct. We have added this language three
6 years in a row. I have no objection adding it again.

7 Chairman Hatfield. Without objection, the language is
8 adopted. I would like to suggest language within available
9 funds. The field station EPA now housed in Arkansas State
10 University program is coming to an end. I would like to
11 suggest some report language within available funds to --

12 Senator Garn. (Interposing) This language does not
13 request any additional funds. I am willing to accept it.

14 Chairman Hatfield. Without objection, the language
15 is adopted. The Senator from New York.

16 Senator D'Amato. Mr. Chairman, I have an amendment
17 that deals with the replenishment of set-aside unused
18 pool money, section 236 contracts which are authorized to
19 fund increases to the states where 236 subsidy payments -- that
20 it will actually reduce the balance of payment in fiscal year
21 1985 Appropriations Act by \$3.3 million, an amount sufficient
22 to replace the funds drawn from the state pools.

23 I believe the chairman and the committee have agreed to
24 this report language.

25 Senator Garn. This is both report and bill language,

1 but it doesn't involve additional funds as the Senator said.

2 It involves less funds. I am willing to accept it.

3 Chairman Hatfield. Without objection, the language
4 is adopted. Any other?

5 Senator Garn. Mr. Chairman, I move the section be closed.

6 Chairman Hatfield. This motion now is to close the
7 section to further amendments. Without objection, it is
8 adopted.

9 The Senator from New York is recognized for the Legislative
10 Subcommittee.

11 Senator D'Amato. Senator Leahy has an amendment.

12 Chairman Hatfield. The Senator from Vermont.

13 Senator Leahy. Mr. Chairman, I have an amendment before
14 the committee. Basically what it does is to release funds
15 already appropriated to pay outstanding obligation turned
16 in by the Architect of the Capitol. It regards something
17 that gets lost in the shuffle. I understand the House is
18 perfectly willing to go along with it. It seems to be
19 economically feasible; if anything, this clears up the mistakes.

20 Chairman Hatfield. Does the Senator from New York
21 wish to comment on the amendment?

22 Senator D'Amato. We have no objection.

23 Chairman Hatfield. Without objection, the amendment is
24 adopted. Are there further amendments to the Legislative
25 Subcommittee?

1 Senator D'Amato. Mr. Chairman, I have another amendment
2 from Senator Thurmond. I don't believe anyone has objection
3 to it. I think we can do it this afternoon if that meets
4 with the Chair's approval.

5 Chairman Hatfield. Do you wish to offer it now?

6 Senator D'Amato. I wish to withhold until this afternoon.
7 All we have is one additional amendment from Senator Thurmond,
8 his request dealing with legislative counsel. I would like
9 to have an opportunity to review it.

10 Chairman Hatfield. Then do you wish to move to close
11 this section to further amendments with the exception of the
12 one that you are reviewing?

13 Senator D'Amato. Yes, I move to close this section.

14 Chairman Hatfield. Any other amendments? If not, the
15 motion to close this section to amendments is adopted.
16 The Senator from Georgia for the Mil Con.

17 Senator Mattingly. The only amendment we have is
18 report language that is being offered by Senator Leahy on
19 Naval Reserve. Both myself and Ranking Minority Member
20 agree to it.

21 Senator Leahy. I will save my speech.

22 Chairman Hatfield. Thank you, Senator. The Senator's
23 profound amendment is accepted without objection.

24 Senator Mattingly. I move this section be closed.

25 Chairman Hatfield. Any other amendments? If not, the

1 motion to close this section has been made. If not, this
2 section is closed.

3 I believe we have concluded the business of the morning,
4 We will resume at three o'clock.

5 (Whereupon, at 12:19 p.m., the committee recessed to
6 reconvene at 3:00 p.m. the same day.)

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1 AFTER RECESS

2 (3:24 p.m.)

3 Chairman Hatfield. The committee will come to order.
4 The Senator from South Dakota is recognized for the purpose
5 of offering the subcommittee report on Treasury.

6 Senator Abdnor. In addition to the session on Treasury
7 and Postal Service on page 3, I do have three technical
8 amendments. All are a result of errors in the committee
9 print.

10 The first is on page 33, line 1, following the word
11 "purpose," the words "or promulgate" should be included.
12 The second is an amendment that appropriates \$348,000 for
13 the GSA to be used at the San Luis, Arizona, border station.
14 This section was omitted in the printing of the committee bill.

15 And the last amendment, the third strikes the first
16 11 words of section 101. Mr. Chairman, they are all technical
17 amendments. I ask they be considered en bloc and adopted.

18 Chairman Hatfield. Any objection? If not, the amendments
19 are adopted en bloc.

20 Senator Abdnor. Mr. Chairman, at the time we marked
21 up the bill, I was not convinced at the time of some dollar
22 figures that were requested for the Blair House. Since that
23 time, I have now been satisfied the appropriations are needed
24 and deserved. Because of that, I have an amendment that
25 will provide \$3,611,000 in additional funding for the repair

1 of Blair House. The committee provided \$3 million in the
2 Treasury bill and further complication with the General
3 Services Administration to indicate a total of \$6,611,000
4 will be sufficient to complete the entire renovation.

5 Let me say, these funds will be out of the Federal
6 Building Fund. I ask adoption of the amendment.

7 Chairman Hatfield. I think I must have misunderstood
8 you about the cost of Blair House.

9 Senator Abdnor. Six million --

10 Chairman Hatfield. \$6 million?

11 Senator Abdnor. It is the complete renovation from one
12 end to the other, put additions on it for security purposes,
13 and I had questions on it. That is why I went with the
14 \$3 million, but they have convinced me that it will take
15 the \$6,611,000 to do the complete job, to do what is necessary
16 for security and to make it a safe place for housing
17 dignataries that come here from other countries.

18 Chairman Hatfield. That surely must include all
19 furnishings, all antique furnishings.

20 Senator Abdnor. That was one of the questions we had.
21 They said they will be raised by private funds; it is not
22 included. That is for the building.

23 Chairman Hatfield. You mean it is going to cost \$6 million
24 just to renovate that one house?

25 Senator Abdnor. It is one of the historic preservation

1 places and this makes for a lot of added costs. I have to
2 agree. We drug our feet on it, sir, and met with groups --
3 the White and different ones.

4 Chairman Hatfield. Did they think about maybe tearing
5 it down and building a new one?

6 Senator Abdnor. I think they are going to tear that
7 place down, what it is going to amount to, and I guess keep
8 it in its original form with some additions to it.

9 Chairman Hatfield. There is no one more avidly supports
10 historic renovation, but at the same time, it does appear
11 to be an extraordinary amount of money, an inordinate
12 supplement.

13 Senator Abdnor. I said that for a long time.

14 Chairman Hatfield. This is \$6 million total or is this
15 \$6 million in addition?

16 Senator Abdnor. \$6,611,000 total. It comes out of
17 the Federal Building Fund. They can absorb it.

18 Chairman Hatfield. Are there objections, other than a
19 few expressions of amazement?

20 Senator Abdnor. Mr. Chairman, I move the adoption.

21 Chairman Hatfield. The Senator from South Dakota, the
22 Abdnor amendment --

23 Senator Abdnor. (Interposing) I was afraid you would
24 say that.

25 Chairman Hatfield. To spend \$6,611,000 to renovate a little

1 house down the street, without objection, the Abdnor
2 amendment passes.

3 Senator Abdnor. Thank you. With that, I will say I
4 understand Senator Eagleton had two amendments.

5 Chairman Hatfield. Senator Eagleton does have and he
6 asked to be protected on that. I have his communication, and
7 we will protect him. Any other amendments to Treasury?

8 Senator Abdnor. That is only for the two. We will keep
9 it open just for the two Eagleton amendments; right?

10 Chairman Hatfield. There are only two that I know of,
11 Senator Eagleton's amendments. Do you wish to move to close?

12 Senator Abdnor. Yes, I move to close with the exception.

13 Chairman Hatfield. A motion has been made to close the
14 Treasury, Post Office appropriation bill, with the exception
15 of two amendments to be offered by Senator Eagleton. Without
16 objection, this section is closed.

17 The Senator from North Dakota.

18 Senator Andrews. Mr. Chairman, I move that we adopt
19 the Transportation section of the Continuing Resolution.
20 This is the bill that we put in four months ago, some three
21 months ago and it has been sitting in abeyance while the
22 House works through a jurisdictional dispute. I know of no
23 amendments to it except an amendment the Senator from Florida
24 wishes to attach to it. I move that all amendments to the
25 Transportation section, except for the amendment by the

1 Senator from Florida, be closed at this time.

2 Chairman Hatfield. Any discussion? If not, without
3 objection, the Transportation section is closed.

4 Senator McClure. Mr. Chairman, I think the Interior
5 section is ready with three amendments of rather general
6 nature that I am aware of.

7 One, a language change that I think has been worked out
8 with Senator DeConcini and, if not, we will be able to work
9 it out by amendment and substitute perhaps. And one dealing
10 with the Synthetic Fuels Corporation upon which we have been
11 working for some time.

12 I don't know if the Senator from Arizona wants to go
13 ahead with his amendment at this time on that language change.
14 I certainly yield to him for that purpose.

15 Chairman Hatfield. The Senator from Arizona.

16 Senator DeConcini. Thank you, Mr. Chairman, Chairman
17 McClure. The chairman of the subcommittee is correct. We
18 have been working on the staff level to attempt to resolve
19 the matter and I first want to say it is almost difficult
20 for this Senator to be in opposition to Senator McClure
21 because he makes not only persuasive arguments, but he is a
22 very fair chairman.

23 I feel very strongly that we would be much better off
24 if we adopted the House language as it relates to the BLM and
25 WSA wilderness areas. The Senate language does two things.

1 It opens up existing wilderness areas to oil and gas leasing
2 and development through the method of directional drilling
3 known as slant drilling. It also gives the Secretary of the
4 Interior the authority to release BLM wilderness study areas
5 from further wilderness consideration to allow oil and gas
6 development prior to the congressional approval, and this is
7 of great concern to me.

8 The House goes the other way and leaves it, as I
9 understand, the way the law is now. My amendment I will
10 offer for discussion purposes and will be more than happy
11 to work something out here if we can here. I feel we should
12 put this into the CR in some manner. The Wilderness Act
13 of 1964 specifically prohibits the leasing of wilderness
14 areas for oil and gas development. That is what my amendment
15 would do. It would provide that the Secretary --

16 Senator Johnston. (Interposing) Is this the wilderness
17 study area amendment?

18 Senator DeConcini. Yes, it is. The Secretary could not
19 authorize release of BLM study wilderness areas. That would
20 have to be approved by Congress. I am more than happy to
21 go through the reasons, but perhaps the chairman would like to
22 discuss it.

23 Senator McClure. Mr. Chairman?

24 Chairman Hatfield. The Senator from Idaho.

25 Senator McClure. Mr. Chairman, if the committee Members

1 will refer to 88, 89 and 91 of the print, it is in the
2 Interior bill, which you don't have before you, but on page
3 88 of the Interior bill, there is language which was in the
4 House-passed measure which changes existing law. We sought
5 to strike that and add language to which the Senator from
6 Arizona has made reference, and I think perhaps the easiest
7 way to solve that question is to compromise by agreeing that
8 we won't make any substantive change in the law one way or
9 the other.

10 We can accomplish that by striking the language which we
11 have inserted and also by striking the language which the
12 House had inserted. And if that would be satisfactory with
13 the Senator from Arizona, I would be prepared to accept such
14 a proposal.

15 Senator DeConcini. Mr. Chairman, if I can just go over
16 quickly with the chairman from Idaho, that would be on line
17 19 then, striking "or public lands."

18 Senator McClure. The Senator is correct.

19 Senator DeConcini. On line 20 and 21 striking "or the
20 Secretary of the Interior."

21 Senator McClure. That is correct.

22 Senator DeConcini. Then on page 91, striking on line
23 "national forest or public land wilderness area."

24 Senator McClure. That is correct, and we would also
25 leave in on page 88 and 89 the interdelineation that appears on

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1 lines 24 and 25 and lines 1 and 2 of page 89.

2 Senator DeConcini. Mr. Chairman, that is an acceptable
3 compromise. I thank the chairman from Idaho for the
4 willingness to do that.

5 Chairman Hatfield. We will consider then this amendment
6 is adopted as modified by the Senator from Idaho offered to the
7 amendment by the Senator from Arizona.

8 Senator DeConcini. I thank the chairman.

9 Senator McClure. I thank the Senator from Arizona; I
10 thank the chair.

11 Senator DeConcini. One other question if I could ask
12 the chairman of the subcommittee, is it fair to say, it is
13 my understanding this would also be an amendment on the
14 Interior bill?

15 Senator McClure. Yes. I have an amendment with respect
16 to the Kennedy Center. At the appropriate place in the bill,
17 insert the following new section: The following may be cited
18 as the John F. Kennedy Center Act amendments of 1984 with
19 language that follows.

20 I might explain it in this way. Earlier acting in
21 concert with other Kennedy trustees, Senator Kennedy and
22 Senator Percy and joined by the Majority Leader Mr. Baker
23 and Assistant Majority Leader Mr. Stevens, I introduced
24 legislation to amend the John F. Kennedy Center Act for
25 the purpose of restructuring the Kennedy Center Treasury

1 bond debt.

2 As you may recall, when the Kennedy Center was
3 authorized, it was to be built with contributions of public
4 and private funds. Approximately \$20 million was borrowed
5 from the Treasury and was to be repaid through profits earned
6 by the center. As we know, the Kennedy Center developed into
7 a national treasure over the past dozen years, and as most
8 nonprofit public institutions has not generated sufficient
9 revenues to repay the Treasury bond loan amounts either in
10 principal or interest.

11 The Secretary of the Treasury has been waiving those
12 interest fees, as he is authorized to do, and the Kennedy
13 Center has continued to provide the performing arts program.
14 The amendment would restructure the Kennedy Center's debt.
15 Hearings were held in April by the Environment and Public
16 Works Committee and was reported out of that committee in
17 June, passed the Senate unanimously on June 28, but it has
18 not moved the first step yet in the House.

19 This would write into this bill that which has already
20 passed the Senate and which has the Administration support
21 as well.

22 Chairman Hatfield. Senator, I appreciate the
23 importance of this action. But, again, I would like to request
24 the Senator from Idaho to withhold offering this amendment
25 since it is an authorization and let us consider that on the

1 floor rather than taking the bill to the floor with violation
2 of that concept of authorization in appropriations.

3 Senator McClure. I will be happy to do that. I have a
4 couple others in the same light. I would like the Members
5 to know what it is.

6 Chairman Hatfield. I appreciate the Senator; I think
7 it is helpful to the committee what is pending.

8 Senator McClure. The second deals with the National
9 Outdoor Recreation Resource and Review Commission. Again,
10 something the Senate has passed and has support of the
11 Administration. I would hope to further it by an amendment
12 on the floor, but I withhold that.

13 Chairman Hatfield. I would appreciate that very much.

14 Senator McClure. The third, Mr. Chairman, has to do with
15 an amendment offered by Senator Nickles and on his behalf
16 I offer a noncontroversial amendment which requires that any
17 lease of United States interest on the certain 960 acre
18 track of land in Payne County, Oklahoma, permits service
19 occupancy when developing these interests. This one, I
20 believe, no funds would be acceptable, under the rules you
21 have pursued to this point here.

22 Chairman Hatfield. Without objection, we will accept
23 that one. It doesn't involve funds and is an ongoing project.

24 Senator McClure. I thank the Senator. The final one
25 would be the Synthetic Fuels Corporation compromise. This is

1 a combination of funding, of rearrangements that has been
2 ongoing for a long while and needs resolution, and it needs
3 resolution before this Congress adjourns because we are in
4 the midst of projects upon which decisions must be made.

5 I hope we can deal with that here in the committee and
6 take it to the floor in that posture.

7 Chairman Hatfield. I want to commend the Senator from
8 Idaho. This has been one of the real sticky-wickets we
9 have had to deal with. The Senator struggled a long while
10 to come up with a reasonable compromise. I want to commend
11 and support him in any way.

12 Senator McClure. I thank the Senator. I will be happy
13 to explain the details of that compromise if anyone wants
14 me to go into the detail at this time.

15 Chairman Hatfield. Without any request, I guess we
16 don't have to.

17 Senator Domenici. I have a question but no request.

18 Chairman Hatfield. The Senator from Arizona.

19 Senator Domenici. New Mexico.

20 Chairman Hatfield. I am sorry, I misstated the state.

21 Senator Huddleston. Is this syn fuels?

22 Senator McClure. All Members have the amendment before
23 them.

24 Chairman Hatfield. Does the Senator from New Mexico
25 want to ask a question about this amendment?

1 Senator Domenici. Yes, I want to ask our chairman
2 from the State of Washington a question.

3 Chairman Hatfield. The Senator is out of order.

4 Senator Domenici. Could I ask Senator McClure, chairman
5 of the subcommittee, a question? With reference to the
6 appointment of the board, could you tell us where we are?
7 The reason you have to do this because we don't have a
8 board and obviously the board desires to make some major
9 changes, as I understand. Nothing will happen without a
10 legally functioning board, so this is an effort on your part
11 to accommodate them and a number of people here who have very
12 specific ideas.

13 But nonetheless, they haven't sent the names up and
14 we don't have a functioning board. It is kind of useless
15 to do anything unless you know or somebody knows we are going
16 to get a board that is functioning and when they take the
17 pledge they are going to support synthetic fuels that they will.

18 Senator McClure. I have a letter dated today signed
19 by David Stockman in part in response to the question the
20 Senator from New Mexico has raised. The easiest way for me to
21 state that succinctly is read that paragraph of the letter
22 and, Mr. Chairman, I ask unanimous consent that letter be
23 made a part of the record.

24 Chairman Hatfield. Without objection.

25 (The information referred to follows:)

1 Senator McClure. That portion of the letter says, and
2 I quote: "You also inquired about the present status of the
3 nominations to fill the five current vacancies on the Board
4 of Directors of the corporation. Because the concerns
5 expressed repeatedly by a number of Senators, I believe it
6 was apparent to most observers that a resolution of the
7 question surrounding the future policy direction of the
8 SFC . . . The adoption of your compromise proposal by the
9 Senate and its incorporation in the conference report will
10 provide the policy debate that your colleagues have stated
11 must precede action on filing the vacancies. We would thus
12 be able to announce nominations to the Board within a few
13 days of final action on the rescission. Because of the
14 importance of restoring a forum to the SFC Board, we plan to
15 monitor closely the confirmation process. Should the Senate
16 schedule have an unacceptable delay in confirmation, we would
17 consult you and your colleagues and the jurisdictional
18 committee on the appropriateness of using the President's
19 authority to make recess appointments."

20 That is the end of the quotation. Let me say in more
21 direct terms, they have agreed to send the nominations up as
22 soon as we in the Congress have taken final action and they have
23 also indicated that if for any reason we can't get those names
24 confirmed, that they are talking about recess appointments
25 if that doesn't raise too much objection up here so that the

1 Board could act in the interval between now and January
2 with respect to the legal actions that are necessary to keep
3 the ongoing projects alive.

4 Chairman Hatfield. The Senator from Kentucky and then the
5 Senator from Louisiana.

6 Senator Huddleston. Mr. Chairman, I just wanted to
7 commend Senator McClure for his efforts in bringing about this
8 compromise. It is that. It doesn't pursue as aggressively
9 as some of us in the coal states would like to see us move
10 in synthetic fuels. I think a very major provision that will
11 be very helpful is the setting aside of the \$750 million
12 for clean coal technology, which may be the solution to acid
13 rain and many other things and greater utilization of coal.

14 So I think the compromise is as good as we can expect
15 to accomplish at this time. I share the same concerns about
16 getting the Board appointed and getting good people in there
17 who will aggressively pursue the objectives.

18 Chairman Hatfield. I thank the Senator from Kentucky.
19 The Senator from Louisiana.

20 Senator Johnston. Mr. Chairman, I would like to
21 associate myself with Senator Huddleston's remarks with
22 reference to Jim McClure's good work in this area. He has,
23 indeed, done the negotiation for all of us who supported
24 synthetic fuels.

25 The Administration, obviously, has all the cards, all the

1 trumps because they could have continued not to appoint the
2 Board and with no quorum, they could not have done anything.
3 So I think this is a real accomplishment.

4 Mr. Chairman, I notice that the syn fuels amendment, as
5 drafted and as described in the one-pager, is within the
6 general, certainly, spirit of the letter written by
7 Mr. Stockman, a copy of which I have, and I think each
8 Member has. There are, however, some differences in
9 perhaps technical language.

10 My first question is, where there is arguably a difference
11 between the technical language of the amendment and the letter
12 of Mr. Stockman, it is clear, of course, that the language
13 of the amendment would take priority, would it not?

14 Senator McClure. The Senator is correct. The amendment
15 states the intention of the sponsors of the amendment and
16 if adopted by this committee and by the Senate would be the
17 expression of the Senate as to what we mean by the amendment.

18 Senator Johnston. There are two particular areas of
19 concern here. First, the amendment says that 50 percent of
20 the balance of those funds shall cease to be available for
21 obligation. Mr. Stockman's letter speaks of that one half
22 of the balance "will lapse."

23 I don't know whether Mr. Stockman was simply using
24 layman's terms to describe what the amendment says, but
25 the amendment is very clear in saying that it shall cease to

1 be available for obligation and obviously there the
2 terms of the amendment would be supreme, would they not?

3 Senator McClure. The language that is in the amendment
4 is the language which was worked out with OMB to accomplish
5 what the amendment states.

6 Senator Johnston. And in like manner, where the amendment
7 states that the \$750 million will be available for clean coal
8 technology demonstration activities, including those identified
9 in section 320 of the fiscal year 1985 Department of the
10 Interior and Related Agencies Appropriations Act, then that
11 language does contain words of art, section 320 specifically
12 described as being new applications of what we might call
13 hardware as opposed to the ongoing activities of, say,
14 research institutes at universities that are studying the
15 composition, molecular composition of coal and that sort of
16 thing.

17 In other words, we meant what we said when we made
18 reference to section 320 and talked about new coal, clean
19 coal burning technologies.

20 Senator McClure. I want to emphasize two points in that
21 regard, and I don't disagree with what the Senator from
22 Louisiana said.

23 First of all, we did express in the Clean Coal Act in
24 section 320 our dedication to the development of new
25 technologies and this is intended to flesh out and make

1 certain that that program has a source of funding and a
2 predictable future. The emphasis should be upon hardware
3 and should be upon the technologies and the general program
4 direction that was referred to in section 320. This language
5 must be read in connection with that act.

6 Senator Johnston. I thank the Senator, Mr. Chairman. I
7 find this to be a very good compromise. I hope we will
8 support it.

9 Senator McClure. Might I just identify for the record
10 that I offer this amendment on my own behalf and also on
11 behalf of Senators Andrews, Warner, Armstrong, Garn, Ford,
12 Burdick, Byrd and Johnston, and that Senators Hatch, Cohen,
13 Heinz, Stevens and Metzenbaum have indicated their support
14 for it. And I think the other Senators who have spoken here
15 personally have indicated their own position with respect to it.

16 Chairman Hatfield. I thank the Senator. Any discussion?
17 If not, the amendment is adopted as offered by the Senator
18 from Idaho.

19 Senator McClure. Mr. Chairman, in that connection, I
20 think we should also mention here that I and Senator Johnston,
21 Senator Domenici and Senator Ford have reached agreement
22 with Senator Metzenbaum to accept a floor amendment by
23 Senator Metzenbaum which applies to the SFC, certain provisions
24 of the Sunshine Act, Freedom of Information Act and the Ethics
25 regulations, modified as necessary to conform to the Energy

1 Security Act.

2 With that understanding, Senator Metzenbaum had agreed to
3 accept and support this package.

4 Chairman Hatfield. Any further amendments to the Interior
5 Subcommittee, with the exception of the Eagleton amendment
6 which we will set aside for a moment and go back to Treasury
7 and complete that. We closed the Treasury with the exception
8 of the two Eagleton amendments which you now will offer.

9 Senator Eagleton. Thank you, Mr. Chairman. I think we
10 can dispose of these one way or the other rather quickly.
11 I appreciate the bill has been kept open for these two.

12 The first amendment I will offer has been before this
13 committee in recent weeks. It is my St. Louis Federal
14 Courthouse, which is falling apart. It was built in 1934 and
15 other than routine annual maintenance, very little else has
16 been done to it. The court has expanded many times over in
17 terms of district judges, Eighth Circuit Court of Appeals
18 and I will be practicing law in that building in the not too
19 distant future, and I sure would love to show those federal
20 judges what I have done for them while I was living.

21 It is \$8,654,000. It lost on a tie vote before this
22 committee a month or so ago 12-12. It is part of the wrangle
23 between the House and the Senate.

24 It was in the House version, and I know the strategy that
25 Senator Abdnor and Senator DeConcini have and I wonder if they

1 couldn't make a little old exception in the interest of justice?

2 Chairman Hatfield. Would the Senator yield?

3 Senator Andrews. Justice St. Louis style?

4 Chairman Hatfield. If the Senator would yield, a while
5 ago the committee chairman and Ranking Member offered
6 an amendment to provide \$6,600,000 for the renovation of
7 Blair House. You mean you can renovate an entire courthouse
8 for only \$8 million?

9 Senator Eagleton. We can put Blair House in it three
10 times. It's a beautiful building if it only were fixed up.
11 I will not belabor it, Mr. Chairman, because it has been before
12 the committee before. I think the milk of human kindness is
13 in Senator Abdnor's eyes. I see him watering over there.

14 Senator Stevens. Shall we put a special office in there
15 for retired Senators?

16 Senator Eagleton. There is a little extra space.

17 Senator Abdnor. I can see he is a tough lawyer. He has
18 a great future ahead of him when he gets back to that building.
19 I hope he doesn't get it immediately. Let me give you the
20 background.

21 Chairman Hatfield. Senator, we are not really interested
22 in background.

23 Senator Abdnor. We did turn the renovation down. It
24 has not been authorized in this committee. It was the Public Works
25 Committee, which I happen to be a member of. However, it was

1 placed in the bill over on the House side. They do authorize
2 on their committee, on their bills over there, on appropriations
3 when it deals with projects they are concerned with. Anything
4 closely resembling an act on this side seems to be objected
5 to all the way. Now we went into this conference committee
6 with some provisions that overwhelmingly were carried by the
7 entire Senate as well in most cases by this particular
8 committee at the time we marked up the bill.

9 And after a day and a half of discussions, we
10 finally agreed to accept some of their unauthorized projects
11 like this building and about seven others, and they took
12 what we thought -- like the Forfeiture Act that we are
13 concerned with in Customs and a number of others.

14 We agreed unanimously to the conference report committee
15 decision. It was unanimously decided upon. It went to the
16 floor of the House. They threw out part of our provision.
17 That is where we are today.

18 Again, they sent us over a bill that has unauthorized
19 projects in it but again deleting the provisions we felt so
20 necessary. I think the only way they are going to get the
21 message is to go back to conference. I hate to do this to my
22 good friend. I know he is thinking about retirement. If
23 they behave themselves and see the light, we will be once
24 again back in the thrust of things and readily approve, if
25 they can only see the way the Senate thinks on a few of our

1 things.

2 I think we should not accept the amendment at this time
3 and see how we get along in conference and get together with
4 the House on the CR.

5 Senator Eagleton. May we have a vote, Mr. Chairman?

6 Chairman Hatfield. All those in favor of the --

7 Senator Eagleton. Roll call.

8 Chairman Hatfield. The clerk will call the roll on the
9 Eagleton amendment to add to the Treasury, Post Office
10 appropriations bill the renovation of the St. Louis Courthouse.

11 Senator Eagleton. \$8,654,000.

12 Senator Abdnor. Before we do it, again, I would like
13 to say, it is in the House. We will be discussion it when
14 we go to conference. The House deliberately threw out every
15 provision the Senate had in they originally agreed to on a point
16 of order because it wasn't authorized.

17 It always bothers me -- we have several bills in here
18 that have not been authorized even by the House. It got
19 through the Appropriations Committee. We went along with it.
20 Now they are asking us to go on and to accept their amendments
21 and have ours deleted.

22 Chairman Hatfield. I appreciate the Senator's statement
23 and I understand that strategy thoroughly. I would only say
24 one thing, that is, this does represent a long-time effort
25 by the Senator from Missouri. I think sometimes it is

1 difficult to be made by inner-House procedures run contrary
2 to some of our rules over here, but be that as it may, the
3 clerk will call the roll.

4 Senator Chiles. Mr. Chairman, I just want to say in
5 that regard, I have sat where the Senator from South Dakota
6 is sitting and I understand the frustration of the House and
7 the way they do things because I have chaired the subcommittee
8 before and had them do exactly that same thing.

9 I just wonder if we want to sort of take that out
10 on one of our members or one of our projects that we think
11 has some merit? It seems to me we want to find something
12 they really want and hold that hostage, but not necessarily
13 take it out on one of our own.

14 Senator Abdnor. Could I say to the Senator from Florida,
15 and I appreciate what he is saying, the items we took out
16 were unauthorized projects. We took nothing out that was
17 authorized.

18 Chairman Hatfield. The clerk will call the roll.

19 Mr. Kennedy. Mr. Stevens?

20 (No response.)

21 Mr. Kennedy. Mr. Weicker?

22 Chairman Hatfield. Aye by proxy.

23 Mr. Kennedy. Mr. McClure?

24 Senator McClure. No.

25 Mr. Kennedy. Mr. Laxalt?

1 (No response)
2 Mr. Kennedy. Mr. Garn?
3 Senator Garn. No.
4 Mr. Kennedy. Mr. Cochran?
5 Senator Cochran. No.
6 Mr. Kennedy. Mr. Andrews?
7 Senator Andrews. No.
8 Mr. Kennedy. Mr. Abdnor?
9 Senator Abdnor. No.
10 Mr. Kennedy. Mr. Kasten?
11 (No response)
12 Mr. Kennedy. Mr. D'Amato?
13 (No response)
14 Mr. Kennedy. Mr. Mattingly?
15 Senator Mattingly. No.
16 Mr. Kennedy. Mr. Rudman?
17 Senator Rudman. Aye.
18 Mr. Kennedy. Mr. Specter?
19 (No response)
20 Mr. Kennedy. Mr. Domenici?
21 Senator Domenici. No.
22 Mr. Kennedy. Mr. Stennis?
23 Senator Stennis. Aye.
24 Mr. Kennedy. Mr. Byrd?
25 Senator Eagleton. Aye by proxy.

1 Mr. Kennedy. Mr. Proxmire?

2 Senator Eagleton. Aye by proxy.

3 Mr. Kennedy. Mr. Inouye?

4 Senator Eagleton. Aye by proxy.

5 Mr. Kennedy. Mr. Hollings?

6 Senator Hollings. Aye.

7 Mr. Kennedy. Mr. Eagleton?

8 Senator Eagleton. Aye.

9 Mr. Kennedy. Mr. Chiles?

10 Senator Chiles. Aye.

11 Mr. Kennedy. Mr. Johnston?

12 Mr. Johnston. Aye.

13 Mr. Kennedy. Mr. Huddleston?

14 Senator Huddleston. Aye.

15 Mr. Kennedy. Mr. Burdick?

16 Senator Eagleton. Aye by proxy.

17 Mr. Kennedy. Mr. Leahy?

18 Senator Eagleton. Aye by proxy.

19 Mr. Kennedy. Mr. Sasser?

20 Senator Eagleton. Aye by proxy.

21 Mr. Kennedy. Mr. DeConcini?

22 Senator DeConcini. No.

23 Mr. Kennedy. Mr. Bumpers?

24 Senator Bumpers. Aye.

25 Mr. Kennedy. Mr. Stevens?

1 Senator Stevens. Aye.

2 Chairman Hatfield. The amendment is adopted 17 to 8.

3 Does the Senator have a second amendment for the Treasury,
4 Post Office?

5 Senator Eagleton. Yes. This is \$100,753. This is more
6 in my league. It directs the Secretary of the Treasury
7 to pay that amount to the property owners who suffered
8 losses as a result of faulty Corps of Engineers operation of
9 Stockton Dam. The case has dragged on for 12 years. There
10 is no dispute about the facts or the Corps' negligence. The
11 Court of Claims has recommended this award "in fairness and
12 in good conscience," in the court's opinion.

13 The Department of Justice has agreed to it and there
14 is an existing fund in the Treasury Department for settling such
15 Court of Claims cases so this amendment will not add anything
16 to the budget.

17 \$100,753, 12-year old flood damage, Stockton Dam in
18 Missouri.

19 Chairman Hatfield. The Senator from South Dakota.

20 Senator Abdnor. No objection.

21 Senator Eagleton. I thank you.

22 Chairman Hatfield. Any objection? Without objection,
23 the amendment is adopted.

24 Senator Andrews. Mr. Chairman, can we go back to the
25 Chiles amendment we reserved?

1 Chairman Hatfield. We now have concluded the Treasury,
2 Post Office action, so that is closed on a previous motion.
3 We now have one pending on the Interior, then we will go to
4 Transportation. The Eagleton amendment for the Interior.

5 Senator Eagleton. Senator McClure and I had a brief
6 conversation about this this morning. This is an amendment
7 to delete \$20 million for the removal of 35,000 wild horses
8 and burros from our public lands. I believe that this removal
9 is inappropriate at this time for the following four reasons:

10 One, the Bureau of Land Management has not completed
11 its management plans or its census efforts for the wild horse
12 herds. To date, BLM has only completed 58 out of 303 wild
13 horse area plans.

14 Secondly, the continuing debate over the number of wild
15 horses that need to be removed from our range lands has not
16 been resolved. The National Academy of Sciences Committee
17 report found only a few examples of severe impacts to the
18 range land.

19 Furthermore, the report did not endorse the BLM figure
20 of maintenance of a 25,000 wild horse herd.

21 Point three, if there is the severe impact on the range,
22 then why does the livestock grazing permits continue to
23 increase each year while there is a demand on decreasing our
24 wild horse herds?

25 Fourth, over 42,000 wild horses and burros have been

1 rounded up and placed in the BLM adopt-a-horse centers since
2 1979. This appropriation would be excelling the program to
3 place approximately the same number of animals in one year's
4 time in private ownership as it has done all throughout the
5 past five years and for no immediate emergency reasons.

6 It would also be increasing the program's budget by
7 400 percent. To date, BLM has spent approximately \$33 million
8 on wild horses and this year will be asked to spend \$25 million.
9 So the amendment is a \$20 million cut in that account.

10 Chairman Hatfield. The Senator from Idaho.

11 Senator McClure. I am sorry, but I must oppose the
12 amendment offered by my friend from Missouri. I do this --
13 I shouldn't say I do it reluctantly, but I do it because I
14 think the Senator from Missouri has been given substantial
15 misinformation as to the status of the program and that is
16 being repeated here today.

17 And I say that because I know the background of the
18 emotions that surround the wild horses and burros. But we
19 have a law on the books that says these horses and burros
20 must be protected, the ones under the criteria of Wild
21 Horse and Burro Act, must be protected where they
22 are and excess numbers must be removed.

23 We have an adopt-a-horse program, and they simply have
24 been unable to get enough people to voluntarily adopt the
25 horses that are removed and now the question is whether or not

1 we are going to back up on the provision of law today and say
2 we don't care what the law provides; don't remove those horses
3 from the range.

4 Unlike the statement that was made about finding the
5 National Academy of Sciences about severe damage to the range,
6 we held hearings on this in the Energy and Natural Resource
7 Committee and the evidence that came forth before that
8 committee was overwhelming, and I think almost without
9 any factual rebuttal with respect to the damage that is being
10 done to the public lands in some areas where those numbers
11 are in excess.

12 What are you going to do, Senator? Are you going to
13 round the horses up and starve them to death? No, you are
14 not going to do that. You can't round them up and adopt
15 them because people won't step forward in sufficient numbers
16 to adopt them, so what you are indirectly trying to say the
17 Bureau of Land Management should violate the law on the books
18 that requires them to remove the excess numbers. Why? To
19 protect the public lands. The statement was made that the
20 grazing fees and permits have been increased and that is not
21 true.

22 The AUMs remain stable and in the areas where the wild
23 horses and burros are in excess, there has been no increase in
24 the AUMs in those areas. That reflects how much the domestic
25 livestock industry is permitted to graze upon the public lands

1 in those areas. If there is one thing that is inherent
2 in the environmental protection era in which we are involved,
3 it is that the direct costs of federal decisions will be borne
4 now, not passed to future generations and degradation of the
5 environment.

6 What the Senator's amendment seeks to do is to force us
7 to degrade the conditions of the public lands because we are
8 unwilling to face that issue now.

9 Senator DeConcini. Would the Senator Yield?

10 Senator McClure. I will be happy to yield to the
11 Senator from New Mexico.

12 Chairman Hatfield. Arizona.

13 Senator DeConcini. One of these days.

14 Senator McClure. I thought we should balance it with
15 that.

16 Senator Johnston. It all looks the same out there.

17 Senator Garn. All beautiful.

18 Senator DeConcini. If the Senator's amendment is adopted,
19 what will happen to these horses and burros, they will be
20 left on the range, is that what will happen?

21 Senator McClure. They either must be left on the range
22 and brought into feedlots where they starve because the BLM
23 doesn't have enough money to pay --

24 Senator DeConcini. (Interposing) If the Senator from
25 Missouri's amendment is not adopted, what will happen, they

1 will be picked up and brought in?

2 Senator McClure. The excess numbers, where they are in
3 excess in conforming with existing law will be taken into
4 feedlots and fed until they can be placed for adoption or until
5 Congress makes some other decision.

6 Senator DeConcini. They will not be exterminated then?

7 Senator McClure. They will not be destroyed; they will
8 not be exterminated. The Senator made reference to S.457
9 which is a legislative attempt to find some resolution of
10 that problem, but that bill has not passed. So the only
11 alternative the BLM would have to comply with existing law
12 is to round those excess horses and burros up and put them in
13 feedlots and feed them, maintain them and care for them until
14 Congress makes some other decision.

15 Senator DeConcini. What you are representing then is
16 there is nothing in the existing law that would mandate the
17 extermination of these animals after they are picked up if
18 the Senator from Missouri's amendment is not passed?

19 Senator McClure. That is exactly correct. There is
20 nothing that mandates their extermination.

21 Senator DeConcini. As long as there is money to feed
22 them, they will continue --

23 Senator McClure. (Interposing) The figure is not just
24 plucked from the air. The figure is that which was developed
25 by the Bureau of Land Management. When I said if S. 457 or

1 some other form of legislative language is not adopted and
2 you do what is required by current law, how much will it
3 cost you to maintain those horses in a humane condition
4 pending resolution by the Congress? That was their figure.

5 Senator DeConcini. The last question is --

6 Chairman Hatfield. If the Senator would withhold for
7 a moment, could we have order, please? It is very difficult
8 to hear the Senators.

9 Senator DeConcini. Mr. Chairman, I am sorry to bother
10 the committee. I don't understand, when the Senator from
11 Idaho says pending the resolution of the matter, what does he
12 mean? Will \$20 million keep them for 10 years, two years,
13 six months?

14 Senator McClure. \$20 million is the estimated cost of
15 feeding the animals for one year unless there is an upsurge
16 in the success of the adopt-a-horse program, or something of
17 that nature.

18 Senator Johnston. Would the Senator yield for a question?

19 Senator McClure. I will be happy to.

20 Senator Johnston. Under present law, isn't it true the
21 Forest Service can or BLM can kill these animals?

22 Senator McClure. The current law permits killing, but
23 there is a moratorium in effect which will be continued.

24 My amendment does nothing --

25 Senator Johnston. (Interposing) I understand that. If

1 your amendment doesn't pass, they could decide they just have
2 to slaughter the animals and control the herd.

3 Senator McClure. The could. My amendment seeks to avoid
4 that.

5 Senator Johnston. Number two, the rate of multiplication
6 of these animals would be brought under control under your
7 putting them on the range amendment?

8 Senator McClure. There is a dispute as to the rate at
9 which they proliferate and the National Academy of Sciences
10 report says somewhere between 3 percent and 20 percent a
11 year but the concensus opinion before our committee by the
12 experts who look at the question, said they believe it is
13 about 16 percent a year multiplication rate on the range.

14 We believe that obviously is an unacceptable --

15 Senator Johnston. (Interposing) You control that.

16 Senator McClure. You can substantially control that
17 if we have enough money to care for the horses.

18 Senator Johnston. Finally, it has been urged to me that
19 perhpas we can get by with less than \$20 million, that perhaps
20 \$12 million would do it. What would the Senator's attitude
21 be for compromise at \$12 million?

22 Senator McClure. \$12 million may well do it. I can't
23 tell the Senator. All I can say is the Bureau of Land
24 Management in response to my questions said if the excess
25 numbers are removed pursuant to the current law from the public

1 alnds, and if the ability to get horses adopted or sold
2 goes along at the same levels that we now have, how much
3 is it going to cost to feed them? Thier estimate was
4 \$20 million. Obviously, if you appropriate less money and
5 their estimates are right, we will run short just as we did
6 this year and come up with a supplemental to provide them
7 with additional money to feed the horses this year.

8 Senator Garn. Mr. Chairman?

9 Chairman Hatfield. The Senator from Utah.

10 Senator Garn. Mr. Chiarman, I think there are two
11 issue here. First of all, with all due respect to my
12 colleague from Missouri, I never cease to be amazed of this
13 issue and others involving public lands, why it always seems
14 to be Senator from outside the areas who want to do something
15 to us that we who live under two-thirds ownership by the
16 Federal Government.

17 I guess the only way we will ever get that lesson
18 across is if we can have Missouri or New Hampshire or
19 New York be two-thirds owned by the Federal Government; then
20 you will find out why we have sagebrush revolutions, why we
21 so resisted federal domination.

22 Just think about that, two-thirds of the entire State of
23 Utah is owned by the Federal Government. About 80 percent
24 of Neveada. Governors don't run our states, the Bureau of
25 Land Management does. And then we have our good and

1 respected colleagues, I guess the Humane Society comes over,
2 you are far east of us, we just adopt an amendment for
3 \$8 million to redo an old court building in St. Louis.
4 Somehow we can't have \$20 million for 10 western states to take
5 care of a wild horse problem.

6 I don't know if the chairman ever saw the documentary
7 I told him about that appeared on KSL-TV in Salt Lake this
8 summer about the wild horse problem. If I had known this
9 was going to come up, it would have been a good idea what the
10 news media shows, not what Jim and I are saying, and
11 educate a few of our colleagues on the problem.

12 It is a problem. It does need to be corrected. I hardly
13 think this is the time or place to start playing this kind
14 of game with one of our western colleagues, but we get a little
15 bit tired of this federal domination and our colleagues
16 picking it up and we are going to do this to you.

17 I would love to give you that two-thirds. We would like
18 to run our own state, have the governor do it like you can do
19 it in Missouri. Whether it is Clean Water Act, Clean Air
20 Act, whatever, we get a little tired because of an accident
21 of history which let the Federal Government own two-thirds
22 of our land.

23 We have to deal with a lang manager to deal with it.
24 It is always an eastern Senator, again, no disrespect, Tom,
25 who picks up these issues and wants to tell us what to do. I

1 wish to tell you when we gave the Panama Canal back to
2 Panama, we could have gotten our land back. I felt like
3 Torijos, so we could run that and get the Federal Government
4 to pay us to take it back, like we did the Panaman Canal.

5 Try and trust some of us to have some authority and
6 our governors and our legislatures in our own state and
7 quite trying to impose. That is a more fundamental issue
8 than even the wild horses.

9 Chairman Hatfield. The Senator from Missouri.

10 Senator Eagleton. Very brief, Mr. Chairman, one way to
11 carry Senator Garn's logic to its ultimate or illogic to its
12 most illogical conclusion, you would think Senator Garn owned
13 all that land out in Utah, or Senator McClure owned all that
14 land in Idaho.

15 Do you know who owns all that land in Utah and Idaho?
16 The Federal Government, all 50 states. You don't have any
17 special claim on that land. That's federal land and what
18 occurs and is done on that federal land is of national public
19 policy, all 59 states. It is not your private claim
20 in Utah. You may own a home in Salt Lake City, fine, but
21 two-thirds of the state is owned by all of us and all of us
22 have an interest in it and all of us have interest --

23 Senator Garn. (Interposing) We own two-thirds of
24 Missouri, too, Senator, then you will understand. I didn't
25 raise my voice against you. It was an accident of history.

1 Senator Eagleton. I happen to be a little bit different
2 and I tune you out especially.

3 Senator Garn. Then it was federal land.

4 Chairman Hatfield. Gentlemen --

5 Senator Garn. (Interposing) I wish I had the opportunity
6 to try and dictate to your state. No, it is not my land
7 and I don't own it but Jim McClure was --

8 Senator Eagleton. (Interposing) We all own it.

9 Senator Garn. I was elected to represent Utah and I am
10 trying to do that, just like you tried to get your
11 8 million bucks for your courthouse in St. Louis.

12 Senator Eagleton. And you own that, too. It is a
13 federal courthouse, and you have a share in that.

14 Chairman Hatfield. Gentlemen, the issue before us
15 has been offered by the Senator from Missouri. At this time,
16 I will ask those who support --

17 Senator Eagleton. Roll call.

18 Chairman Hatfield. The clerk will call the roll.

19 Mr. Kennedy. Mr. Stevens?

20 Senator Stevens. No.

21 Mr. Kennedy. Mr. Weicker?

22 Senator Eagleton. Aye by proxy.

23 Mr. Kennedy. Mr. McClure?

24 Senator McClure. No.

25 Mr. Kennedy. Mr. Laxalt?

1 Chairman Hatfield. No by proxy.
2 Mr. Kennedy. Mr. Garn?
3 Senator Garn. No.
4 Mr. Kennedy. Mr. Cochran?
5 Senator Cochran. No.
6 Mr. Kennedy. Mr. Andrews?
7 Senator Andrews. No.
8 Mr. Kennedy. Mr. Abdnor?
9 Senator Abdnor. No.
10 Mr. Kennedy. Mr. Kasten?
11 Senator McClure. No by proxy.
12 Mr. Kennedy. Mr. D'Amato?
13 Senator D'Amato. No.
14 Mr. Kennedy. Mr. Mattingly?
15 Senator Mattingly. No.
16 Mr. Kennedy. Mr. Rudman?
17 Senator Rudman. No.
18 Mr. Kennedy. Mr. Specter?
19 Senator Eagleton. Aye by proxy.
20 Mr. Kennedy. Mr. Domenici?
21 Senator Domenici. No.
22 Mr. Kennedy. Mr. Stennis?
23 Senator Stennis. Aye.
24 Mr. Kennedy. Mr. Byrd?
25 Senator Eagleton. Aye by proxy.

1 Mr. Kennedy. Mr. Proxmire?
2 Senator Eagleton. Aye by proxy.
3 Mr. Kennedy. Mr. Inouye?
4 Senator Inouye. Aye.
5 Mr. Kennedy. Mr. Hollings?
6 Senator Hollings. Aye.
7 Mr. Kennedy. Mr. Eagleton?
8 Senator Eagleton. Aye.
9 Mr. Kennedy. Mr. Chiles?
10 Senator Chiles. Aye.
11 Mr. Kennedy. Mr. Johnston?
12 Senator Johnston. No.
13 Mr. Kennedy. Mr. Huddleston?
14 Senator Huddleston. No.
15 Mr. Kennedy. Mr. Burdick?
16 Senator Eagleton. Aye by proxy.
17 Mr. Kennedy. Mr. Leahy?
18 (No response)
19 Mr. Kennedy. Mr. Sasser?
20 Senator Eagleton. Aye by proxy.
21 Mr. Kennedy. Mr. DeConcini?
22 Senator DeConcini. No.
23 Mr. Kennedy. Mr. Bumpers?
24 Senator Bumpers. No.
25 Chairman Hatfield. The amendment fails 17 to 11. Now

1 we will go back -- I believe there are no other amendments
2 to the Interior bill and it was closed a moment ago subject
3 to the amendment offered by the Senator from Missouri.

4 We now have unfinished --

5 Senator McClure. I make a motion those amendments under
6 the jurisdiction of the Department of the Interior and
7 Related Agencies Subcommittee, which has been adopted by the
8 committee, be considered as committee amendments and the Senate
9 take action in H.R. 5973 for fiscal year 1985 Department of
10 Interior and Related Agencies.

11 Chairman Hatfield. The purpose of this motion, in case
12 we get the Interior bill we reported out, we can amend these
13 amendments to that we acted on today. Any objection? The
14 motion is adopted.

15 Senator Andrews. Mr. Chairman, Senator Chiles, our
16 Ranking Democratic Member, wishes to offer an amendment to that
17 section and we reserved a time slot.

18 Senator Bumpers. Mr. Chairman, is this on Transportation?

19 Chairman Hatfield. We closed the chapter with the
20 exception of the Senator from Florida.

21 Senator Bumpers. Would the Senator from Florida yield
22 to me?

23 Senator Chiles. Yes.

24 Senator Bumpers. Mr. Chairman, I went to my office after
25 lunch and received an award which I earned in Missouri.

1 During that time, this matter came up and I have an
2 amendment here which I think the chairman will be happy.
3 I don't want to set a precedent. It will take 60 seconds, and
4 I feel Senator Andrews and Chiles will both agree to it.

5 Senator Andrews. We haven't received any amendment.

6 Senator Bumpers. Let me tell you in 30 seconds what it is.

7 Senator Andrews. Withholding the right to object.

8 Senator Bumpers. We passed in 1983 the Rock Island
9 Transition and Employee Assistance Act to compensate Rock
10 Island employees because the rules and regulations for who
11 was going to be eligible for economic assistance as result of
12 a loss of those jobs. Because they were late, about give
13 employees and 15 widows did not get their applications in.

14 My amendment does not appropriate any more money. It
15 simply says that the unexpended balances can be held over
16 until April 1, 1985 --

17 Senator Andrews. (Interposing) Mr. Chairman, we
18 can accept the amendment if there is unanimous consent.

19 Chairman Hatfield. These people missed the deadline
20 like you missed the deadline --

21 Senator Bumpers. (Interposing) That is exactly right.

22 Senator Andrews. With unanimous consent, Mr. Chairman.

23 Chairman Hatfield. Without objection, we will reopen
24 it and without objection, the amendment offered by the
25 Senator from Arkansas has been adopted. The Senator from

1 Florida has the other contingency.

2 Senator Chiles. Mr. Chairman, this amendment adds
3 no additional money. It clarifies legislation we passed
4 in 1979. As Members will probably remember, we passed the
5 Aviation Safety and Noise Abatement Act in 1979 to require
6 domestic and international aircraft to meet certain noise
7 standards. The legislation required a phased rate of compliance
8 for aircraft operating domestically and established a
9 January 1, 1985, date for aircraft operating in international
10 commerce.

11 This legislation urges the Secretary of the Department
12 of Transportation to waive the deadlines if the carriers were
13 showing good faith to comply. The language that I have simply
14 defines and clarifies what should be accepted as a good-faith
15 effort to comply for those international operations only at
16 Miami International Airport.

17 Essentially, the language requires that all affected
18 carriers, and I want to say to start with, these are some
19 aircraft that are operating from South America and Central
20 America into Miami. They are not flying anywhere else in the
21 U.S.; they are only flying into Miami and back. What we
22 have is the legislation would require that all affected
23 carriers deposit \$100,000 with the Department of Transportation
24 for each aircraft currently not in compliance.

25 The reason for having that right now is hush kits are

1 going to be applied in most of these aircrafts to reduce the
2 noise standard. Right now we don't have a hush kit that has
3 actually been certified by the FAA, but the FAA wants to make
4 sure they are going to get these hush kits when they do have
5 them that are certified, so we require they post at least
6 \$100,000 bonds to say when the hush kit is available, they will
7 have to put that on.

8 The second thing that could cause a further waiver is
9 applicants for aircraft which there are no hush kits currently
10 under development, the carriers would have until
11 December 31, 1985, to enter into a binding contract to
12 purchase a complying aircraft and also be required to have
13 complying aircraft in operation by December 31, 1986.

14 A third method in which carriers might be give a waiver
15 is if the Secretary of the department, after consulting
16 with the Secretary of a state determines that the applicant
17 is financially unable to comply and requiring such
18 compliance would be inconsistent with the foreign policy
19 consideration of the United States.

20 We have several instances in which the only airplanes
21 that several countries have don't comply, and if the Secretary
22 of State, in advising the Secretary of Transportation says,
23 "Hey, it wouldn't be wise for us to keep those aircraft from
24 being able to come into Miami," this would allow that to be
25 done, but only then, up until December 31, 1987, and that is
one day before the International Air Operation Accord comes

1 into being.

2 Mr. Chiarrman, my amendment specifically prohibits
3 increases in the frequency and number of the aircraft. It
4 does not affect the current authority of the Secretary to
5 grant exemptions it places other than Miami. It doesn't
6 prohibit the Secretary from denying any application, if they
7 think foreign policy considerations should require us to
8 deny it and I want to make a final point, that we have
9 received -- I haven't received any mail or communications
10 opposing the matter because of noise. Public hearings have
11 been held in Dade County in two or three areas, and there is
12 no complain down there in regard to the noise, and these only
13 fly into Miami and directly out. They will be over water.
14 They are not going to be flying over the rest of the country.

15 Without this amendment, over 100 aircraft now serving
16 Miami on international routes will be grounded on
17 January 1, 1985. That would put approximately 6,000 jobs
18 in jeopardy and have a \$50 million impact on Miami, not to
19 say what it would do to our foreign relations with a number
20 of these countries.

21 This is the only way they have of sort of transproting
22 the goods they are buying in the United States back and it just
23 clarifies that language.

24

25

1 Senator Andrews. Mr. Chairman, the Senator from Florida
2 has stated the thrust of the amendment. Let me point out candidly
3 to the committee that the amendment, as it was first
4 suggested, I think, would have received and deserved the opposition
5 of the majority of this committee.

6 But Senator Chiles, as he usually does, crafted the amendment
7 so it included two or three provisions that are extremely
8 important: One, it provides for the posting of a bond to move
9 as rapidly as possible into noise abatement; two, it limited
10 the airports solely to Miami. They are not going to inflict
11 their noise on anyone else; and three, they made sure that
12 they did not include any domestic aircraft that would fly on
13 to any other part of the country.

14 Since he has done this and he has limited it to a time
15 certain in the future, I have no objection to the amendment.
16 There may be other objections by people who are in that region
17 that may be affected by the noise emanating from Miami, but it
18 is strictly a localized situation. The gentleman feels
19 strongly about it; the county commissioners feel strongly
20 about it, and it is limited in its time.

21 So I certainly would accept the amendment.

22 Senator DeConcini. Mr. Chairman? I have a request from
23 the Senator from Florida: I don't have an amendment here. I
24 wonder if the Senator could just point out the part limited to
25 Miami, because in my region, the community and the city very

1 much would oppose the Senator's amendment. I would like to not
2 oppose it if he could just point that out. I don't have the
3 the amendment here.

4 Senator Andrews. Mr. Chairman, if I might, it says, "The
5 Secretary of the Department of Transportation shall provide
6 exemptions to the general -- under the provisions of P.L. 96-1934,
7 international operations at Miami International Airport;
8 specific to the one airport, specific time served, specific.

9 Senator Chiles. We have changed that.

10 Senator Andrews. But that is one of the changes that per-
11 suaded me to go along with it.

12 Senator DeConcini. I don't have the changes.

13 Senator Huddleston. Mr. Chairman, may I ask a question,
14 too?

15 Chairman Hatfield. The Senator from Kentucky?

16 Senator Huddleston. I am wondering what effect this might
17 have in a competitive way to those domestic airlines which
18 have complied which may also fly into the same South American
19 ports as these flights emanate from or fly to. Are we putting
20 our domestic airlines in any kind of a competitive disadvantage?
21 Because they have spent the money to comply. They have invested
22 a considerable amount, as a matter of fact.

23 Senator Chiles. These are not international flights.
24 Basicakly, this is cargo that is coming in, and the one thing
25 I point out is that we exempted 463 American planes when we

1 - passed this act because we said those were making local carrier,
2 I mean short term cases. So we exepcted 400 planes of the major
3 airlines and of other carriers of the United States. We exempted
4 463 of those. This is only going to apply to less than 100
5 planes.

6 Those are the ones that are just basically the cargo
7 carriers that are coming back and forth.

8 Senator Huddleston. Cargo carrying is a big business, as
9 the United Parcel Service and others may attest; UPS, I know,
10 which has a substantial operation in Kentucky. Kentucky has
11 spent many, many millions of dollars in order to comply with this.
12 I don't know whether they fly to South America or not.

13 It seems to me that if we are going to give somebody an
14 advantage of not having to spend that kind of money --

15 Senator Chiles. Well, the advantage is, what we are
16 talking about is, right now, there is not a hush kit that is
17 approved by the FAA. So what we are saying is, you put up
18 \$100,000 bond. As soon as the hush kit is approved by FAA and
19 certified, then you got to put it on or you forfeit your money.
20 So we put a period of time in to allow that to happen.

21 So you have got a hush kit that hasn't- actually come
22 into compliance. We are saying if you don't comply that way,
23 we set another period of time to set your time for compliance.
24 In any event, all of them have to comply within the period of
25 time which is the international date.

1 The international date is the date that would actually
2 be affecting the airlines that are flying internationally as
3 opposed to those that are flying locally.

4 We have got it specified now so that basically, as I say,
5 it's protecting, just allowing that to fly into Miami and
6 back down to that way. I don't think it would have a major
7 effect on these other things.

8 Senator Hollings. Mr. Chairman?

9 Senator Stevens (Presiding). Yes, the Senator from South
10 Carolina.

11 Senator Hollings. I hate to oppose my colleague from
12 Florida, but I do have a letter here from Senator Packwood,
13 who is the Chairman of the Committee on Commerce, Science and
14 Transportation, and Senator Nancy Kassebaum, who is Chairman
15 of the Aviation Subcommittee, and it is in strong opposition
16 to this particular amendment.

17 Senator Chiles. I just want to point out --

18 Senator Hollings. You know about it?

19 Senator Chiles? That was to the amendment that we had
20 two weeks ago.

21 Senator Hollings. I don't want to do you a disservice.
22 They say --

23 Senator Chiles. My understanding is, subject to checking
24 on this, according to their staff, they don't object to the
25 amendment as we now have it drafted. That was applying to the

1 provision we had as drafted about two weeks ago, and we changed
2 it in the place of your objections that you had.

3 Senator Hollings. All right. I have just got a memo
4 from staff just today. They got the memo on that.

5 What they are saying, like the air carriers, and I am only
6 reading, all air carriers have had eight years to plan to follow
7 all the noise requirements. The vast majority of air carriers
8 at substantial costs have complied. A few air carriers have
9 not complied with the noise abatement plan and are now seeking
10 special and unjustified exemption.

11 This is from the Air Carriers' Association, and they
12 say that if this exemption is allowed, in fact, to answer the
13 question about the windfall losses, the majority of these
14 carriers require the aircraft for which they are seeking
15 exemption with the full knowledge and the noise requirement,
16 to be able to acquire the aircraft at substantially reduced
17 prices. Now they seek a windfall by enactment of special
18 interests.

19 Then the staff goes on to point out that we have similar
20 requests we have refused from Puerto Rico, from Bangor, Maine,
21 and on behalf of the authorizing committee, Senator Kassebaum
22 and Senator Packwood, they said, please oppose the amendment.

23 You say you have got them satisfied; I go along with you.

24 Senator Chiles. That was my feeling on the changes we
25 made.

1 The changes we made were in regard to their comments and
2 objections that they had raised.

3 Senator Mattingly. Mr. Chairman?

4 Mr. Stevens. Yes?

5 Senator Mattingly. I would just like to ask the Senator
6 from Florida, as to getting this passed, did most of their
7 airlines state at the beginning that they couldn't afford the
8 expenditures of those retrofit kits? I think that was the
9 reason for them not putting them on.

10 Senator Chiles. Well, some of them -- one of the things
11 that we thought, four or five years ago, and you know, that
12 the hush kits would be available, and it is sort of not fair
13 fault that the hush kits haven't been available or that they
14 hadn't been certified by FAA. I think what we are trying to
15 say is we are not going to say wait until the hush kits are
16 available. We are making them put up \$100,000 in bonds to be
17 available when the hush kits are available. We did exempt
18 463 aircraft that belonged to our domestic lines. We didn't
19 exempt any from any of the foreign people. We just didn't
20 exempt any of those, but we exempted our own.

21 A lot of those were because they were to be on short hauls,
22 and we know that for a lot of those short hauls, now those
23 aircraft are flying long hauls.

24 These all would be foreign-operated aircraft.

25 Senator Mattingly. In just trying to ask a question,

1 I understand your ploy, but also, I get information too, like
2 everybody else here does, that some people had made the remark
3 that the airlines didn't even request those retrofit kits.
4 That is up until the last minute.

5 Senator Chiles. I can't tell you that all of them have,
6 except I can tell you that FAA does not have a certified hush
7 kit that they have approved now.

8 How do you say you have got to have a hush kit if you don't
9 have one certified?

10 Senatro Mattingly. It would be hard to certify one and
11 then ask for it. That would be my point. I guess the point
12 that Senator Hollings is making that I am making is that a lot
13 of airlines have gone out --

14 Senator Chiles. Three companies manufacture the hush
15 kits, and they have prototypes that are available. It is
16 just that FAA has not tested them yet to certify them.

17 Senator Mattingly. What makes you think they can comply
18 within two years?

19 Senator Chiles. I don't know that they can. I don't know
20 that they can. That is the international date. That is when
21 everybody will have to comply.

22 Senator Mattingly. Well, the date was October the 1st,
23 January 1st.

24 Senator Chiles. No, the international date, I said.

25 Senator Mattingly. The international date?

1 Senator Chiles. Yes.

2 Senator Stevens. Gentlemen, can we move along?

3 Senator Hollings. Mr. Chairman.

4 Senator Stevens. The Senator from South Carolina?

5 Senator Hollings. The committee chairman pointed out,
6 Senator Kassebaum and Packwood, that the Aviation Safety and
7 Noise Abatement Act sets for the criteria to govern the grant
8 of exemptions by FAA or DOT. The criteria set forth therein
9 is designed to meet the special hardship situations where the
10 carrier is making a good faith compliance effort.

11 They say, in the last of that, "This amendment should be
12 opposed" and they use the word "unconscionable." It is simply
13 unconscionable to hand out carriers to competitors such as
14 an undue advantage. It is dated September the 20th.

15 They have got the system if you want the exemption.

16 Senator Chiles. What we are doing, Mr. Chairman, is we
17 are making some further definition of what you have to do to
18 be in good faith, and part of that is put up the \$100,000 bond.
19 Part of that is that FAA needs to have a hush kit that is cer-
20 tified so that you will have something to buy, and I think that
21 is the kind of things that we are attempting to do here.

22 As far as unconscionable at all, Fritz, we changed that
23 material. They haven't looked at that.

24 Senator Stevens. Gentlemen, can we vote on this now?

25 Senator Mattingly. Let me just ask one question before

1 you go on, Senator McClure. Can we go through the waivers?

2 Is there a way they can go through?

3 Senator Chiles. Can they what?

4 Senator Mattingly. In asking for waivers?

5 Senator Chiles. Sure. All this would still be in asking
6 for waivers, and the Secretary could still deny it.

7 Senator Mattingly. But the law is that they could still
8 request the waivers?

9 Senator Chiles. That is right. That is right.

10 Senator Mattingly. In other words, what you want to do
11 is go past that stage?

12 Senator Chiles. We are just simply defining more what would
13 be good faith, what the Secretary could waive for on the basis
14 of good faith.

15 Senator Mattingly. I guess I would have to stand with the
16 good faith on the airlines have already done their duties.

17 Senator Chiles. They have been doing that. I think we
18 are ready to vote.

19 Senator Stevens. Does Senator Andrews have any further
20 comments?

21 Senator Andrews. I have no further comments. The Senator
22 from Florida stated it.

23 Senator Stevens. Do you wish to vote? Roll call?

24 Senator Chiles. Voice vote.

25 Senator Stevens. Voice vote. All those in favor of the

10 1 Senator from Florida's amendment say aye.

2 (Chorus of ayes.)

3 Senator Stevens. Opposed?

4 (Several nays.)

5 Senator Stevens. The ayes have it. The amendment is
6 agreed to.

7 Is there another amendment?

8 Senator Andrews. I second to close.

9 Senator Stevens. You wish to close that section?

10 Senator Andrews. We already have.

11 (Laughter.)

12 Senator Stevens. Senator D'Amato?

13 Senator Mattingly. Mr. Chairman, I have an amendment
14 that I offer on behalf of Senator Thurmond that would permit
15 the three most senior attorneys in the Office of the Legislative
16 Counsel to the Senate up until October 1st, 1989 to receive
17 50 percent of their Civil Service annuity while continuing
18 service and continuing to receive compensation. The attorneys
19 represent a combined staffing experience in the Legislative
20 Counsel's Office for 93 years.

21 Senator Stevens. Pardon me? I can't hear. I don't know
22 about the rest of the people, but would those who are in the
23 room please maintain a little more quiet, please?

24 Senator D'Amato. The attorneys in question, the three of
25 them now have combined some experience of 94 years, which

1 represents almost one half of such experience of all counsel
2 in that office. Of the remaining 17 staff members, one half
3 are relatively inexperienced, having served in the office for
4 less than five years. The Senator feels very strongly that
5 this will keep in our employ those who are most necessary until
6 the rest of the staff can acquire that legislative experience
7 necessary to carry on.

8 I have no objection to this, and nor for this amendment.

9 Senator Stevens. It has been cleared, I understand, with
10 the Ranking Member. Is there any discussion to the Senator's
11 amendment? If there is no discussion, without objection,
12 the amendment will be agreed to.

13 Are there further amendments?

14 The Senator from New Mexico?

15 Senator Domenici. Mr. Chairman, I don't have any further
16 amendments, but I would like to mention for the record with
17 reference to the transportation section, I don't offer an
18 amendment, but it was my understanding that an amendment in
19 behalf of Senators Cranston and Wilson with reference to
20 allowing some credits for state donations of right of ways
21 so that a very major road could get completed into a part of
22 California was to have been offered by someone. It wasn't
23 here when the section was closed.

24 I have asked the distinguished subcommittee chairman,
25 and he is unaware of it. I thought the Chairman of the full

1 committee was. I just want to bring it to his attention,
2 because perhaps --

3 Senator Andrews. Senator, might I point out, we are
4 aware of it. It is the type of legislation that should go on
5 the highway bill that is now under discussion on the floor of
6 the Senate. We have been in many, shall we say, holes on that.
7 There is plenty of time and opportunity to offer it for that.
8 We suggest that they put it on there or wait until we brought
9 the C.R. to the floor and take a look at it then.

10 Senator Domenici. I thank the Chairman.

11 Senator Andrews. I appreciate you bringing it up.

12 Senator Domenici. You would at least listen to them on
13 the floor?

14 Senator Andrews. Surely.

15 Senator Domenici. I told them I would do it and at least
16 speak up for it. But it wasn't offered, and it is just here,
17 and I am concerned about it, and I thank you.

18 Senator Andrews. That is why.

19 Senator Stevens. I thank the Senator.

20 The legislative section of the bill will be closed.

21 Are there further amendments or discussion before we
22 get to the defense portion?

23 Senator Johnston. Have we closed Interior?

24 Senator Stevens. Yes.

25 Senator DeConcini. Senator?

3
1 Senator Stevens. The Senator from Arizona.

2 Senator DeConcini. Can the Chairman advise what we are
3 going to do with Labor/HHS? I had an amendment to offer some
4 time before we closed it or pass it.

5 Senator Stevens. The reference in the C.R. takes care
6 of everything that has happened on the floor, and we will be
7 going on two tracks. The bill on the floor may, in fact,
8 be signed before or after, but until it is signed, the C.R.
9 would incorporate by reference what has happened on the floor
10 of the Senate.

11 Senator DeConcini. Mr. Chairman, does that mean that this
12 section has passed? I don't know if we have taken it up.

13 Senator Stevens. It is not passed, but it would be better
14 to wait and see what happens on the floor; if necessary,
15 offer amendments to this bill on the floor because this bill
16 will take care of whatever happens up to today on the floor.

17 Senator DeConcini. Mr. Chairman, I have an amendment I
18 would like to offer in committee at the appropriate time. I
19 don't want to move when the Chairman of the committee is not
20 here and the Chairman of the Defense Committee is to move for-
21 ward. It awards day care centers emergency funds for training.
22 I don't know whether the chairman will object to it or not.
23 It is not a very controversial amendment.

24 Senator Stevens. It was my understanding the Chairman
25 of the committee would prefer that those matters be raised

1 on the floor. That bill was considered in the committee and
2 reported once, already from this committee. To have any further
3 committee amendments at this time would, in our opinion, not
4 be proper because the bill is on the floor and subject to amend-
5 ment on the floor. If that amendment is not taken up for some
6 reason, this bill would be on the floor and would then be sub-
7 ject to an amendment on the floor as far as HEW is concerned.
8 But we would be going back -- we could possibly go back on all
9 those we have already got in the conference if we adopt the pro-
10 cedure of going into new amendments now for those bills that
11 have already been reported by this committee.

12 Senator Eagleton. Mr. Chairman?

13 Senator DeConcini. Mr. Chairman, I am sorry. I may
14 want to persue this, but it sounds to me like all of the bills
15 that we have passed here we didn't have to take up today if
16 they were either on the floor or had already passed yet.

17 Senator Stevens. That bill is on the floor. The other bills
18 we have been dealing with have not yet been called up on the
19 floor, it is my understanding. I don't think we have taken
20 up an amendment to a bill that has been taken up on the floor.

21 Senator DeConcini. Oh, yes, we have. We have taken
22 them up even to a bill that has been conferred. The conference
23 is finished and we have taken up an amendment, yes, sir.

24 Senator Stevens. Well, the staff makes the point we have
25 not taken up an amendment to a bill that is on the floor today.
That bill is on the floor today.

1 Senator DeConcini. No, not the ones that are on the
2 floor, but my problem is, I'm shut out, Mr. Chairman, with the
3 procedures you are setting forth here, and I would like to
4 offer it.

5 Senator Stevens. Go to the floor, my friend. That is
6 where the bill is.

7 Senator DeConcini. Mr. Chairman, that is a little dif-
8 ferent, as the Chairmman knows, in offering it on the floor
9 than offering in committee here. I would like to have an
10 opportunity to offer it here before we close it out.

11 Senator Stevens. The Chairman is not here. He is on the
12 floor. That is the whole point of that. That bill is on the
13 floor here. It would be improper to call him back here in
14 order to discuss it with tht Senator. We believe this is the
15 proper procedure.

16 Senator DeConcini. Mr. Chairman, I can't concur with the
17 Chairman that it is the proper procedure, because I am shut out
18 because the Chairman of the committee is not here. I am pre-
19 pared to wait for him, but I don't want to see this passed with-
20 out a chance for that section of the amendment.

21 Senator Stevens. My friend, the bill has been ordered
22 subject to amendment. That subcommittee chairman is on the floor.
23 I don't remember taking up an amendment.

24 Senator DeConcini. Would the Chairman consider my offering
25 this amendment on the defense bill so I can get it in the C.R.?

1 It deals with emergency funds for day care centers.

2 Senator Stevens. You can offer it. I'm not going to take
3 it on the defense bill, I can tell you that right now.

4 Senator DeConcini. Mr. Chairman --

5 Senator Stevens. We will send word to the Chairman of
6 the subcommittee if you want to ask him to come back and leave
7 it up to him if he wants to come back. But I'm not qualified to
8 take it up. I don't know anyone else that is qualified to
9 represent the Senator from Kentucky?

10 Senator Eagleton. Mr. Chairman?

11 Senator Stevens. Yes.

12 Senator Eagleton. I intend to offer an amendment on
13 abortion on the general provisions of this bill, so you better
14 notify Senator Weicker of that, as well.

15 Senator Stevens. I understand that we had been notified
16 that abortion was coming up.

17 Senator DeConcini. Mr. Chairman, if I could repeat, I
18 would be glad to offer mine as a general provision also, if
19 the Senator from Connecticut can't come back.

20 Senator Stevens. We will send for Senator Weicker and
21 tell him that is the matter, but that bill is on the floor. It
22 is not proper, in my judgment, to call him back here in order
23 to consider an amendment that the Senator could have offered
24 that amendment when that bill was before this subcommittee,
25 before this full committee.

1 Senator DeConcini. Mr. Chairman, if the Chairman will
2 yield, this is a new issue. I did not have that amendment at
3 the time. It had not been massaged over and become the emergency
4 that it has become now. That is why I am doing it. I am not
5 trying to obstruct the Chairman or cause him any more grief
6 than I already have. I just feel very pressed to bring this up.

7 Senator Stevens. I am acting for the Chairman and carrying
8 out the request of the Chairman. I would say that that amend-
9 ment at the present time is not in order. The Chairman of the
10 subcommittee is not here, nor is the Ranking Minority member.
11 The bill has already been ordered reported by this committee.

12 Senator DeConcini. It is subject to amendment, is it not,
13 Mr. Chairman?

14 Senator Stevens. It is on the floor today.

15 Senator DeConcini. Is this bill not subject to amendment?

16 Senator Stevens. It is.

17 Senator DeConcini. Would any amendment lie in proper
18 time prior to reporting this bill out?

19 Senator Stevens. Yes, subject to the wishes of the sub-
20 committee chairman and the Ranking Member and the will of the
21 committee.

22 Senator DeConcini. Subject to their wishes? You mean,
23 if they --

24 Senator Stevens. If they are present, if they are present.

25 Senator DeConcini. If they are not present, no one can
offer an amendment?

1 Senator Stevens. I think only in fairness we should ask
2 them to come back.

3 Senator DeConcini. Well, then may I ask that the
4 Chairman request them?

5 Senator Stevens. We have done so.

6 Senator DeConcini. I thank the chairman.

7 Senator Stevens. Any other amendments?

8 Senator DeConcini. Any other amendment to what, the
9 Transportation section or to the bill?

10 Senator Stevens. To the bill.

11 Senator DeConcini. Yes.

12 Senator Stevens. We are going to get to the defense portion
13 here in a minute. I am trying to see if there is any other
14 provisions. How about the D.C.? Are we prepared to have the
15 D.C.?

16 Senator Specter. I am prepared to go forward with D.C.,
17 Mr. Chairman.

18 Senator Stevens. The Senator from Pennsylvania?

19 Senator Specter. The D.C. chapter carries the D.C. bill
20 of the Senate-passed level rather than the House-passed level
21 as proposed by the House. We are scheduled for conference
22 for tomorrow and hope to complete action in time for the con-
23 ference on this bill. I think the Senator from Missouri
24 wants to have a colloquy before I move the adoption of the D.C.
25 Chapter.

19 1 Senator Stevens. That is correct. Does the Senator
2 from Missouri wish to be heard on the D.C. portion?

3 Senator Eagleton. I am sorry?

4 Senator Stevens. Did you wish to be heard on the recom-
5 mendations on the D.C. portion of the bill?

6 Senator Eagleton. Would Senator Specter yield for a
7 question?

8 Senator Stevens. Senator?

9 Senator Specter. I do.

10 Senator Eagleton. Senator, we had the so-called Chadha
11 Decision as a problem before the country as a whole, but it is
12 especially vexatious with respect to the District of Columbia.
13 You have your D.C. appropriations bill in conference and will
14 meet tomorrow or shortly?

15 Senator Specter. That is correct.

16 Senator Eagleton. Is there some likelihood that the
17 Chadha problem may be satisfactorily resolved in that
18 conference?

19 Senator Specter. I expect the Chadha problem will be
20 solved. It is my expectation that the proposal by the House
21 will be adopted.

22 Senator Eagleton. And is that a two-pronged proposal,
23 that is, solving the Federal Chadha problem, insofar as the
24 District is concerned, plus the local Chadha problem, that is,
25 the Mayor and the City Council?

1 Senator Specter. Let me respond by saying what we are
2 going to do. The resolution will be that if there is to be any
3 change in the civil law of the District, that it must -- that
4 if there is to be an objection, it must be passed by both
5 houses of Congress and signed by the President.

6 Senator Eagleton. Very good.

7 Senator Specter. For 30 days. If there is an objection,
8 any criminal provision must be passed by both houses, signed by
9 the President in 60 days.

10 Senator Eagleton. What about the city ordinance by the
11 City Council on to the Mayor for signature?

12 Senator Specter. Any change which relates to a civil
13 matter would follow the procedure outlined in the 30-day
14 timetable, and any criminal matter, a 60-day timetable.

15 Senator Eagleton. Okay.

16 Well, with that explanation, then, Mr. Chairman, I see
17 no reason to attempt to try to resolve the Chadha problem on
18 this particular bill. Oh, one final question.

19 In your opinion, is there any likelihood that the D.C.
20 appropriations bill is going to be vetoed? Do you have any
21 picture of that?

22 Senator Specter. I have no knowledge of that one way or
23 the other. It seems to me difficult to have a resolution Chadha
24 where the Congress must approve affirmatively every change made
25 in the D.C. criminal code, because it would break Congressional

-21 1 nature of that kind of a proceeding, but whether the President
2 would veto the D.C. appropriations bill with the procedures
3 outlined, I do not know.

4 Senator Eagleton. I thank the Senator.

5 Thank you, Mr. Chairman.

6 Senator Stevens. There has been a request that there be
7 no further smoking in this room in view of the crowded conditions.
8 Until the chair is overruled, why, that is the request.

9 Senator Huddleston. Request by who?

10 Senator Stevens. By me.

11 (Laughter.)

12 Senator Stevens. I can't ask you to leave, but I could
13 ask other people to leave. It is very small quarters, and
14 it is getting awful warm in here. Everybody is taking off
15 their coats, and it is time that we start thinking of
16 each other about this. My state now has a "no smoking" section,
17 you know.

18 (Laughter.)

19 Senator Stevens. Everywhere except this table is a "no
20 smoking" section.

21 Are there any other amendments? Gentlemen, any other
22 amendments that we wish to bring up? We are not going to get to
23 the defense bill until we finish this, so it would not be in
24 order to go into it.

25 It is my understanding that the D.C. section, then, is

22
1 closed under the basis of the discussion that has just taken
2 place.

3 Senator Specter. I move the adoption of the D.C. chapter,
4 Mr. Chairman.

5 Senator Stevens. Is there objection?

6 The only other matter, Labor and Health and Human Services,
7 is on the floor. We sent for the subcommittee chairman. The
8 Senator from South Carolina has reserved on the FTC. Does he
9 wish to go to the FTC question now?

10 Senator Hollings. Warren is not here, but I have some-
11 thing on defense.

12 Senator Stevens. Let's leave that for later. I would say
13 that the bill is now open for the general sections.

14 The Senator from Missouri?

15 Senator Eagleton. Mr. Chairmen, I offer the standard
16 abortion language that has been in this appropriations bill for
17 three or four, five years, I forget how long, and would not
18 include, would not include rape and incest. As you recall,
19 the last time when I offered this, Senator Weicker amended it
20 to include rape and incest. This is the standard language. Not-
21 withstanding any other provisions of this Joint Resolution,
22 none of the funds provided under this Joint Resolution shall
23 be used to perform abortions except where the life of the mother
24 would be endangered if the fetus were carried to term.

25 Senator Johnston. Would the Senator yield for a question?

1 Mr. Chairman, would the Senator yield for a question?

2 Senator Stevens. The Senator from Louisiana?

3 Senator Johnston. Mr. Chairman, I voted against this lan-
4 guage when the committee last met because in my view, it was
5 unreasonable to require a woman to have a child if she was a
6 victim of rape. I just thought that was patently unreasonable.
7 Since that time, I have been informed that there is a procedure
8 called DES, a drug called DES which, if taken in the first
9 48 hours after a rape, gives 100 percent protection. It is
10 painless, cheap, widely available, totally safe, and provides
11 total protection.

12 I am further advised that that drug does not constitute
13 an abortion, that in other words, if a woman comes in, she may,
14 consistent with any abortion language, be administered that
15 drug and have complete and total protection. I am also advised
16 that if you do not cut it off at some place early on that
17 there has been experienced in some states that women would come
18 in, weeks or maybe even in some cases, months after so-called
19 rape and say, "Well, I was raped" and "Who was it?" "Well, I
20 don't want to say, and I just don't want to do anything about
21 it, except I was raped."

22 In other words, this would be a big loophole. In view of
23 the fact that the DES is available here, I intend to vote for
24 the Hyde language. I ask Senator Eagleton, am I correct in
25 that assumption that DES may be administered and taken

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1 consistent with the Hyde language which you now propose?

2 Senator Eagleton. I am so informed. I'm not a physician,
3 but that is what I have been informed.

4 Senator Johnston. The legislative intent of the language
5 which you propose, it would be your intent that that is per-
6 missible?

7 Senator Eagleton. That is probably correct.

8 Senator Johnston. You understand, I have said 48 hours.
9 I understand that if administered promptly within 72 hours of
10 a sexual assault, DES treatment is virtually 100 percent effec-
11 tive.

12 Senator Eagleton. Again, with the caveat that I'm not a
13 scientist, but that is what I'm informed.

14 Senator Johnston. With that statement, Mr. Chairman, I
15 will vote for that amendment, and I will also offer on the floor
16 a colloquy which will, in more detail, state the reason for
17 my position.

18 Senator Domenici. Vote.

19 Senator DeConcini. Vote.

20 Senator Stevens. It is my understanding that this matter
21 leaves out not only rape but also incest, is that correct?

22 Senator Eagleton. Correct.

23 Senator Stevens. So then I presume that the DES is looked
24 to to be a solution for incest, also, I might ask my friend?

25 Senator Johnston. For any kind. If you come in with any

-25 1 kind of sexual encounter within 72 hours, DES will keep you
2 from getting pregnant.

3 Senator Leahy. What does DES do?

4 Senator Stevens. We are sitting around this table as all
5 men, and we are going to try to plan what women's lives will be.
6 I will hope all these instant to this subject will be here
7 tomorrow under the circumstances that we cannot get the Chairman
8 here at this time, he is on the floor, and since we have to
9 go into the defense bill tomorrow morning anyway, I am just
10 gling to -- well, I'm asked not to end it yet, but my inclination
11 is just to terminate this and go back into session tomorrow
12 morning at 10:00 o'clock.

13 I don't see that we can get the people here to vote on
14 this amendment while that other bill is on the floor. Isn't
15 this amendment in that other bill on the floor? It is pending
16 on the floor, isn't it?

17 Senator Eagleton. Well, the amendment, committee amendment
18 was adopted by a voice vote, I am told. The committee amendment
19 had rape and incest.

20 Senator Domenici. Mr. Chairman.

21 Senator Stevens. Yes.

22 Senator Domenici. Could I ask Senator Eagleton a question?
23 Your concern seems to be, Mr. Chairman, that we are doing
24 something very different in this amendment. It is my under-
25 standing that this has been the law of the land coming out of
lengthy conferences.

1 Senator Stevens. No, it is not.

2 Senator Eagleton. 1981.

3 Senator Stevens. We used to have ectopic pregnancies and
4 other matters. I remember the book debates went so many years.
5 This is back to the original Hyde language of about eight years
6 ago. This is not the amendment that was in the bill last year.

7 Senator Eagleton. You are wrong, Mr. Chairman.

8 Senator Domenici. I think you are wrong.

9 Senator Eagleton. This amendment, this very language
10 has been in the law since 1981.

11 Senator Stevens. In this bill?

12 Senator Eagleton. Yes, sir.

13 Senator Domenici. Since 1980, I think it is.

14 Senator Stevens. In Labor/HHS? No, it had rape and
15 incest in it, didn't it?

16 Senator Eagleton. That was 1978, it had rape and incest,
17 but it has had the pure Hyde language since 1981, Fiscal 1981.

18 Senator Stevens. I stand corrected.

19 Senator Johnston. Mr. Chairman, could we begin the
20 vote on this and simply hold it open until tomorrow?

21 Senator Stevens. I think the Chairman of the subcommittee
22 would like to be here at this one also, wouldn't he?

23 Senator DeConcini. Mr. Chairman?

24 Senator Huddleston. Why don't we go ahead with defense?

25 Senator Hollings. Why don't we adjourn? I have a Budget

1 Committee meeting at 5:00 o'clock.

2 Senator Stevens. I am waiting for a response from the
3 Chairman to see whether he wants to recess. I think he wants
4 to finish the C.R. this afternoon at all possible. I am not
5 authorized to speak for the Chairman of the subcommittee on
6 the abortion amendment. May I just ask, are there any other
7 amendments that are going to be offered in terms of general
8 language amendments to the C.R., the one you mentioned before?
9 Have we gotten a response yet from the Chairman of the sub-
10 committee Labor/HHS?

11 Senator Huddleston. Is the Chairman referring to any one
12 section or the whole C.R.?

13 Senator Stevens. I am referring to the whole C.R. now.
14 We have closed everything other than defense and the one FTC
15 matter the Senator from South Carolina raised. Now we are in the
16 general section.

17 Senator Huddleston. I have two amendments for defense.

18 Senator Stevens. I'm informed that the Chairman and the
19 Chairman of the subcommittee are on their way, so I will soon
20 be able to resume.

21 Senator Hollings. I am going to Budget.

22 Senator Stevens. Contemplating another subject matter
23 here, I will say, can we just temporarily stand in recess
24 pending arrival of the Chairman of the full committee and the
25 subcommittee? They are on their way from the floor now.

1 (A brief recess was taken.)

2 Senator DeConcini. Mr. Chairman, can I ask the Senator
3 from Missouri a question?

4 Senator Stevens. Gentlemen, there will still be a meeting
5 here, so I hope that you understand if you leave we would like
6 to have your proxies on these two very significant issues.

7 Chairman Hatfield. The committee will come to order.

8 We are going to finish the C.R., now, very shortly. I
9 believe there is an amendment that is pending by the Senator
10 from Arizona?

11 Senator Stevens. And Chiles had to go to the Budget
12 Committee and asked to be called back.

13 Senator DeConcini. The Senator from Missouri had one. I
14 have one on general provisions also I would like to have taken
15 up. I would be glad to offer it at any time.

16 Chairman Hatfield. This has to do with Labor/HHS?

17 Senator DeConcini. Yes, sir.

18 Senator Weicker. Would the Senator from Arizona like to
19 explain his amendment?

20 Senator DeConcini. Do we need to lay aside the amendment
21 pending from the Senator from Missouri?

22 Senator Stevens. There is an amendment on abortion from
23 the Senator from Missouri.

24 Chairman Hatfield. There is an amendment pending. We will
25 lay that aside until the Senator returns.

29 1 Senator DeConcini. I thank the Chairman.

2 Let me first apologize to the Chairman of the subcommittee,
3 Mr. Weicker, because I was not aware of the emergency of this
4 particular problem, or I would have offered it some time ago
5 or if he had come over from the floor, my amendment, Mr. Chair-
6 man, will add \$35 million to Title XX of the Social Security
7 Act for the purpose -- and I think the Chairman has a copy of
8 the amendment now -- for the purpose for training in the area of
9 child care, work care centers.

10 Priot to 1981, a separate Title XX training program did
11 exist. However, in recent years, Title XX funds have been
12 reduced and limited to resourcas that have been available. The
13 year before last, we cut 21 percent out of Title XXII. This
14 eliminated \$75 million that had been set aside for the training
15 of Human Services.

16 My amendment would add \$35 million back and designate it
17 for training of licensed or registered childcare providers,
18 parents and state licensed officials. The emergency, I think,
19 is pretty evidence in the news, and what we know has happened.
20 I don't think that we ought to permit a C.R. to go through or,
21 I hope, the Senator on the floor, if the bill hasn't passed,
22 will consider an amendment thereto to add this on for training
23 funds and may only be used for new efforts or to augment exis-
24 ting programs.

25 That is my explanation.

1 Senator Weicker. My response to the distinguished
2 Senator from Arizona is as follows: Number one, this, of course
3 is \$35 million over and beyond any authorization.

4 Number two, you are talking about a program emanating under
5 the jurisdiction of the Finance Committee.

6 Three, it is my understanding the House today added
7 \$50 million for the same purpose --

8 Senator DeConcini. That is correct.

9 Senator Weicker. -- on the floor. I don't care to, in
10 any manner, shape or form, make a determination on the merits
11 insofar as my position is concerned at this juncture.

12 I think the Senator from Arizona will agree that he and
13 I and our staffs worked very closely together in the past on
14 matters that he has desired to emphasize with the bill.

15 Might I just suggest to him that we save this amendment
16 with the realization that I will offer it along with you on
17 the floor just so I can take a look at this.

18 Senator DeConcini. All right.

19 Senator Weicker. I have been engaged in the Labor/HHS
20 appropriations bill. I haven't even had a chance to look at
21 it.

22 Senator DeConcini. Mr. Chairman, I am more than happy
23 to accede to the Chairman's wishes. I just thank him for
24 coming over. I needed to get a clarification, because it
25 appeared that we might not have any consideration here or any

1 place else. I am sorry.

2 Senator Weicker. It should be considered.

3 Senator DeConcini. I am sorry to put the Chairman of the
4 subcommittee to that inconvenience, but with that assurance,
5 I will be glad to work with the chairman and the staff.

6 Senator Weicker. Thank you.

7 Senator DeConcini. Thank you.

8 Chairman Hatfield. I thank the Senator from Arizona.

9 Now we are back to the Eagleton amendment which is the
10 Hyde language on abortion. A roll call has been called for.
11 Would the Senator of the subcommittee like to discuss this?

12 Senator Weicker. I am not going to get into a long harangue
13 on this. I want to be absolutely accurate in the choice of
14 words.

15 The version that was passed by the full committee,
16 including rape and incest, was just reaffirmed by the full United
17 States Senate. So we have that bill out there now, which was
18 reaffirmed, in fact, rape and incest, victims of are eligible
19 for Federal funding.

20 I would hope we would continue with that judgment rather
21 than to regress to the situation as it stood before the committee
22 took its action.

23 Chairman Hatfield. Further discussion? If not, the clerk
24 will call the roll.

25 Mr. Kennedy. Mr. Stevens?

1 Senator Stevens. No.

2 Mr. Kennedy. Mr. Weicker?

3 Senator Weicker. No.

4 Mr. Kennedy. Mr. McClure?

5 (No response.)

6 Mr. Kennedy. Mr. Laxalt?

7 VOICE: No, by proxy.

8 Mr. Kennedy. Mr. Garn?

9 (No response.)

10 Mr. Kennedy. Mr. Cochran?

11 Senator Cochran. Aye.

12 Mr. Kennedy. Mr. Andrews?

13 (No response.)

14 Mr. Kennedy. Mr. Abdnor?

15 (No response.)

16 Mr. Kennedy. Mr. Kasten?

17 (No response.)

18 Senator Mattingly. Abdnor? Did you call him? Excuse me.

19 Aye.

20 Mr. Kennedy. Mr. Kasten?

21 (No response.)

22 Mr. Kennedy. Mr. D'Amato?

23 (No response.)

24 Mr. Kennedy. Mr. Mattingly?

25 Senator Mattingly. Aye.

3
1 Mr. Kennedy. Mr. Rudman?
2 (No response.)
3 Mr. Kennedy. Mr. Specter?
4 Senator Weicker. No, by proxy.
5 Mr. Kennedy. Mr. Domenici?
6 Chairman Hatfield. Aye, by proxy.
7 Mr. Kennedy. Mr. Stennis?
8 Senator Stennis. Aye.
9 Mr. Kennedy. Mr. Byrd?
10 (No response.)
11 Mr. Kennedy. Mr. Proxmire?
12 Senator Proxmire. Aye.
13 Mr. Kennedy. Mr. Inouye?
14 Senator Inouye. No.
15 Mr. Kennedy. Mr. Hollings?
16 Senator Weicker. No, by proxy.
17 Mr. Kennedy. Mr. Eagleton?
18 Senator Eagleton. Aye.
19 Mr. Kennedy. Mr. Chiles?
20 (No response.)
21 Mr. Kennedy. Mr. Johnston?
22 Senator Johnston. Aye.
23 Mr. Kennedy. Mr. Huddleston?
24 Senator Huddleston. Aye.
25 Mr. Kennedy. Mr. Burdick?

1 Senator Weicker. No, by proxy.

2 Mr. Kennedy. Mr. Leahy?

3 Senator Huddleston. No, by proxy.

4 Mr. Kennedy. Mr. Sasser?

5 (No response.)

6 Mr. Kennedy. Mr. DeConcini?

7 Senator DeConcini. Aye.

8 Mr. Kennedy. Mr. Bumpers?

9 Senator Weicker. No, by proxy.

10 Mr. Kennedy. Chairman Hatfield?

11 Chairman Hatfield. Aye.

12 Senator Mattingly. Do you understand Mr. Garn is here?

13 Senator Stennis. Mr. Chairman, I have a written proxy

14 here from Senator Byrd. I vote it now. No.

15 Senator Weicker. Mr. Chairman?

16 Chairman Hatfield. Senator Byrd casts a proxy vote no.

17 Senator Garn?

18 Senator Garn?

19 Senator Garn. Aye.

20 Chairman Hatfield. Senator Garn votes aye.

21 Senator Weicker. Mr. Chairman?

22 Chairman Hatfield. The Senator from Connecticut?

23 Senator Weicker. Mr. Rudman votes no, by proxy.

24 Chairman Hatfield. Do we have all votes? Do we have all
25 proxies?

The motion fails on a 12 to 12 vote.

1 Now we have one other amendment to be offered by the
2 Senator from Alaska, relating to the agreement reached by the
3 leadership on the MX missile that has to be attached to this,
4 I understand?

5 Senator Stevens. That is Senator Chiles' amendment, Mr.
6 Chairman. We have already got in the defense bill our under-
7 standing of the leadership agreement, that is, the Defense
8 Appropriations Bill. It has been incorporated by reference
9 subject to an amendment tomorrow. Senator Chiles wants to
10 offer this amendment. I told him in your absence we would pro-
11 tect him and give him notice to get back here from the Budget
12 Committee. He is at the Budget Committee meeting and has been
13 notified to come back.

14 Chairman Hatfield. Has he been notified?

15 Senator Stevens. Yes.

16 Senator Johnston. Mr. Chairman, would the chairman
17 oppose this amendment, or would he accept it? I have a copy
18 of it. I can propose it in his name if it would be acceptable.

19 Chairman Hatfield. If the Senator could do that. I must
20 say that everyting on the floor will be --

21 Senator Stevens. This is different from the agreement,
22 and I will oppose it because it says there must be two affirma-
23 tive votes. The agreement was there would be two votes. Nothing
24 was said that they both had to be affirmative.

25 This says there must be two affirmative votes, in other

1 - words, it says that should the authorization resolution fail,
2 it would not be required to have the second vote on the appro-
3 priations process, and that was not my understanding.

4 Chairman Hatfield. Oh, will the Senator yield?

5 That is not my understanding at all. According to the
6 leader, I made very clear that I would not agree to any agree-
7 ment that bypassed the Appropriations Committee. The leader
8 assured me there would be two votes, one by the authorizing
9 committee and one by the appropriating committee.

10 Senator Stevens. That is exactly what I am saying. Senator
11 Chiles' amendment says there only has to be one. If the first
12 one is negative, the second one wouldn't have to take place.

13 Chairman Hatfield. I just want to make sure that we are
14 not playing semantics here. I don't want the authorizing com-
15 mittee automatically unfencing an action by the Appropriations
16 Committee without a vote of the Appropriations Committee.

17 Senator Stevens. I think you better get Senator Chiles
18 here to let him explain his own amendment. The provisions in
19 the Defense Committee recommendations are as you have outlined
20 them, Mr. Chairman: Two votes. It does not say what happens
21 if the first vote is negative or positive. It says there
22 must be two votes, and I checked with the leader. He said that
23 was the agreement, two votes.

24 This Congress really cannot bind the next Congress on
25 what it does if the first one is negative and the second one

1 is positive. It will be a hiatus, I will agree with that, but
2 at least the agreement said two votes.

3 Chairman Hatfield. By two committees, an authorizing
4 committee and an appropriating committee. That means there
5 has to be two vehicles in order to get the appropriate vehicle
6 before each of the two committees, because one is authorizing
7 and one is appropriating.

8 Senator Weicker. Mr. Chairman?

9 Chairman Hatfield. The Senator from Connecticut?

10 Senator Weicker. I wonder if I just might intrude for
11 30 seconds on my good friend in Defense. I have to get back to
12 the floor on my bill. I would like to ask unanimous consent
13 for the staff to make technical changes to have the Labor/HHS
14 reflect the Senate amendments, which have been the amendments,
15 of my colleagues around the table. I would like to ask now that
16 the staff be able to do that.

17 Chairman Hatfield. Any objection?

18 If not, the motion is adopted.

19 Senator Weicker. I ask that my section be closed so that
20 I might go back to the floor.

21 Chairman Hatfield. Without objection, the section is
22 closed dealing with Labor/HHS.

23 Senator Stevens. In your absence, I did commit to Senator
24 Chiles that he would be afforded the opportunity to offer his
25 amendment, Mr. Chairman.

38
1 Chairman Hatfield. I want to honor that, but I think
2 there is a reasonable time in waiting when there is nothing else
3 pending before the committee. I am going to adjourn the com-
4 mittee shortly if Mr. Chiles does not reappear.

5 Senator Inouye. May we have someone check in the Budget
6 Committee to see if he has left?

7 Chairman Hatfield. I was told that he has been informed
8 some time ago.

9 (Pause.)

10 Chairman Hatfield. The meeting will come to order.

11 I am authorized by Senator Chiles to indicate that
12 because the C.R. does not have this issue attached to it and
13 because the Senate Appropriation Defense Bill will be taken
14 up tomorrow that he would be protected to offer his amendment
15 at that time. Then the C.R.; 10:00 o'clock tomorrow on the
16 Defense bill.

17 So that he has his vehicle protected on that. Therefore,
18 we have now concluded the work on the C.R.. If there is no
19 other general amendment or general provision, applications are
20 now open for a new clerk for the Appropriations Committee.

21 (Laughter.)

22 Chairman Hatfield. In recomputing the Eagleton vote on the
23 abortion, it passed 12 to 11.

24 Senator Huddleston. Eagleton passed?

25 Chairman Hatfield. That was an error in addition. He
had his shoes on, and therefore --

1 (laughter.)

2 Chairman Hatfield. Any further matters to come before the
3 committee?

4 I refuse to accept the resignation, so Mr. Kennedy will
5 continue to be our clerk. The meeting is adjourned.

6 (Whereupon, at 5:20 p.m., the committee was recessed, to
7 reconvene at 10:00 a.m., Wednesday, 26 September 1984.)

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