

Stenographic Transcript Of

HEARINGS

Before The

COMMITTEE ON APPROPRIATIONS

**UNITED STATES SENATE**

MARKUP SESSION

APRIL 30, 1987

Washington, D. C.

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## MARKUP SESSION

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THURSDAY, APRIL 30, 1987

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United States Senate

6

Committee on Appropriations

7

Washington, D.C.

8       The committee met pursuant to notice at 2:10 p.m. in  
9       Room SD-192, Dirksen Senate Office Building. The Hon.  
10      John C. Stennis (chairman of the committee) presiding.

11      Present: Senators Stennis, Proxmire, Inouye,  
12      Hollings, Chiles, Johnston, Burdick, Leahy, DeConcini,  
13      Bumpers, Lautenberg, Harkin, Mikulski, Reid, Hatfield,  
14      Stevens, Weicker, McClure, Garn, Cochran, Kasten,  
15      D'Amato, Rudman, Specter, Domenici, Grassley, and  
16      Nickles.

17      Chairman Stennis. Members of the committee and  
18      friends, everyone is welcome here, and I hope we have a  
19      seat for everyone in due time.

20      Friends, I am going to make brief remarks. I know a  
21      great deal of work has been done on this matter of  
22      getting into the bill. It is a highly important  
23      supplemental appropriation bill. It is highly important  
24      virtually every year, and certainly had far reaching  
25      questions raised early this year, and for appreciable

1 amounts.

2 For the sake of time, I want to be as brief as I  
3 can. I have a three or four page written memorandum here  
4 that I wish to read as a starter. Then, we can determine  
5 about the procedure if any question arises on that  
6 point. This is a working committee and we will get into  
7 these things in time, and I think we can dispose of them,  
8 not all today, of course.

9 Let me just say this, not a personal word, but an  
10 overall observation. We have the uncertainty of time.  
11 We have the uncertainty of legislation in that we, every  
12 year, naturally, have some trouble, and delay too, of  
13 getting a budget bill. We have to raise the debt ceiling  
14 and that takes time. We have a supplemental  
15 appropriation bill, and that takes time. The other  
16 legislation is almost overwhelming on the membership.

17 Let's size this thing up as soundly, of course, as  
18 we can, but also as quickly as we can, and move it on..  
19 If there are some policy questions to decide, move it on,  
20 and get into the other legislation. I think it is a very  
21 important decision we make.

22 I am just illustrating now, but the President of the  
23 United States has said, and I don't particularly blame  
24 him, but he said that he would veto this bill if it has  
25 certain matters in it.

1        We are not trying to teach constitutional law. I am  
2 not, but I am just making the hard observation that we  
3 have to move things along. We have to move this bill  
4 along.

5        When we get to a question like that, let's just  
6 weigh it, but at the same time, our business is  
7 legislation and let's make those considerations as brief  
8 as we can and still be as sound as we can and move on.

9        I have practiced all my life trying to make  
10 legislation impersonal and certainly shall continue along  
11 the same for the same purposes. I want to say a personal  
12 word to some of our members here in public, but I will do  
13 that just a little later.

14       Members, as we meet this afternoon to consider the  
15 committee's recommendations regarding the 1987  
16 Supplemental Appropriations Bill, it is important for all  
17 members to bear in mind certain key considerations  
18 regarding these matters.

19       First, this Supplemental Appropriations Bill is a  
20 matter of urgency. For example, we are advise that  
21 funding for the \$6.6 billion reimbursement to the  
22 Commodity Credit Corporation is required immediately,  
23 since the CCC will be out of money by tomorrow. That is  
24 tomorrow, Friday, May the first, and will cease making  
25 payments shortly thereafter. That means for one thing

1       that we will get a lot of mail, if we don't act. But,  
2       the rightness of the thing is there that we supply  
3       whatever remedy we are going to have.

4       Second, this supplemental appropriation bill is a  
5       matter which must not be vetoed. As we all know, the  
6       President has advised the Congress, he will veto this  
7       bill if the two arms control amendments approved by the  
8       House are left in it.

9       I recognize strongly the President's right and  
10      oftentimes responsibility to consider the veto power that  
11      he has and use it when he thinks he should, but at the  
12      same time, this overwhelming reason I have given, as I  
13      see it, for us to move on on this matter, and make this  
14      money available if we are going to make it available, or  
15      make some special provision to make it available even  
16      separate and apart if necessary.

17      Third, I wish to request each member's cooperation  
18      in withholding amendments in the committee markup, so  
19      that we may stand together in presenting a bill to the  
20      Senate which reflects the careful and thoughtful work of  
21      our committee.

22      Accordingly, I urge each of you to withhold any and  
23      all amendments which are not absolutely necessary. I  
24      mean amendments withheld for the time being, just this  
25      bill. Only items of a very urgent nature, it seems to

1 me, should be included in this measure. Others can be  
2 taken care of in time, and I mean by that reasonably,  
3 promptly hereafter.

4 Fourth, the committee's recommendations for this  
5 bill reflect the care and consideration which each  
6 subcommittee chairman and ranking member have brought to  
7 this process.

8 Accordingly, even though the bill will require a  
9 waiver of the budget act for mandatory items, such as  
10 Federal Retirement Systems costs, the funds in this bill  
11 must be kept within strict limits. As many items as  
12 possible must be deferred until the regular fiscal year  
13 1988 appropriations bills.

14 Again, let me emphasize only means of a very urgent  
15 nature should be included, it seems to me, clearly, in  
16 this bill.

17 We will now proceed to the consideration of each  
18 subcommittee's program recommendations in the order in  
19 which they are presented in the committee print of the  
20 bill, including resolutions of increased pay costs and  
21 retirement contributions.

22 Upon conclusion of the committee's consideration of  
23 each chapter's provisions, including any amendments  
24 thereto, we will close that chapter, if that is agreeable  
25 to the committee, and I believe it will be. We will

1 close that chapter and proceed to the next one.

2 Let me publicly and profoundly thank our retiring  
3 chairman of last year's Appropriations Committee, where  
4 he gave us fine workmanship, attention, loyalty to his  
5 purposes and cause, and did a splendid job that I have  
6 never seen exceeded here in this field.

7 I commend him highly, and thank him and those that  
8 were close to him in carrying out for six years, I  
9 believe it was, that important mission. I am delighted  
10 that he is here today, and that I have and I want the  
11 benefit of his counsel on everything that he sees fit to  
12 give it, and he is very willing to carry his part of more  
13 and more of a load.

14 Unless there is something urgent that someone may  
15 want to say, and I will recognize you briefly for that  
16 purpose, but unless we have someone that wants to make a  
17 comment like that, we will proceed here immediately, and  
18 I call your attention to the order of the subcommittees  
19 as they appear in the 1987 Supplemental Appropriations  
20 Bill and I list them: The first one is Commerce.

21 Senator Weicker. Mr. Chairman, I ask unanimous  
22 consent that those of us that do have opening statements  
23 be permitted to enter them into the record.

24 Chairman Stennis. Yes.

25 Senator Hatfield, let me call on you specially here

1 to make any comments that you wish to at this time. If  
2 you have anything in writing you can put that in, of  
3 course. Is there anything that you might wish to say.

4 Senator Hatfield. Mr. Chairman, thank you very  
5 much. I have no opening statement. I merely want to  
6 congratulate you, Mr. Chairman, for presenting to us a  
7 draft copy of a supplemental for 1987 that I think is  
8 both lean and responsible, as well as in balance to meet  
9 the on-going needs of our government.

10 I would join you in urging our colleagues to  
11 withhold, except for the most extreme urgency, any  
12 amendments at this time, in order to get this bill  
13 reported to the floor.

14 At your request, Mr. Chairman, I note there is a  
15 quorum present, therefore, I would make the usual motion  
16 of reporting the supplemental for 1987 to the floor  
17 subject to amendment.

18 Chairman Stennis. Is there any discussion?

19 (No response)

20 Chairman Stennis. The Chair has none. As many as  
21 favor the motion as made by the Senator, let it be known  
22 by saying aye.

23 (A chorus of Ayes.)

24 Chairman Stennis. Those opposed, nay.

25 (No response)

1           Chairman Stennis. The ayes have it, and that is a  
2 procedure that we will follow.

3           Now, we will get right into this. The first one on  
4 the list is Commerce.

5           Senator Rudman. Mr. Chairman.

6           Chairman Stennis. Senator Rudman.

7           Senator Rudman. Mr. Chairman, Senator Hollings  
8 didn't expect that I would get here until 2:30, because  
9 of another meeting, and so, he decided not to get here  
10 until 2:30. So if the Chairman might indulge us, and let  
11 us go possibly second?

12          Chairman Stennis. I am sure that will be all  
13 right.

14          For the time being we will pass by the Department of  
15 Defense, because that is a long one and rather  
16 laborious.

17          That brings us to the Energy and Water Development  
18 Subcommittee, Chairman Johnston, and Ranking Minority  
19 member Hatfield. The Senator from Louisiana, I call on  
20 you for an opening statement.

21          Senator Johnston. Mr. Chairman, this recommendation  
22 is in line with the guidelines to minimize items  
23 considered due to the budget in allocation problems.

24          Chairman Stennis. Hold it a minute.

25          Let's have the cooperation of all the people

1 present, members, visitors, staff, everyone. It is  
2 necessary in this building, in this room, to carry on the  
3 business in the proper way, it is necessary to have  
4 reasonable quiet behavior by everyone, and I feel that  
5 that is what you ought to do.

6 All right, Senator Johnston.

7 Senator Johnston. Thus, Mr. Chairman, we hope to  
8 markup the regular annual appropriation bill in about a  
9 month, and to have deferred the many requests. We have a  
10 huge number of requests in this bill, and this is a  
11 supplemental, and we ask the indulgence of the committee  
12 to defer those requests for that regular bill. To offset  
13 the new appropriations, or take away from existing  
14 programs and activities is extremely difficult this late  
15 in the fiscal year.

16 We will be over seven or eight months into the  
17 current fiscal year by the time this bill is reported.  
18 Agencies funded in this bill have absorbed nearly all of  
19 the increased pay costs and the new retirement  
20 contributions, leaving almost no room to go and take away  
21 more money.

22 When the House action occurred in March there was  
23 some flexibility. We are advised there is virtually none  
24 now by a number of large dollar transfers for offsets.  
25 We do have a couple of language items that can be agreed

1 to.

2 First, report language directing work on the low  
3 level radioactive waste designs, that is, \$200,000 for  
4 the National Governors Conference, and we are agreeing  
5 reluctantly, but generously, to the language proposed by  
6 Senator Hatfield, to prohibit the restart of the end  
7 reactor at the Hansford Reservation in Washington.

8 This is a very controversial matter. I personally  
9 believe, we are going to need at some point to restart  
10 it, but there are, indeed, very grave questions of safety  
11 with respect to the end reactor, and we think the passage  
12 of some time to allow, first, a consideration of those  
13 safety factors; secondly, an assessment of the need for  
14 additional plutonium, which I personally am satisfied we  
15 need, but I think more work has to be done on that. But,  
16 we are prepared to endorse Senator Hatfield's proposal,  
17 which would delay the start of the end reactor throughout  
18 the rest of this year.

19 I might say that that is consistent with the action  
20 of the Armed Services Committee, which has ruled to put  
21 that reactor on stand-down. The Armed Services Committee  
22 may reverse themselves on the floor, or in conference, or  
23 wherever, but nevertheless, we think it is prudent to go  
24 along with the delay in the start of the end reactor for  
25 the rest of this fiscal year.

1           Third, we have agreed to some Harkin report  
2 language, approving the use of an old research reactor  
3 building for the Iowa State Center, which was approved in  
4 last year's bill.

5           That, Mr. Chairman, is Energy and Water.

6           Senator Hatfield. Mr. Chairman, first I want to  
7 thank my Chairman of the Energy and Water Subcommittee  
8 for his support and cooperation on the one issue that he  
9 has described, and to affirm his comments relating to the  
10 report language that is clear as far as I am concerned.

11          Chairman Stennis. Any further discussion, members  
12 of the committee?

13          Senator McClure. Mr. Chairman.

14          Chairman Stennis. Yes.

15          Senator McClure. Just one question. The Armed  
16 Services Committee voted, on the end reactor, to put it  
17 in standby, not shutdown.

18          Senator Johnston. That is right.

19          Senator McClure. This action follows that?

20          Senator Johnston. It is not precisely that. We  
21 provide that it may not be started up during the fiscal  
22 year. I think the phrase they use is "standby, but not  
23 to be operated."

24          Senator McClure. Standby, but it is a hot standby,  
25 and not a shut down of the plant?

1 Senator Johnston. That has to be clarified in the  
2 report, that is not clear.

3 Senator McClure. The reason that I ask this  
4 question is that I tend to believe that we certainly to  
5 reevaluate the supplies and the capability of meeting the  
6 stockpile requirements for our country. I am not anxious  
7 at all to see the end reactor started, unless it is  
8 necessary.

9 I supported a new production reactor, and  
10 reluctantly acquiesced in an Administration decision a  
11 few years ago to abandon the new production reactor, and  
12 to go for the upgrade of Vander River, and the  
13 construction of the SIS, and the extension of the end  
14 reactor.

15 I believe that that action now, in retrospect, looks  
16 the Administration's action has backfired, if I can use  
17 that term at all in this context. But I am concerned  
18 that we don't lock the door, because if indeed we have to  
19 reopen the end reactor, I think that we have to be in a  
20 position to do that. I am hopeful that we will find that  
21 we don't have to do that.

22 Senator Johnston. I would say to my colleague, I  
23 totally agree. This is not regarded as any final or  
24 irrevocable or definitive action. What the language says  
25 is this: None of the funds made available may be used to

1 restart the reactor for the purpose of this paragraph.  
2 "Restarting" shall mean any activity relating to the  
3 operation of the end reactor that would achieve  
4 criticality, generate fission products within the reactor  
5 or discharge cooling water from nuclear operations.

6 Senator McClure. It, in effect, would preserve what  
7 is happening right now and has been happening during this  
8 period in time.

9 Senator Johnston. That is correct.

10 Senator McClure. But it doesn't move it in either  
11 direction from current status.

12 Senator Johnston. That is correct. You can keep a  
13 warm reactor.

14 Senator Hatfield. Would the Senator yield?

15 Senator McClure. Yes.

16 Senator Hatfield. I would just like to reassure the  
17 Senator from Idaho, even though he and I may differ on  
18 the basic question of nuclear power and its role in the  
19 northwest. There are three factors involved in this  
20 amendment.

21 Basically, this amendment is to preserve the status  
22 quo. Where the DOE has announced that they intended to  
23 start it up in July, this merely extends that status  
24 quo. The production of plutonium is in itself a  
25 question, but there is a second factor, and that is

1 safety.

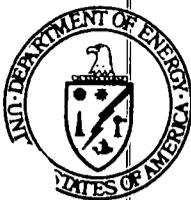
2 There are 130 recommendations and modifications of  
3 safety that have not been implemented, or will not be  
4 implemented by July and, perhaps, according to the Armed  
5 Services Committee, maybe we should not spend the money  
6 on implementing them at all, but that is an assessment  
7 that is going on now.

8 Thirdly, there is the EIS that was self-imposed, to  
9 some degree, but certainly they are in the process of  
10 doing an EIS that will not be completed by July the  
11 1st.

12 I merely want to reassure the Senator Idaho, as the  
13 Senator from Louisiana has explained, it merely preserves  
14 the status quo for three more months, the lifetime of  
15 this supplemental.

16 Senator Johnston. Mr. Chairman, I would like to put  
17 in the record a letter from the Secretary of Energy, Mr.  
18 Herrington, who, in fact, says, in effect, in the letter  
19 that we need the plutonium capacity that the end reactor  
20 produces, and end his letter by urging the committee to  
21 refrain from taking any steps which would adversely  
22 affect the continued operation of end reactor.

23 I think, as a matter of fact, that at my urging, he  
24 is willing to accept this three-month moratorium, and  
25 revisit the matter at a later time, but he wants to go on



For The Record

THE SECRETARY OF ENERGY  
WASHINGTON, D.C. 20585

April 29, 1987

Dear Mr. Chairman:

I am informed that the Senate Appropriations Committee may consider amendments which would affect the operation of the N Reactor at Richland, Washington. These proposals are cause for serious concern. Specifically, actions to preclude operation of the N Reactor now will cause a reduction in the United States carefully conceived nuclear deterrent force structure.

The N Reactor represents approximately one-third of this nation's plutonium production capability, a capability that is essential to meet the material requirements of the President's Strategic Force Modernization Program. Without this production capacity, improvements in the quality of these forces, which are critical to our strategic deterrent, would be severely compromised.

I urge the Committee to refrain from taking any steps which would adversely affect the continued operation of N Reactor. I regard this as an extremely important matter and am willing to provide any additional information you may require.

Your truly,

John S. Herrington

Honorable J. Bennett Johnston  
Chairman, Energy and Water Development  
Senate Appropriations Committee  
United States Senate  
Washington, D.C. 20510-1802

1 record as saying that we need the end reactor. I say to  
2 my dear colleague from Oregon that the answer is yes to  
3 his amendment.

4 Chairman Stennis. All right. The motion is to  
5 adopt the subcommittee recommendations, with the  
6 amendments stated by Senator Johnston.

7 The Chair hears no objection. The recommendations  
8 are adopted.

9 Now the motion is in order to close the Energy and  
10 Water chapter of the bill.

11 The Chair hears no objection, it is so ordered.

12 I want to say a word of special thanks to the  
13 membership that worked on these numerous items that come  
14 to bear on the categories of the bill, and have  
15 recommendations here for us to work on today. It is a  
16 tremendous contribution to the starting of this session,  
17 as well as the starting of this bill.

18 We are supposed to take these in order. Since  
19 Senator Hollings has returned to the chamber, it is in  
20 order to call up the Commerce, State, Justice and the  
21 Judiciary.

22 Senator Hollings. Mr. Chairman, Senator Rudman and  
23 I have examined the requests of the Departments of State,  
24 Justice, Commerce, Judiciary and related agencies. They  
25 asked for some \$436,217,000, plus \$185,000 under Titles

1 II and III. We used one test, and that is could the  
2 government continue to operate without these additional  
3 funds. Everybody desires to add on to their budgets.  
4 There are a lot of favorite programs that were originated  
5 by Senator Rudman.

6 Chairman Stennis. Ladies and gentlemen, we are  
7 going to have quiet, if we are going to carry on this  
8 bill. I know that no one intends to try to disturb  
9 anyone, but it amounts to that. Let's try harder  
10 please.

11 Senator Hollings. Mr. Chairman, there are two areas  
12 where they cannot continue through the fiscal year  
13 without aid of this supplemental. One is in the  
14 Immigration and Naturalization, and the other is with  
15 respect to the Board for International Broadcasting. As  
16 you well know, we start administering that next month.

17 The Immigration and Naturalization Service program,  
18 the new immigration law, already it has been on course  
19 for several months. I know that there may be an  
20 amendment for the extension here from Senator DeConcini.  
21 But in any event, we had Mr. Nelson and we had the  
22 Attorney General up. They run out of money in July, and  
23 they are in the next year's budget.

24 The same thing happens with the devaluation or  
25 upgrading of foreign currency for Radio Free Europe and

1 Radio Liberty under the International Broadcasting. We  
2 have talked to Malcolm Forbes there, and he runs out of  
3 money.

4 So we gave those two things and we just denied all  
5 the rest, and we have one amendment relative to the  
6 Moscow Embassy. I would call for you close attention on  
7 this one, and I will try to answer any questions, because  
8 it is very current, and we have been into it. When I  
9 say, we have been into it, that is the first amendment  
10 with respect to the Moscow Embassy.

11 Your Subcommittee on State Appropriations has been  
12 alarmed and alerted for some five years. We constantly  
13 were told how we think, yes, they may be putting a bug  
14 in, but we can compensate for the bug, and everything  
15 else of that kind, an cutting it real short. You  
16 can't.

17 The best evidence is that it took three to five  
18 years to find out whether it is even usable. We know  
19 from the three to five years of probing and testing, and  
20 everything else of that kind, that it would be both  
21 economically and judiciously wise to move forward and  
22 just tear that building down.

23 I know about Secretary Schlesinger, I have talked to  
24 him. We had a separate hearing, a closed hearing with  
25 Secretary Shultz. I am not by any manner intimating that

1 it is their view, but I do intimate that this is the  
2 view, the unanimous view of of your Intelligence  
3 Committee, Senator Boren and Senator Cohen, and the 15-  
4 member Intelligence Committee, which had four separate  
5 hearings on this one.

6 They came out yesterday afternoon with their  
7 recommendation, I hope that we have a copy of it here,  
8 the Senate Select Committee on Intelligence's report on  
9 the security of the United States missions in Moscow and  
10 other areas. They said, number one, tear the building  
11 down. We have heard all the proposals about using this  
12 floor or that floor, and different other things of that  
13 kind.

14 Number two, make certain that they do get in, that  
15 is, the Soviets do not occupy their facility until a plan  
16 has been submitted for equal usage of not only the  
17 chancery but the residential buildings themselves.

18 We had a flow chart with respect to the  
19 responsibility. We found out, which we have complained  
20 about, under current law you have diplomatic security way  
21 down at the bottom here, the Foreign Building Office, and  
22 then the Office of Foreign Missions. They are all way  
23 down here, and lost from the Secretary.

24 No one takes the responsibility for security  
25 whatsoever. This is one of these jobs that no one in

1       diplomacy wants to be assigned. It has not been given  
2       its attention, and we have asked for the restructuring  
3       there so that Department of State, under the Inman  
4       Commission Report --

5           You are on course now, gentlemen, in the  
6       Appropriations Committee, if you have followed the Inman  
7       Commission, you are going to be extending \$4.4 billion.  
8       I oppose it, but that is the course now, and before we  
9       start spending any more of these monies, we withhold  
10      until they reorganize and assume the responsibility  
11      there, and then give the oversight committee, which  
12      consists of Intelligence, Appropriations, and Foreign  
13      Relations, those three committees, to study and certify  
14      as to its security.

15           Senator Johnston. Mr. Chairman.

16           Chairman Stennis. Ladies and gentlemen, we must  
17      have quiet. We must have quiet.

18           Senator Johnston. Mr. Chairman, Senator Chiles has  
19      an amendment which is very similar, I think, to this, and  
20      I think that he is on the way over. I wonder if we could  
21      withhold. I think that the principal difference is that  
22      the Secretary could waive the requirement under yours,  
23      and could not waive under his. There may be some other  
24      differences. I am advised that he is on the way over.

25           Senator Hollings. Let me continue on. He is on the

1 subcommittee, and he knows about the hearing. The only  
2 reason that we on the committee held this up, Senator  
3 Rudman and myself, is that we wanted to make sure we were  
4 in locked step with the Intelligence Committee. That is  
5 why they came out unanimously.

6 We can keep this section open. I would like to  
7 adopt the amendment, and if he wants to amend it further,  
8 we can come back to it. I have no objection to that.

9 Senator Stevens. Can we hear what the amendment  
10 says?

11 Senator Hollings. Yes, sir. A copy of it is in  
12 front of every member. I have tried to paraphrase it,  
13 but I have not included all.

14 I know that Senator Chiles has been in this field  
15 also. Different people have different ideas. In fact,  
16 there is one idea, even from the Intelligence Committee,  
17 relative to the Marine Corps. But the new Secretary of  
18 the Navy objects at the present time to any finding with  
19 respect to the Marine Corps, and in a sense I rather  
20 agree with him. We don't want to prejudge the Marine  
21 Corps, but they are going to have to be more care taking  
22 with the selection and everything else.

23 I can tell you as fellow colleagues, it is not  
24 really the Marine Corps' responsibility. It is the  
25 responsibility of the Regional Security Officer, and the

1 Ambassador. Of course, the Ambassador is the number one  
2 man in charge, but the Regional Security Officer is the  
3 individual who supposed to be really the officer in  
4 charge of security. There is Marine Corps evidence to  
5 the effect that they didn't have any.

6 Civilians and military engaged in the black market.  
7 Their alarms rang off until they just gave them a  
8 headache. They just didn't listen to the alarms. They  
9 didn't care about that. There was a total breakdown of  
10 any kind of discipline and responsibility.

11 Under Title 18, Section 793(f), of the Criminal Code  
12 whereby anyone empowered with the custody of classified  
13 material allows it to get into other hands, removed, lost  
14 or stolen through gross negligence, it is a ten-year  
15 sentence and a \$10,000 fine. We have been in this field  
16 before. No one has ever enforced it.

17 We all are Reading about Naval Intelligence  
18 investigating the Marines, but I have been on to Judge  
19 Webster, and the FBI is investigating now with Naval  
20 Intelligence, and the Attorney General's Office has again  
21 reaffirmed that no later than this morning.

22 They are looking under that section of the Code, and  
23 they are investigating the civilian personnel and the  
24 responsibility as it was administered at the Moscow  
25 site. Your committee has been working hard on this

1 one. I yield to my ranking colleague, Senator Rudman.

2 Chairman Stennis. Senator Rudman.

3 Senator Rudman. Thank you, Mr. Chairman.

4 Mr. Chairman, as usual, it was a pleasure working  
5 with my friend from South Carolina. I chaired the  
6 committee in the two years, and I can tell you that the  
7 experience this year was no different from the last two  
8 years. The committee worked together to come out with a  
9 product.

10 I think that it is important to note that we applied  
11 a test here. We developed the test early on at the  
12 suggestion of the Senator from South Carolina, which  
13 was: is anything that is before us essential for the  
14 government to continue to operate. If it was not  
15 essential, even though it was desirable, even though it  
16 would be helpful, even though it might make it  
17 easier, in light of the fiscal crisis we have, we have  
18 not crossed it out of this bill. This bill continues to  
19 be under the Budget Resolution.

20 I will point out that there are some people who are  
21 not happy about it. Our answer is: until we get our  
22 economic house in order, we are not going to put things  
23 in the supplemental, because whatever goes into the  
24 supplemental, Mr. Chairman, has to be borrowed on the  
25 open market by the United States Treasury, with interest

1       on the rise.

2           I commend my friend from South Carolina for working  
3       and leading the committee to develop this. We have done  
4       the two things that had to be done. If they were not  
5       done, those two agencies would essentially shut down, and  
6       that is something that they could not do.

7           As far as the amendment proposed for the Moscow  
8       Embassy, it is precisely what the experts in the  
9       Intelligence Committee have voted for. I believe,  
10      without getting into the classification, that we had  
11      better waste that \$25 or \$26 million by tearing it to the  
12      ground than attempt to ever rehabilitate it.

13          We would always have a question in our own mind as  
14       to whether or not conversation held in the United States  
15       Embassy were being overheard by the Soviet Foreign  
16       Ministry, and who knows who else.

17          So I hope we can act on the chapter, and I thank  
18       Senator Hollings.

19          Senator Hollings. Let me bring the committee up to  
20       date on the amount of money. We originally appropriated  
21       \$192 million, and there is only \$43 million of that  
22       left. We have expended on the building that we  
23       recommended be raised \$23 million.

24          We weighed that, do you want to waste \$23 million?  
25       It has already been wasted, to tell you the truth. It is

1        totally unusable for our facilities there in Moscow.

2        Senator Stevens had a question.

3        Chairman Stennis. Senator Chiles, would you propose  
4        to wait for him?

5        Senator Hollings. Yes, I will wait for him on  
6        that. We can adopt the rest of it.

7        Senator DeConcini. Mr. Chairman, I have an  
8        amendment, and I will be glad to offer my amendment.

9        Senator Hollings. All right.

10       Senator DeConcini. Mr. Chairman, I have a question  
11       about this amendment that is pending, and that is the one  
12       concerning the security guards.

13       I was at that hearing, too, and it was my  
14       understanding that the security guards were not only in  
15       uniform, but there are other security personnel in our  
16       foreign posts. This amendment applies to Marine Corps  
17       personnel only.

18       Senator Hollings. We withdrew the Marine Corps  
19       personnel.

20       Senator DeConcini. I asked for it, and this is the  
21       amendment I just got.

22       Senator Hollings. I know, and they should not have  
23       given you that, that is why I commented on the Marine  
24       Corps part, since Secretary Webb asked that we not bring  
25       it up, out of courtesy to him. I have not been able to

1 talk to him, and I thought that I would withhold it, and  
2 that is what Senator Rudman wanted to do.

3 Senator Rudman. If I just might for 30 seconds.  
4 Senator Hollings and I have talked about this amendment  
5 on the Marines themselves. The new Secretary of the Navy  
6 attempted to reach the chairman, but could not reach him,  
7 so he reached me.

8 He said that he would prefer, with the leadership of  
9 the Marine Corps, to work out the problem if the Congress  
10 would not, at this meeting at least, do that, and give  
11 them an opportunity to work on the issues. Senator  
12 Hollings was glad to agree to that. So that part of the  
13 amendment is not before the subcommittee.

14 Chairman Stennis. Do you want the whole thing  
15 delayed until Senator Chiles can be here?

16 Senator Hollings. Can we adopt our section, other  
17 than the Moscow Embassy?

18 I think that Senator DeConcini has an amendment.

19 Senator DeConcini. I have an amendment, Mr.  
20 Chairman.

21 Chairman Stennis. Senator DeConcini.

22 Senator DeConcini. Mr. Chairman, I would like to  
23 offer an amendment.

24 Chairman Stennis. You have another amendment that  
25 you want to offer?

1 Senator DeConcini. Yes, sir, I have an amendment on  
2 this section.

3 Chairman Stennis. This is not an amendment to the  
4 amendment?

5 Senator DeConcini. No, sir. It is a new amendment  
6 on this section.

7 Chairman Stennis. All right, is there consent to  
8 set aside the Hollings' amendment for the time being, and  
9 let the other amendment be presented.

10 Senator Hollings. Sure.

11 Chairman Stennis. Then we will return to yours.

12 The Senator is recognized.

13 Senator DeConcini. Mr. Chairman, I would like to  
14 offer an amendment to the section that Senators Hollings  
15 and Rudman, our chairman and ranking member. It is an  
16 amendment that would extend the public information period  
17 for the new immigration law. I will pass out copies of  
18 the amendment.

19 It amends Section 509, and it reads as follows: In  
20 this section, by striking out "six months public  
21 information period, during the six-month period," and  
22 inserting in lieu thereof "ten months public information  
23 period, during the ten-month period." It is quite  
24 simple, it adds four months to the public information  
25 period.

1       On April 8, that is only three weeks ago, the INS  
2       awarded a \$10.7 million contract to a private firm to  
3       carry out a public information campaign to inform  
4       employers of their obligations under this Act. I just  
5       don't believe that this is ample. The way the law is set  
6       now, commencing June 1st, these sanctions will be in  
7       place.

8       INS will tell us that they are going to go easy. It  
9       is only a trial period to begin with. That is like the  
10      IRS knocking on your door, telling you who they are, and  
11      they are here to help you.

12      I am concerned that there has not been ample time,  
13      number one, for INS to prepare, because they have just  
14      awarded the contract, nor is it ample time for the  
15      business community to get ready, and this is the purpose  
16      of this amendment.

17      The Chamber of Commerce has testified before the  
18      Subcommittee on Immigration that the vast majority of  
19      employers in America are unaware of the provisions of  
20      this Act. This is not an effort to repeal the Act. It  
21      is only an effort to be sure that when the Act becomes  
22      effective, people in the business community will know  
23      completely.

24      The lack of information seriously jeopardizes the  
25      chances of success. If we start off with a host of

1 citations, I think that we are asking for a movement to  
2 take even greater action. I believe that this extension  
3 of the public information period will give the Attorney  
4 General ample time to carry out an effective program that  
5 will help assure that the GAO review of the employe  
6 sanction provision of the Act is a favorable one, which  
7 occurs 12 months after the effective date.

8 Chairman Stennis. Please suspend for just a  
9 moment.

10 I will ask you again to be quiet. Gentlemen, we  
11 have to be quiet if we are going to transact this  
12 business.

13 I would ask the Senator from South Carolina to  
14 follow this report.

15 Senator DeConcini. Mr. Chairman, I am finished with  
16 my statement. I propose the amendment.

17 Chairman Stennis. Does the Senator from South  
18 Carolina want to respond?

19 Senator Hollings. Mr. Chairman, the subcommittee  
20 had a hearing just this morning. We had before us not  
21 only Attorney General Meese, but the Commissioner of  
22 Immigration and Naturalization, Mr. Nelson. Both oppose  
23 the amendment.

24 I informed them because I had heard that our  
25 distinguished colleague would be submitting this at the

1 supplemental markup. I had also heard from the Chamber  
2 of Commerce.

3 The business community is never going to be ready,  
4 and the Chamber of Commerce never did favor. They have  
5 the greatest facilities in the world to inform everyone.  
6 Both Mr. Nelson and General Meese said that they have  
7 given the information, they are not trying to go in on  
8 any kind of business entity whatsoever by surprise or  
9 anything else.

10 In fact, they are going in a deliberate fashion and  
11 a very easy fashion to begin with. But they don't want  
12 any more delays because it has to start to be  
13 implemented, and if you vacillate, you will cause more  
14 misunderstanding, and lack of enforcement on the thought  
15 that it was extended. They oppose the amendment.

16 There are some other questions with respect to it,  
17 and this is to help us, we will have public hearings not  
18 only to educate ourselves, but the American public, on  
19 next Thursday. The Senator from Oregon, Senator  
20 Hatfield, and the Senator from Arkansas, Senator Bumpers,  
21 asked for further hearings, so we have Commissioner  
22 Nelson coming back at 10:00 o'clock next Thursday morning  
23 for the hearings.

24 This will be a developmental thing, Dennis. I would  
25 hope that rather than delay it, and put it off during the

1 summer, that we would go ahead and bite the bullet. They  
2 know about this law, that is the in-crowd. Now, if you  
3 tell me that Jose Gonzales doesn't know about it, I will  
4 go along with you, but Jose hasn't come up here, it is  
5 the Chamber crowd. They have all the money and the  
6 information in the computers, and you give them a  
7 windfall profit tax, they will learn that in ten  
8 minutes.

9 Senator DeConcini. If the Senator would yield?

10 Senator Hollings. Yes.

11 Senator DeConcini. Mr. Chairman, I have to disagree  
12 with my good friend, the chairman of the subcommittee,  
13 that the business people know, they don't know. I come  
14 from a border State that is very concerned about  
15 implementation of this. This is not just a business  
16 issue.

17 The ACLU supports this because they are concerned  
18 that the lack of education is going to impose a  
19 tremendous burden on those that are going to be subject  
20 to these sanctions, not only the business people, but the  
21 illegal or undocumented aliens, or Hispanics who may be  
22 American citizens, because of the lack of the education  
23 system here.

24 This goes a lot farther than that. If you live in a  
25 border State, if it is Jose Gonzales, he is a small

1 businessman, who is an American citizen, who is running a  
2 business there, but doesn't know that this is even the  
3 law today. There has been no public information on it.  
4 We know it because we had to pass on it.

5 I would hope that my colleagues would extend this  
6 for a four-month period, and I am ready to vote on the  
7 amendment.

8 Senator Domenici. Mr. Chairman.

9 Chairman Stennis. This matter is very urgent, I am  
10 speaking about the whole bill now. If we possibly can,  
11 we should pass this bill. For instance, they are going  
12 to start running out of money in various departments of  
13 the government this week, as I understand.

14 You are going to have further hearings on this whole  
15 matter, as I understood.

16 Senator Hollings. Yes, sir.

17 Chairman Stennis. Could you withhold that matter  
18 until then? I am not trying to get rid of it, I just  
19 want to get the best airing as possible, and also turn  
20 the main bill loose.

21 Senator Hollings. I will go along with the  
22 majority. In all candor, it is not going to hurt that  
23 much. But I thought that if we could get some department  
24 of this government, namely, the Attorney General and the  
25 Immigration and Naturalization Service to start doing

1       their job, that we not start vacillating now and  
2       delaying, because I really think that it does cause more  
3       confusion, and misunderstanding than understanding, and  
4       that is what they have attested to. If the majority of  
5       the colleagues say that it should take four more months,  
6       it suits me.

7              Senator Domenici. Mr. Chairman.

8              Chairman Stennis. The Senator from New Mexico.

9              Senator Domenici. Mr. Chairman and members of the  
10         committee, I am a co-sponsor. I, too, am a border State  
11         Senator. Frankly, it seems to me that the request from  
12         the Senator from Arizona is eminently reasonable. What  
13         you have is six months, under existing law, to inform not  
14         only the businessmen, but people who might be unemployed  
15         who are looking for work as to this new law with  
16         reference to sanctions.

17              There is no question that there is not enough  
18         information out there. All he is asking is that this be  
19         extended for four more months, with the hope that during  
20         that period of time, we will get information out to  
21         everyone so that they will know what rules and  
22         regulations they are supposed to apply to looking at new  
23         employees to see whether they are employing illegals or  
24         legals.

25              It is going to be very difficult for the small

1 businessman out there to know which is which, and nobody  
2 even knows what the regulations and rules are. They are  
3 not even out, the rules and regulations. He just said  
4 that we need four more months, and I think that this is  
5 eminently reasonable.

6 Senator DeConcini. Mr. Chairman, I am ready to vote  
7 on the amendment.

8 Chairman Stennis. All right.

9 What about Senator Chiles, do we have anything  
10 before us.

11 Senator Weicker. Mr. Chairman, point of order. Are  
12 we voting on Senator DeConcini's amendment?

13 Chairman Stennis. I am advised that the DeConcini  
14 Amendment is to be passed on first.

15 Senator Hollings. Mr. Chairman, I have talked to my  
16 ranking member, and we will accept the amendment.

17 Senator DeConcini has persuaded me.

18 Senator DeConcini. I want to thank my good friend,  
19 the senator from South Carolina.

20 Chairman Stennis. As many as favor of adopting the  
21 DeConcini Amendment let is be known by saying aye.

22 (Chorus of ayes)

23 Chairman Stennis. Those opposed, no.

24 (Chorus of nays)

25 Chairman Stennis. The ayes seem to have it. The

1 ayes have it. The DeConcini Amendment is passed.

2 Senator Grassley. Mr. Chairman.

3 Chairman Stennis. This brings back the Hollings  
4 Amendment. The Senator from Florida is here, Senator  
5 Chiles. Do you have an amendment to offer?

6 Senator Chiles. Mr. Chairman, I understand that  
7 Senator Hollings was just telling you about that he had  
8 proposed. I had proposed one also on the Embassy of  
9 Moscow provision, with Senator Johnston and Senator  
10 Leahy. We circulated it around to the people about it.  
11 I understand that they are basically similar with two  
12 changes. I would like to see the modifications.

13 One is, my understanding is, in Senator Hollings'  
14 amendment, the Secretary of State can unilaterally waive  
15 this and be able to go forward to construction. I think  
16 that it is a mistake. I think that we ought to put a  
17 prohibition here, and until they come back and show us  
18 some real reason as to why they ought to do that, I don't  
19 like the idea of there being a unilateral waiver. I  
20 would hope that maybe we could modify that.

21 Senator Hollings. Let's take them one at a time.  
22 There is no unilateral waiver by the Secretary.

23 Chairman Stennis. For the information of the  
24 members, the Hollings Amendment is the pending matter.  
25 Does anyone want to be recognized for a vote?

1 Senator Hollings. Senator Chiles and I are trying  
2 to reconcile.

3 Senator Chiles. That is not a problem. The second  
4 one is a provision that says that the construction  
5 remains, in effect, within the province of the Secretary  
6 of State.

7 It says, "except for the completion of projects,  
8 other than Moscow, where the construction is now  
9 underway, until such time as the management of overseas  
10 embassy construction is organized under an Under  
11 Secretary of State, who shall also have responsibility  
12 for the Office of Foreign Missions," that is another sort  
13 of difference there.

14 My feeling is that we ought to allow that to stay  
15 open. I think that we ought to look at whether, in all  
16 of this new embassy construction, we ought to be using,  
17 for example, the Corps of Engineers to be put in charge  
18 of that construction, an arm that is used to doing all of  
19 these projects.

20 We have seen nothing but problems in India, in  
21 Egypt, in all of these areas, and now we are talking  
22 about massive construction problems in a program that is  
23 going to go forward. Should we not be thinking about  
24 putting the Corps in charge of that. We have allowed  
25 them to build airfields in Israel, to be in charge. We

1 have allowed them to handle all of the construction  
2 facilities, whole towns. They have some personnel, and  
3 they are used to doing that.

4 I just think, rather than say that we are going to  
5 hold this up until we get an Under Secretary of State, I  
6 think we ought to leave that provision open, too. I  
7 would hope that maybe we could modify that.

8 Senator Hollings. Mr. Chairman, the subcommittee  
9 has considered that. In fact, we discussed it even with  
10 the Intelligence Committee. You are down to a  
11 fundamental international law that takes part. The Corps  
12 of Engineers can work in Israel and other countries  
13 because they can get visas. You can't get the U.S. Army  
14 these kind of visas in downtown Moscow.

15 This is not necessarily the problem. What we are  
16 really looking for, the Bechtels, the real construction  
17 folks actually performing the construction. The  
18 oversight is being done by the Property Division that our  
19 subcommittee, some ten years ago, instituted because  
20 there was no responsibility within the State  
21 Department.

22 What we have found is the difficulty of having  
23 assume the responsibility. They have assumed the welcome  
24 mat of \$4.4 billion that Bobby Inman recommended for all  
25 of these embassy buildings around, but if you look, as I

1 have demonstrated in the flow chart, they are not  
2 organized. That is why the Intelligence Committee, in  
3 studying this, has put that up next to the Secretary of  
4 State to make him responsible.

5 You can't change the responsibility for State  
6 Department or American facilities overseas to any other  
7 than your Department of State, your Ambassador, or your  
8 Secretary of State. You can't put the Corps of Engineers  
9 in charge. I doubt that they would get visas in these  
10 Eastern Bloc countries, or anything else of that kind.

11 Senator Chiles. We have done that many times, they  
12 have been seconded to the State Department, so this is  
13 not something that can't be done, or has not been done  
14 many times before.

15 Chairman Stennis. Ladies and gentlemen, let me  
16 point out that we have matters in this bill, large sums  
17 of money, involving payment of dues under the law to our  
18 people here at home that will be due within two days or  
19 three days, or something like that. We had a late start,  
20 and until we can move these other parts of the bill --

21 Senator Hollings. There will be an amendment on the  
22 floor, Mr. Chairman. You are not going to move it,  
23 Mr. Chairman, most respectfully, any faster, you might as  
24 well face this up right now.

25 We have been having hearings coming out of our

1       ears. You have a 15-member unanimous Intelligence  
2       Committee report, and the Foreign Relations Committee,  
3       committee, and everybody else. They want something  
4       done. They want to fix that responsibility , and do not  
5       want to go further with the construction over there.

6           It is a well considered amendment. It has been  
7       voted on unanimously by that bipartisan Intelligence  
8       Committee. The only difference we have is whether the  
9       Department of State has that responsibility over the  
10      Corps of Engineers.

11       Senator Leahy. Mr. Chairman.

12       Chairman Stennis. The Senator from Vermont is  
13       recognized.

14       Senator Leahy. Thank you, Mr. Chairman.

15       The amendment that Senator Chiles, Senator Johnston  
16       and I have put in is really a moderate amendment. I  
17       certainly hate to hold up the urgent work of this  
18       committee to even discuss it, but the fact remains that  
19       we ended up hiring the KGB as the general contractor to  
20       build our embassy over in Moscow. No matter how you look  
21       at it, this is exactly how it happened.

22       We could have saved ourselves all the problems if we  
23       had just simply watched how the Soviets were building  
24       their embassy over here and copied the same way. We just  
25       needed to study that and do what they were doing, and we

1 wouldn't have ended up with all of these problems.

2 I know I have fought for years, and Senator Chiles,  
3 Senator Johnston, Senator Hollings, and others have, to  
4 try to get them to straighten out these problems. We get  
5 nice letters back from the State Department saying, we  
6 are certainly looking at it. They lobbied heavily  
7 against the Chiles-Leahy Amendment before, and against  
8 the Leahy-Cohen Amendment, and many other amendments that  
9 would have toughened it.

10 I think that we had put this in. It will hold us by  
11 a couple of minutes here, but we have been made to look  
12 like idiots in the eyes of the world by letting them get  
13 away with things that a third rate nation would never let  
14 them get away with. I think that if we don't put this in  
15 this bill now, it is going to be Nelly-Bar-The-Door when  
16 we get about 50 other amendments on the floor that are  
17 going to be a lot more Draconian than this very moderate  
18 amendment.

19 Chairman Stennis. The matter now passes to the  
20 Senator from South Carolina. Are you ready for a vote?

21 Senator Hollings. Yes, I am ready for a vote,  
22 unless the Senator from Florida wants to amend our  
23 amendment. I would have to oppose it because it is just  
24 unrealistic.

25 What we are doing is just what Senator Leahy has

1 just pleaded for. He has worked in this. We have been  
2 in this, like I said, for five years. Senator Leahy and  
3 I have been serving on the Intelligence Committee, and we  
4 have had hearings on this one before.

5 We just waited until we had some coordination, we  
6 didn't want to shoot, and put an amendment out there the  
7 Foreign Relations Committee and the Intelligence  
8 Committee felt was not well thought out.

9 I agree with Senator Leahy, the Secretary of State  
10 and that Department have looked bad in this particular  
11 case.

12 Chairman Stennis. The DeConcini amendment, as the  
13 Chair understands, has already been disposed of.

14 Senator Hollings. That is right.

15 Chairman Stennis. Which brings us now to the  
16 Hollings Amendment.

17 Senator Hollings. The Hollings-Rudman Amendment.

18 Senator Domenici. What happened to the Chiles  
19 Amendment to the amendment.

20 Senator Chiles. We had an amendment that did  
21 virtually the same thing. The difference in our  
22 amendment is that we would not --

23 Senator Leahy. Could we have order, Mr. Chairman.  
24 I think there are important differences to be heard.

25 Chairman Stennis. Yes. The members came here

1       expecting to be heard, and I promised them they would  
2       be.

3           Senator Chiles. We would not allow the management  
4       of the overseas construction just to continue under an  
5       Under Secretary of State, who would have the  
6       responsibility. I think that this is something that the  
7       Congress ought to look at.

8           Let's face it, it was under them over the last  
9       years, through all of the problems in Moscow, and all of  
10      the other problems. They have had that. Now we are  
11      talking about adding this other money. I think that we  
12      ought to look at that and determine where we ought to  
13      place that.

14           I don't know that we need to finally determine that,  
15       but I think we would be better not to say that we are  
16       going to give that to some Under Secretary of State and  
17       let that program just stay there.

18           Senator Rudman. Mr. Chairman, there is no great  
19       difference here, there really isn't. The reason that  
20       Senator Hollings decided to do this is because this is  
21       the first available time to do it. This is under the  
22       jurisdiction of our subcommittee.

23           Senator Chiles has worked on the subject, and  
24       Senator Leahy, for a long time. We probably ought to  
25       call it Hollings-Chiles-Leahy-Johnston, and leave me

1 off. Let's do it and change it when we get to the  
2 floor.

3 Senator Johnston. Warren, it wouldn't be the same  
4 without you.

5 (General laughter)

6 Senator Rudman. All I can say is that we can waste  
7 an awful lot of time.

8 Chairman Stennis. Are you ready to vote?

9 Senator Hollings. Yes.

10 Chairman Stennis. May we have quiet please.

11 The motion is that we adopt the Hollings Amendment.  
12 As many as are in favor of that motion, let it be known  
13 by saying aye.

14 (Chorus of ayes)

15 Chairman Stennis. Those opposed, no.

16 (No response)

17 Chairman Stennis. The ayes seem to have it. The  
18 ayes do have it. The amendment is agreed to.

19 Senator Hollings. Mr. Chairman.

20 Senator Domenici. Mr. Chairman, I may have an  
21 amendment, and I may not, depending upon your wish. I  
22 have a Maritime Administration amendment. It can be  
23 offered here, or it could be offered in provisions  
24 dealing with the general provisions. I can offer it at  
25 this time, or I can offer it then.

1           Chairman Stennis. We had an agreement that we would  
2 proceed here according to the subcommittees as they were  
3 lined up on the paper here, going from one to the  
4 other.

5           Senator Domenici. This does come within this  
6 subcommittee's jurisdiction, Mr. Chairman.

7           Chairman Stennis. All right.

8           Senator Domenici. Mr. Chairman, to you and to  
9 members of the committee, I apologize for not having  
10 circulated this amendment, but it was my understanding  
11 that it was going to be offered by someone else. While I  
12 reviewed it, I did not intend to offer it.

13          I think that it is now being circulated. It is a  
14 very simple amendment. In the House bill, there is  
15 language, which I would strike, that basically prohibits  
16 the Department of Transportation from participating in  
17 rulemaking actions with reference to a program that was  
18 adopted last year as part of the Reconciliation Bill.

19          That program, adopted last year, basically permitted  
20 shippers to repay the Federal government the subsidies  
21 that they had receive in exchange for which they would  
22 have the right to move Alaskan crude oil without going to  
23 a foreign port first, and then bringing it to the United  
24 States.

25          That law is on the books. It saves us \$100 million

1 because the shippers reimburse the Federal government as  
2 prescribed by that law. Due to a technicality, the court  
3 has ruled that that is void. Nonetheless, the court gave  
4 the Department of Transportation the opportunity to  
5 participate in new rulemaking which is generally assumed  
6 would render that Act valid.

7 The House came along, and in an appropriation bill  
8 said that the Department of Transportation cannot  
9 participate in that rulemaking effectively, meaning that  
10 we have voided on a technicality the law that we passed  
11 last year. The shippers have also reimbursed, and we are  
12 going to give them back the money, and they will have to  
13 go to a foreign country with Alaskan crude oil before  
14 they can bring it to the United States.

15 All I am doing in my amendment is striking the House  
16 language which prohibits the Department of Transportation  
17 from participating in rulemaking. I think that it is  
18 absurd that in a supplemental appropriation bill, where  
19 we are claiming that we are desperately trying to save  
20 money, we are precluding the Department of  
21 Transportation.

22 We have an official letter from them requesting that  
23 we not do this, suggesting that they will win, that the  
24 law is valid, and what we have is legislative language  
25 saying, you can't get involved, you are giving up the

1 law, shippers, we are going to give you back the money  
2 that you already gave us.

3 We gave the Department of Commerce \$200 million  
4 worth of credit in reconciliation for this action, plus  
5 interest. Not only that, but by language in this  
6 supplemental, we are going to say that we are going back  
7 to where we were before. If you want to ship Alaskan  
8 crude oil, you have to go to China first, and then bring  
9 it over here.

10 We had already done away with that, and because the  
11 appropriators in the House decided that they like the old  
12 law, and not the new law, they preclude our own  
13 Department of Transportation from trying to enforce our  
14 existing law, which has been rendered temporarily void by  
15 a technicality of regulation.

16 I believe that we ought to strike the House  
17 language. The law was a good law. In addition, we will  
18 save \$100 million plus interest, which we will otherwise  
19 have to give back.

20 Chairman Stennis. Your motion would strike the  
21 House language; is that right?

22 Senator Domenici. Exactly.

23 Senator Mikulski. Mr. Chairman.

24 Chairman Stennis. Yes.

25 Senator Mikulski. Mr. Chairman, I oppose the

1 amendment offered by the Senator from New Mexico, and I  
2 oppose it for several reasons.

3 First, this is not a new issue before the United  
4 States Congress. When we look at the rule, DOT is again  
5 back trying the CDS payback rule. This rule was blocked  
6 by the Congress in 1983, 1984, and in 1985. They had a  
7 very good reason for blocking that rule, because the rule  
8 was bad for the budget, bad for the American Merchant  
9 Marine, bad for jobs, bad for defense preparedness, and  
10 has no benefit to the consumer.

11 When the gentleman from New Mexico talks about how  
12 the rule was voided by the court on a technicality, that  
13 is not true. The Court of Appeals overturned DOT's CDS  
14 payback because it ignored the adverse impact on military  
15 preparedness, and that the rule would cost several jobs,  
16 and it ignored the adverse effect on Merchant Marine.

17 What we can demonstrate by this rule is that the job  
18 losses were being approximately 600 in our American  
19 Merchant Marine. In terms of Navy preparedness, more  
20 small tankers, the type needed by the Navy, were being  
21 laid up or scrapped.

22 In terms of its budget implications, as the Senator  
23 referred to, the anticipated default on government  
24 obligations if this rule was promulgated, defaults in the  
25 Merchant Marine ranged from \$80 million to more. That

1 means that if we pass this rule, the alleged revenue that  
2 we are supposed to get for it will be more than offset by  
3 the default in government obligations and other Merchant  
4 Marine activity.

5 I would really recommend that the Senate  
6 Appropriations Committee reject the Dominici Amendment,  
7 and really proceed and concur with the House.

8 Chairman Stennis. Very well.

9 Senator Domenici. That all may be true about the  
10 ancient history, but the United States Congress, in the  
11 reconciliation bill, whatever that history is, did, as a  
12 matter of fact change the law, and it did find it to be  
13 absurd for the United States to make ships carrying crude  
14 oil from Alaska go to a foreign country before they can  
15 come here.

16 We said no more of that, but we said we subsidize  
17 these ships, so we ought to do something to get the money  
18 back. So we made them pay back the subsidy, that is the  
19 law. If we are going to write out our own Department of  
20 Transportation's opportunity to write regulations to  
21 implement that law in an appropriation bill that is  
22 supplemental, emergency, supposed to save as much money  
23 as possible, it seems to me rather ludicrous.

24 Senator Hollings. The subcommittee included this  
25 language. It was included on the House side, and the law

1 has not been changed. In fact, that is why we included  
2 the language so that the law would not be changed into  
3 some kind of administrative Mickey Mouse.

4 What happened was that the Department of  
5 Transportation, because they have a glut of these large  
6 tankers, they were looking for the business. They give  
7 you this Alaskan, and the cheapness, and the efficiency  
8 argument, and it could well pertain. But you look in the  
9 long range as to the policy, the policy under the Jones  
10 Act is to subsidize to have these small military all-  
11 carrying vessels constructed, to pay for that, they do it  
12 more or less on the basis of public convenience and  
13 necessity.

14 What would happen if you allowed that to persist is  
15 to just end up using the United States Government as a  
16 banker. In other words, if you wanted to build a ship,  
17 you would come in under the Jones Act, if we are going to  
18 approve it, because you get an informative policy now  
19 that we have had to fight for to try to maintain, anybody  
20 could go the United States Government and say, I want to  
21 do it under the Jones Act, build what they want, and get  
22 better financing, then once it is completed, to pay it  
23 back in.

24 The truth of the matter is, the head of the Military  
25 Sealift Command just attested in our Commerce Maritime

1 Subcommittee, with Chairman Breaux, at hearings just last  
2 week, and he said that his opinion was that it was  
3 shortsighted to allow the CDS to compete with any  
4 unsubsidized vessel either in domestic trade or in  
5 foreign trade. He talked about the inequity, and you  
6 just can't equalize it by really coming in and paying the  
7 money.

8 I don't want to set that precedent. I know that  
9 they allowed these, and I know that the Secretary of  
10 Transportation has told me that this is the only four  
11 that we are going to allow in, and we are not going to do  
12 it any more. This just says that we haven't done  
13 anything wrong, and we are going to stop doing it. They  
14 did it wrong in the first place, and that is why the  
15 language is included on the House side and included in  
16 this one.

17 The motion, I guess, from the Senator from New  
18 Mexico would be to strike the language that we have  
19 included in the subcommittee report to you, and we would  
20 oppose it.

21 Chairman Stennis. We will vote on the gentleman's  
22 amendment.

23 Senator Domenici. I would ask for ays and nays.

24 Chairman Stennis. You are asking for ayes and  
25 nays?

1 Senator Domenici. Yes, I did.

2 Chairman Stennis. Ayes and nays on this matter have  
3 been requested.

4 Senator Inouye. Mr. Chairman, as the former  
5 Chairman of the Subcommittee on Merchant Marine in the  
6 Commerce Committee, I would like to advise my colleagues  
7 that I join my chairman, Senator Hollings, in opposing  
8 the Domenici Amendment.

9 Chairman Stennis. All right, ayes and nays under  
10 the rules apply. The ayes and nays have been asked for  
11 and they will be granted.

12 You state your question now.

13 Senator Domenici. My motion is that the prohibition  
14 against the Department of Transportation involving  
15 themselves in rulemaking in this area, that that  
16 provision be stricken. An aye vote would be to strike  
17 it, and a nay vote would be to leave it alone.

18 Chairman Stennis. I assume that the question is  
19 understood. So many as favor the motion as made by the  
20 Senator from New Mexico will vote aye; those opposed,  
21 no. The Clerk will call the roll.

22 Mr. Sullivan. Mr. Byrd.

23 (No response)

24 Mr. Sullivan. Mr. Proxmire.

25 Senator Proxmire. No.

- 1 Mr. Sullivan. Mr. Inouye.
- 2 Senator Inouye. No.
- 3 Mr. Sullivan. Mr. Hollings.
- 4 Senator Hollings. No.
- 5 Mr. Sullivan. Mr. Chiles.
- 6 (No response)
- 7 Mr. Sullivan. Mr. Johnston.
- 8 Senator Johnston. No.
- 9 Mr. Sullivan. Mr. Burdick
- 10 Senator Burdick. No.
- 11 Mr. Sullivan. Mr. Leahy.
- 12 Senator Leahy. Aye.
- 13 Mr. Sullivan. Mr. Sasser.
- 14 Senator Hollings. No by proxy.
- 15 Mr. Sullivan. Mr. DeConcini.
- 16 Senator DeConcini. Aye.
- 17 Mr. Sullivan. Mr. Bumpers.
- 18 Senator Bumpers. Aye.
- 19 Mr. Sullivan. Mr. Lautenberg.
- 20 Senator Lautenberg. No.
- 21 Mr. Sullivan. Mr. Harkin.
- 22 (No response)
- 23 Mr. Sullivan. Ms. Mikulski.
- 24 Senator Mikulski. No.
- 25 Mr. Sullivan. Mr. Reid.

- 1 Senator Reid. No.
- 2 Mr. Sullivan. Mr. Hatfield.
- 3 Senator Hatfield. Aye.
- 4 Mr. Sullivan. Mr. Stevens.
- 5 Senator Stevens. Aye.
- 6 Mr. Sullivan. Mr. Weicker.
- 7 Senator Weicker. Aye.
- 8 Mr. Sullivan. Mr. McClure.
- 9 Senator McClure. Aye.
- 10 Mr. Sullivan. Mr. Garn.
- 11 Senator Garn. Aye.
- 12 Mr. Sullivan. Mr. Cochran.
- 13 Senator Cochran. Aye.
- 14 Mr. Sullivan. Mr. Kasten.
- 15 Senator Kasten. Aye.
- 16 Mr. Sullivan. Mr. D'Amato.
- 17 Senator D'Amato. No.
- 18 Mr. Sullivan. Mr. Rudman.
- 19 (No response)
- 20 Mr. Sullivan. Mr. Specter.
- 21 (No response)
- 22 Mr. Sullivan. Mr. Domenici.
- 23 Senator Domenici. Aye.
- 24 Mr. Sullivan. Mr. Grassley.
- 25 Senator Grassley. Aye.

- 1           Mr. Sullivan. Mr. Nickles.
- 2           Senator Nickles. Aye.
- 3           Mr. Sullivan. Mr. Stennis.
- 4           Chairman Stennis. Aye.
- 5           Senator Hollings. Mr. Harkin votes no by proxy, Mr.
- 6           Chairman.
- 7           Senator Harkin. I vote no in person.
- 8           Senator Hollings. I apologize, I didn't see you.
- 9           Senator Domenici. Did Senator Rudman leave a
- 10          proxy?
- 11          Senator Hatfield. Mr. Chairman, I have no
- 12          proxies.
- 13          Mr. Sullivan. There are 14 ayes and 11 nays. The
- 14          motion is carried.
- 15          Chairman Stennis. The vote is 14 to 11, the motion
- 16          is carried.
- 17          Senator Grassley. Mr. Chairman, I have an amendment
- 18          to the judiciary part of this chapter. Am I in order to
- 19          offer that amendment?
- 20          Chairman Stennis. Read your amendment, would you?
- 21          Senator Grassley. Page 9.
- 22          Chairman Stennis. Page 9 in the State, Justice,
- 23          Commerce bill; right?
- 24          Senator Grassley. Yes.
- 25          Chairman Stennis. All right, read your amendment.

1 Let's have it quiet.

2 Senator Grassley. Mr. Chairman, what this amendment  
3 does is restore the \$34.6 million that the subcommittee  
4 recommended to the full committee be deleted from the  
5 judicial claim. I feel strongly that this money is  
6 needed for the following reasons:

7 One, we have created 52 new bankruptcy judgeships  
8 last October. We did that because of the growing number  
9 of bankruptcies filed and the great delay that was being  
10 created in the bankruptcy courts.

11 Secondly, and more related probably just to  
12 agriculture, and probably to several Midwestern States,  
13 is the fact that we have increased the number of  
14 bankruptcy filings because of our unanimous vote in both  
15 Houses last year of a new Chapter 12 for farm  
16 bankruptcies. So we have several Midwestern States that  
17 have had dramatic increases, and I won't go into those  
18 statistics, but I have them here if you are wondering how  
19 they affect your State.

20 We are in the process of trying to fill these  
21 bankruptcy judgeships at this point, even interviewing in  
22 some instances, and we will not be able to do that if we  
23 don't have this money restored.

24 I think that it is simply a case that justice  
25 delayed is truly justice denied, and that we ought to,

1 with everybody acting in good faith, be able to give to  
2 the court, the judicial branch of government, the  
3 necessary personnel to see that justice is given and  
4 justice is given timely.

5 I offer this amendment because without it, you know,  
6 we are really saying that the judiciary department can't  
7 have the tools that are necessary to do its job. We  
8 serve, Mr. Chairman and Members of the Committee, we  
9 always take care of the legislative branch very.

10 I don't know who the judicial branch is going to  
11 turn to. They don't ask for increased workloads, they  
12 only respond to the needs of society and the work thrust  
13 upon them by the laws and the actions of the legislative  
14 branch of government.

15 I don't know why the subcommittee decided that  
16 justice should be slowed to a greater extent than it  
17 already has, but the subcommittee decided that. I am  
18 bringing before the full committee my case, the case of  
19 several people on the Judiciary Committee. I will file a  
20 letter from Members of the Judiciary Committee on this  
21 issue, for the record, Mr. Chairman.

22 I think that there are even some of my colleagues  
23 here from agricultural States, who are not on the  
24 Judiciary Committee, who might see the need of this  
25 because of Chapter 12. I would suggest that there are

*For The Record*

# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510

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April 30, 1987

Honorable John C. Stennis  
Chairman  
Senate Appropriations Committee  
131 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Mr. Chairman:

It has come to our attention that the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies of the Committee on Appropriations has zero-funded the Judicial branch program expenditures in the fiscal 1987 supplemental appropriations bill. While we understand the need for fiscal restraint and responsibility, such zero-funding will force the Judicial branch to cut back on vital programs.

While we, as members of the Senate Judiciary Committee, understand the difficult task of appropriating money with limited resources, we respectfully request the Appropriations Committee to do all within its power to make certain that the Judicial branch is funded at a level which will ensure fair, efficient and equal justice for all.

It is our understanding the House Appropriations Committee provided at least adequate funding for the Judicial branch in the sum of \$34 million for salary increases and benefits. The Senate Subcommittee has also recommended funding for salary increases and benefits. However, the House Appropriations Committee also provided approximately \$35 million for program expenditures, including the salaries for 52 new bankruptcy judges authorized by Congress last year. While we will do all we can to provide oversight on the expenditures of the Judicial branch, we believe it is unfair for Congress to increase the demands upon our court system through the enactment of the Immigration Reform and Control Act of 1986, crime reform

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legislation, drug legislation and various bankruptcy reform bills without providing funds to meet current demands.

We cannot afford to freeze the price of access to the courts in this country.

We appreciate your consideration of our request.

Sincerely,

Strom Thurmond Chuck Grassley  
Frank R. Lofgren

1 members of the Judiciary Committee who are here, who  
2 maybe are not from agricultural States, who speak from  
3 the standpoint of the legal technicality, because I am  
4 not a lawyer, on the aspects that are so important to the  
5 delivery of justice.

6 Senator DeConcini. Mr. Chairman, I support the  
7 gentleman from Iowa's amendment. I think that it would  
8 be awfully foolish for us to cut the legs out from under  
9 the bankruptcy court. We have a lot of problems in this  
10 country, not only in the agricultural States. The  
11 purpose of the omnibus judgeship bill last year was to  
12 restore and bring us up to current status, not over-  
13 expanding, the judiciary.

14 Here we are talking about bankruptcy court that, in  
15 my opinion, have kind of been set on a secondary status  
16 anyway for a long time. I hope that the members would  
17 agree to the Senator from Iowa's amendment.

18 Senator McClure. Mr. Chairman, I support the  
19 Grassley Amendment, and I commend him for offering it. I  
20 agree also with the Senator from Arizona with respect to  
21 the need. I talked to our senior judge in Idaho  
22 yesterday with respect to this item, and we have the  
23 fifth heaviest bankruptcy load among all of the courts in  
24 the United States. We badly need a second bankruptcy  
25 judge.

1        This, I am informed by the senior judge in Idaho,  
2        will provide for the salaries and the expenses of the  
3        operation, without providing the money for facilities.  
4        They think that they can get by without expenditures for  
5        facilities.

6        I believe that this is a barebones attempt to meet a  
7        very real and urgent problem, and I support the  
8        amendment.

9           Chairman Stennis. Is there further discussion?

10          Senator Hollings. Yes. By all means, Mr.  
11          Chairman. Justice delayed is justice denied. Bankruptcy  
12          delayed by not spending money that you don't have is  
13          bankruptcy denied. That is what we are trying to do, to  
14          keep this government from going bankrupt. I would like  
15          to talk on this subject of bankruptcy.

16          We don't have the money, and the measure we used  
17          under the Rudman-Hollings test was that if they could get  
18          by, and didn't absolutely need it, until the beginning of  
19          the fiscal year.

20          I know that these lawyers are being interviewed.  
21          Tell them to go ahead and interview. I guess these new  
22          judges, they are already in your office, Pete, and you  
23          probably have three waiting to be interviewed right now.  
24          You don't need money to be interviewed. Politically,  
25          they want to get the judges, and we are going to give

1 them the judges in the bill coming up.

2 This is a supplemental. There are no places that  
3 are not going to get by a few more months because they  
4 are not going to be appointed. They will have the  
5 football games, and swear them in at Thanksgiving, and  
6 there will be plenty of time.

7 (General laughter)

8 Senator Grassley. Mr. Chairman.

9 Senator Hollings. We don't have the money, Chuck,  
10 where are you going to get it?

11 Senator Grassley. Mr. Chairman, could I please  
12 respond to the justification for this being in the  
13 supplemental, instead of a regular appropriation bill?

14 Chairman Stennis. Go ahead.

15 Senator Grassley. That is directly related to the  
16 debate and the understanding that we had last fall that  
17 we were not going to fund them last year when we were  
18 establishing them, that we would take care of that this  
19 spring. So we are not doing anything other than what we  
20 told everybody, what we laid out very much in the open,  
21 what we were anticipating doing last fall.

22 Senator McClure. Mr. Chairman, I know that the  
23 distinguished Senator from South Carolina is concerned as  
24 we all should be about the bankruptcy of the Federal  
25 government, but there are people in this country going

1 bankrupt. There are creditors who have to be satisfied.  
2 There is an overload on the bankruptcy courts that we  
3 attempted to respond to in that bill that was passed last  
4 year. I think that it is urgent.

5 Our single bankruptcy judge in Idaho has to hold  
6 five separate calendar calls in five separate cities  
7 every month. He simply cannot keep up with the load.  
8 This is not really helping anyone. When you do have the  
9 bankruptcies that must be processed you simply have to  
10 provide the means by which you process them.

11 Chairman Stennis. Are we ready to vote?

12 Senator Hollings. Yes, Mr. Chairman.

13 Chairman Stennis. So many as favor this amendment,  
14 let it be known by saying aye.

15 (Chorus of ayes)

16 Chairman Stennis. Those opposed, no.

17 (Chorus of nays)

18 Senator Grassley. Mr. Chairman, could I ask for a  
19 roll call vote?

20 Chairman Stennis. Yes.. The Chair is in doubt, we  
21 will go to a roll call vote. Call the roll please.

22 Mr. Sullivan. Mr. Byrd.

23 (No response)

24 Mr. Sullivan. Senator Proxmire.

25 Senator Proxmire. No.

- 1 Mr. Sullivan. Mr. Inouye.
- 2 Senator Inouye. No.
- 3 Mr. Sullivan. Mr. Hollings.
- 4 Senator Hollings. No.
- 5 Mr. Sullivan. Mr. Chiles.
- 6 (No response)
- 7 Mr. Sullivan. Mr. Johnston.
- 8 Senator Johnston. No.
- 9 Mr. Sullivan. Mr. Burdick.
- 10 Senator Burdick. No.
- 11 Mr. Sullivan. Mr. Leahy.
- 12 Senator Leahy. Aye.
- 13 Mr. Sullivan. Mr. Sasser.
- 14 (No response)
- 15 Mr. Sullivan. Mr. DeConcini.
- 16 Senator DeConcini. Aye.
- 17 Mr. Sullivan. Mr. Bumpers.
- 18 (No response)
- 19 Mr. Sullivan. Mr. Lautenberg.
- 20 Senator Lautenberg. No.
- 21 Mr. Sullivan. Mr. Harkin.
- 22 (No response)
- 23 Mr. Sullivan. Ms. Mikulski.
- 24 (No response)
- 25 Mr. Sullivan. Mr. Reid.

- 1 Senator Reid. Aye.
- 2 Mr. Sullivan. Mr. Hatfield.
- 3 Senator Hatfield. No.
- 4 Mr. Sullivan. Mr. Stevens.
- 5 Senator Stevens. Aye.
- 6 Mr. Sullivan. Mr. Weicker.
- 7 Senator Weicker. Aye.
- 8 Mr. Sullivan. Mr. McClure.
- 9 Senator McClure. Aye.
- 10 Mr. Sullivan. Mr. Garn.
- 11 Senator Garn. Aye.
- 12 Mr. Sullivan. Mr. Cochran.
- 13 Senator Cochran. Aye.
- 14 Mr. Sullivan. Mr. Kasten.
- 15 Senator Kasten. No.
- 16 Mr. Sullivan. Mr. D'Amato.
- 17 Senator D'Amato. Aye.
- 18 Mr. Sullivan. Mr. Rudman.
- 19 Senator Rudman. No.
- 20 Mr. Sullivan. Mr. Specter.
- 21 (No response)
- 22 Mr. Sullivan. Mr. Domenici.
- 23 Senator Domenici. No.
- 24 Mr. Sullivan. Mr. Grassley
- 25 Senator Grassley. Aye.

- 1 Mr. Sullivan. Mr. Nickles.
- 2 Senator Nickles. Aye.
- 3 Mr. Sullivan. Mr. Stennis.
- 4 Chairman Stennis. Aye.
- 5 Mr. Sullivan. Mr. Bumpers.
- 6 Senator Bumpers. Aye.
- 7 Mr. Sullivan. Ms. Mikulski.
- 8 Senator Mikulski. No.
- 9 Mr. Sullivan. Mr. Inouye.
- 10 Senator Inouye. No.
- 11 Mr. Sullivan. Mr. Harkin.
- 12 Mr. Harkin. Aye.
- 13 Mr. Sullivan. Mr. Chiles.
- 14 Senator Chiles. No.
- 15 Mr. Sullivan. The vote is 14 ayes and 12 nays.
- 16 Chairman Stennis. The ayes have it.
- 17 The next item here on the agenda is the Foreign
- 18 Operations Subcommittee, Chairman, the Senator from
- 19 Hawaii.
- 20 Senator Hollings. Our section has been adopted as
- 21 amended?
- 22 Senator D'Amato. Mr. Chairman.
- 23 Chairman Stennis. The Senator from New York.
- 24 Senator D'Amato. Mr. Chairman, if I might, as it
- 25 relates to the section that has just been adopted, I am

1 not going to ask that you reopen, but I am going to ask  
2 that we take two minutes to touch on something that I  
3 think that every members who has been a Member of the  
4 Appropriations Committee is probably sick and tired of,  
5 because we brought this up in the supplemental  
6 appropriation exactly three years ago. It has to do with  
7 the Maritime Academy in New York and getting a new ship.  
8 We have an outdated, antiquated, expensive ship to run.  
9 It is expensive the United States Government.

10 We appropriated, Mr. Chairman, \$8.5 million for the  
11 acquisition of that ship. The government, the Maritime  
12 Association, and OMB have done everything and some  
13 things, probably, with a lack of authority to thwart the  
14 will of the Congress. There were two deferrals and  
15 Congress overrode them, and requested that these monies  
16 be spent. This was delayed by OMB.

17 The fact of the matter is that we now have a  
18 situation where the cost has gone up dramatically. We  
19 have been spending on an average, Mr. Chairman, better  
20 than \$2 million a year to keep that ship afloat in  
21 repair, because we haven't had the good sense to say:  
22 This is part of the law, it should be done, it should be  
23 carried out.

24 We now are in need, Mr. Chairman, if we are going to  
25 go forward with this, of an additional \$10 million.

1 Those monies are due as a result of the Maritime  
2 Administration and OMB holding this up.

3 I understand, and I have spoken to Senator Hollings,  
4 the chairman, and Senator Rudman, their admonition of not  
5 holding this up for additional expenditures. I am going  
6 to say right here and now that I am not going to offer  
7 this amendment for the additional \$10 million, and I am  
8 not going to put it up on the floor. But I say, for  
9 common decency, and for good sense, and for the fact that  
10 we are going to spend \$3.5 million in maintenance, the  
11 Federal government, for this year, when we have the  
12 appropriations bill come up this year, I would hope that  
13 once and for all we could act responsibly and include  
14 those additional funds.

15 I would ask that the chairman and ranking member, I  
16 implore you, because I don't like bringing it up. This  
17 committee acted responsibly, it was the Administration.  
18 I intend to bring it up, and I would that it would be  
19 part of the commitment of the subcommittee's report and  
20 recommendation to the full committee.

21 Chairman Stennis. Thank you very much.

22 Senator Inouye. Mr. Chairman.

23 Chairman Stennis. The gentleman from Hawaii has  
24 been recognized.

25 Senator Hollings. The State, Justice, Commerce has

1       been adopted, and that chapter is closed?

2           Chairman Stennis. No. You will have to make the  
3       motion.

4           Senator Hollings. I move that we close the  
5       chapter.

6           Chairman Stennis. As many as favor the motion that  
7       we close the chapter signify by saying aye.

8           (Chorus of ayes.)

9           Chairman Stennis. Those opposed, no.

10          (No response)

11          Chairman Stennis. The ayes have it, this chapter is  
12       closed.

13          Senator Inouye. Mr. Chairman.

14          Chairman Stennis. I recognize the Senator from  
15       Hawaii.

16          Senator Inouye. Mr. Chairman, the recommendations  
17       which Senator Kasten and I place before this committee do  
18       not represent the full amount of funding which we believe  
19       should be provided, rather they reflect our sense of  
20       priority. We believe we have demonstrated our adherence  
21       to the dictates of budgetary restraint.

22          Mr. Chairman, the draft bill and report which are  
23       not before the committee do not show the complete set of  
24       funding recommendations which Senator Kasten and I wish  
25       to present to the committee. Inadvertently, three items,

1 which should have been in the committee print, have been  
2 left out.

3 The first states that none of the funds provided for  
4 assistance to the region of southern Africa for railway  
5 infrastructure development and humanitarian assistance  
6 programs may be made available for activities in  
7 Mozambique or Angola. This prohibition is similar to  
8 those which are in the current Continuing Resolution, and  
9 which have been carried in Foreign Assistance  
10 appropriations Acts in recent years.

11 Second, it is our intention to provide an additional  
12 \$7.2 million in support for the Peace Corps. Senator  
13 DeConcini has had a particular interest in providing this  
14 additional funding. Senator Kasten and I are  
15 recommending this funding because we wish to support  
16 progress towards the congressionally mandated goal of  
17 placing 10,000 Peace Corps volunteers in the field by the  
18 Year 1992. Most of the amount which we are recommending  
19 would be used to expand Peace Corps operations in the  
20 Philippines.

21 Third, in response to numerous, numerous requests,  
22 we have agreed to recommend committee approval of the  
23 appropriation of the additional \$1 million in support for  
24 Solidarity, the Polish labor union.

25 Mr. Chairman, these rightfully should have been

1 included in the recommendations in the committee print,  
2 and copies of the language have been provided to each  
3 member. Therefore, I ask unanimous consent that they be  
4 considered as included in the committee print.

5 Chairman Stennis. Without objection, these  
6 modifications to the amendment are agreed to.

7 Senator Nickles. Mr. Chairman, may I ask the  
8 subcommittee chairman, has Congress ever provided money  
9 to Solidarity in the past?

10 Senator Inouye. Yes, we have.

11 Senator Nickles. Has this been done on an annual  
12 basis?

13 Senator Inouye. Not on a regular annual basis.

14 Senator Nickles. I question it because I don't  
15 remember it, but I might have missed a meeting. I don't  
16 recall giving money to the union. How much have we given  
17 them?

18 Senator Inouye. We have provided sums through the  
19 United States Information Agency.

20 Senator Nickles. A million dollars seems like an  
21 enormous amount to give to such an organization.

22 Senator Inouye. The total amount that we have  
23 provided to Solidarity as of this moment is about  
24 \$350,000.

25 Senator Nickles. The million dollars is supposed to

1 last for the rest of this fiscal year, or for several  
2 years, or what is the spend out?

3 Senator Inouye. This is to last through the fiscal  
4 year ending September 30, 1987. The co-sponsors are Mr.  
5 Symms, Mr. Dixon, Mr. Grassley, Mr. Riegel, Mr. Simon,  
6 Mr. D'Amato, Mr. Dodd, Mr. Hecht, Mr. Wallop, Mr.  
7 Bradley, Mr. Moynihan, and Mr. Humphrey.

8 Senator Bumpers. Mr. Chairman.

9 Chairman Stennis. The gentleman from Arkansas.

10 Senator Bumpers. I am mildly disturbed by this  
11 amendment also, and I am curious as to why some of the  
12 \$15 million that we appropriate for the National  
13 Endowment for Democracy couldn't be used for this  
14 purpose. This is precisely the ostensible purpose for  
15 setting that thing up.

16 Let me say, in an exculpatory way, that I am not for  
17 the National Endowment for Democracy, and never have  
18 been, but that is what they say they want to do. I am  
19 just curious as to why we can't take \$1 million out of  
20 that pot to give Solidarity.

21 Senator Inouye. We have looked into that  
22 possibility, and we don't think that it would fit into  
23 the National Endowment proposal.

24 Solidarity is rather unique. As you know, I am not  
25 one of the co-sponsors. I see one of the eminent co-

1       sponsors sitting across from me.

2           Mr. D'Amato, do you have anything to add?

3           Senator D'Amato. I am for Solidarity.

4           Senator Bumpers. So am I.

5           Senator D'Amato. This is money, after we have seen  
6       the way we throw some money around here, that is well  
7       spent to encourage the forces of democracy, that is why  
8       we put it in here.

9           By the way, I will support you if you want to kill  
10      that Endowment Fund, I think that this was a big turkey.  
11      Let's knock out that \$15 million there, and keep this \$1  
12      million here.

13           Senator Bumpers. Would you support that?

14           Senator D'Amato. They give money to the unions for  
15       that political party, and they are going to do all these  
16       things. If you look at the way they are spending the  
17       money, they are probably going to be Channel No. 1.

18           (General laughter)

19           Senator D'Amato. I think that we have found an  
20       opportunity to fund and to offer some assistance to some  
21       real freedom fighters in the truest sense. They stand on  
22       that line with their bodies, and their hearts and souls,  
23       and if they are not an inspiration to people who cherish  
24       freedom throughout the world, I don't know who is. They  
25       do it the real way. I think that this is a well spent

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1 million dollars.

2 Senator Kasten. Mr. Chairman.

3 Senator Mikulski. Mr. Chairman.

4 Senator Kasten. Mr. Chairman.

5 Chairman Stennis. The Senator from Wisconsin is  
6 recognized.

7 Senator Kasten. Mr. Chairman, I would like to say  
8 just a few words in support of my chairman's comments on  
9 the foreign assistance section of the bill, and  
10 specifically in support of the adoption of the money for  
11 the Solidarity.

12 I think that both Senator Inouye and I, frankly,  
13 would have liked to have provided more foreign  
14 assistance, especially for assistance to Spain and a  
15 couple of other particular areas. Frankly, given the  
16 overall budget situation this is simply as far as we have  
17 been able to go.

18 The package, I believe, is a balanced package. The  
19 package is a package, I believe, which deserves strong  
20 bipartisan support. The change for the Peace Corps, and  
21 the money for Solidarity, and the other areas are part of  
22 the overall package, which should have been included.

23 I want to thank Senator Inouye, the chairman of the  
24 subcommittee, for a continuation of what I view as a  
25 strong approach in a way, and bipartisan cooperation,

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1       which distinguishes our subcommittee particularly from  
2       some of the others that are involved in foreign affairs  
3       issues.

4           Specifically, the National Endowment for Democracy  
5       is not in our subcommittee, that turns out to be in the  
6       Subcommittee of State, Justice and Commerce.

7           (General laughter)

8       Senator Kasten. This particular item is, in fact,  
9       in response to a specific piece of legislation which has  
10      been introduced on a bipartisan basis from a large number  
11      of Senators. We were able to fund it in this program,  
12      and I hope that it will stay in as part of the package.

13      I support these efforts. I support the package. I  
14      think that we have come a long way toward dealing with  
15      some of the immediate problems that we are faced with in  
16      the foreign operations area. I hope that the committee  
17      will adopt the recommendations of the subcommittee.

18      Chairman Stennis. The Senator from Maryland is  
19      recognized.

20      Senator Mikulski. Thank you, Mr. Chairman.

21      Mr. Chairman, as a member of the Subcommittee on  
22      Foreign Operations, I, too, would like to lend my support  
23      to the entire package, because I think it has been  
24      carefully arrived at and presents a balanced view of who  
25      we need to provide assistance to.

1        I would like to particularly address myself,  
2        however, to two items that I think contribute to the  
3        purpose of foreign aid. One of the key purposes of  
4        foreign aid is to expand democracy around the world.  
5        Therefore, the two items related to the Peace Corps and  
6        assistance to Solidarity, I think are very important  
7        items.

8           The Peace Corps has had its ups and downs, but I do  
9        believe that it has stood as a flagship in terms of the  
10       spirit of volunteerism and helping people of other  
11       countries help themselves.

12        Solidarity, a gallant group that stood up not only  
13        to the Communist forces in Poland, but actually stood up  
14        to the whole Eastern Bloc, certainly warrants our  
15        attention.

16        I don't think that any of us care how you would fund  
17        it. You could fund it through the National Endowment, or  
18        whatever. But I do think we should provide assistance to  
19        Solidarity. This committee has provided support to  
20        freedom fighters around the world. The group in  
21        Solidarity offers us a model in speaking up for democracy  
22        in a non-violent way. Armed with their own bodies and  
23        with Rosaries, they were willing to stand up for truth,  
24        for justice, and freedom. I think that the way we  
25        support some pretty tinhorn dictators with our foreign

1 aid, the least we can do is put a million dollars in for  
2 Solidarity.

3 Senator DeConcini. Mr. Chairman.

4 Chairman Stennis. The Senator from Arizona.

5 Senator DeConcini. Mr. Chairman, I will be short.

6 I want to express my sincere thanks to Chairman Inouye  
7 and Mr. Kasten for including the additional funds for the  
8 Peace Corps. For nearly 26 years, the Peace Corps has  
9 given volunteers an opportunity to help others to learn  
10 how to be self-sufficient. It works for Americans as  
11 well as it works for the countries that we work in. I  
12 appreciate their consideration.

13 Lastly, Mr. Chairman, I would like to just comment  
14 briefly on the inclusion of the language prohibiting any  
15 of the economic support fund monies benefiting south  
16 African countries to be made available to Mozambique and  
17 Angola.

18 I have introduced legislation pursuing and  
19 pressuring the Reagan Administration to impose  
20 economic/political leverage against the Marxist  
21 government in Angola, which harbors, as you all probably  
22 know, 35,000 Cuban troops, and 2,500 Soviet advisors.  
23 This is a regional conflict with the Soviet Union that is  
24 growing every year.

25 I would personally like to see much stronger

1 language prohibiting support to Angola, and believe that  
2 the Congress should begin to do something about the  
3 tragic human rights situation in the Cuban/Soviet buildup  
4 in Angola.

5 Thank you, Mr. Chairman.

6 Senator Bumpers. Mr. Chairman.

7 Chairman Stennis. The Senator from Arkansas.

8 Senator Bumpers. Mr. Chairman, I, at first,  
9 intended to offer a second degree amendment, simply  
10 transferring a million dollars from the National  
11 Endowment for Democracy to Solidarity, which would at  
12 least deal with some of the budget constraints we are  
13 concerned with, and that is not letting the supplemental  
14 get out of control.

15 I have some problems with this, and it isn't because  
16 I don't stoutly support Solidarity, I do. But I am just  
17 not at all sure that this is a wise use of the taxpayers'  
18 money right now. Secondly, and more importantly, this is  
19 a supplemental appropriation, which is supposed to have  
20 some urgency to it. It seems to me that this is a matter  
21 that can certainly wait for the regular appropriations  
22 process, and that it is not necessary to put it on this  
23 bill.

24 Finally, I don't think that there can be, and this  
25 is not to denigrate Solidarity in any way, because, as it

1 has been stated, we put out a lot of money to a lot of  
2 people without total accountability. I don't know who  
3 this money goes to, or how you get it to them. I  
4 certainly don't know how you know how it is being  
5 spent.

6 While I strongly support Solidarity in my heart, I  
7 am not at all sure that this is a wise thing to do in a  
8 supplemental bill, so I am going to vote no on it.

9 Senator Inouye. Mr. Chairman.

10 Chairman Stennis. The Senator from Hawaii.

11 Senator Inouye. So that all of us will know how  
12 this sum will be spent, this million dollars will be  
13 spent to purchase printing and communication equipment.  
14 As some of us are aware, when the Polish Government  
15 raided the headquarters of Solidarity, they naturally did  
16 away with all printing equipment and communication  
17 equipment.

18 Secondly, this one will establish medical and legal  
19 aid funds for persons who have been arrested, and there  
20 are a lot of them being arrested almost every day,  
21 jailed, fined, blackballed from jobs, or otherwise  
22 repressed.

23 I have been told that this is a very tight budget.  
24 Although I am not a co-sponsor of this amendment, I would  
25 hope that this committee will support this very, very

1 small sum of money.

2 Senator Johnston. How do we get the money to them,  
3 by the way?

4 Senator Inouye. Through our State Department,  
5 sir.

6 Senator Johnston. The State Department mails them a  
7 check, or what?

8 Senator Inouye. The State Department will have the  
9 sum available, and Solidarity will send in vouchers.

10 Senator Lautenberg. Mr. Chairman, I would like to  
11 ask unanimous consent to be added as a co-sponsor.

12 Chairman Stennis. Is there any further discussion  
13 of this amendment here?

14 Senator Inouye. Mr. Chairman, I ask unanimous  
15 consent that the three correction and the accompanying  
16 report language be made part of the bill and the report,  
17 sir. I move that this section be closed.

18 Chairman Stennis. All right.

19 Senator Bumpers. Mr. Chairman.

20 Chairman Stennis. I tried.

21 Senator Bumpers. Mr. Chairman, I have a little  
22 amendment here that doesn't do much of anything, that I  
23 know will be accepted.

24 Chairman Stennis. Ladies and gentlemen, we have to  
25 have quiet to do our work. Please let's have it quiet.

1 Senator Bumpers. Mr. Chairman, we have a dairy  
2 termination program, and most of the Senators are  
3 familiar with that. This is the whole herd dairy buy out  
4 that we approved a couple of years ago. My amendment has  
5 no budget impact, it simply would allow the Department of  
6 Agriculture to transfer some of these cattle that would  
7 otherwise be slaughtered to Heifer Project International  
8 so that they could use these cattle to send overseas.

9 Heifer Project, most of you are familiar with it,  
10 they send cattle all over the world to help other nations  
11 sustain themselves agriculturally, and this would simply  
12 keep those cattle from being slaughtered here, and be  
13 handed over to the Heifer Project so that they could send  
14 them to other countries.

15 Senator Inouye. I would like to apologize to my  
16 friend from Arkansas. I forgot all about this  
17 amendment. We accept this amendment. It has no  
18 budgetary effect on the bill.

19 Senator Bumpers. I thank the chairman.

20 Chairman Stennis. You do accept the amendment?

21 Senator Inouye. Yes.

22 Senator Kasten. Mr. Chairman.

23 Chairman Stennis. Yes.

24 Senator Kasten. I just want to speak briefly in  
25 support of the amendment also. This will enable, as the

1 Senator pointed, a very fine non-profit organization, the  
2 Heifer Project International, to take part in the surplus  
3 dairy project, which I offered as part of our package in  
4 the Senate last year, and it was also offered in  
5 companion legislation in the House.

6 The organization is a worthwhile one. It has a  
7 terrific reputation, and I strongly recommend that we  
8 approve Senator Bumpers' amendment.

9 Chairman Stennis. Very well. Thank you very  
10 much.

11 Senator Lautenberg. Mr. Chairman.

12 Chairman Stennis. The amendment offered by the  
13 Senator from Hawaii has been cleared and approved.

14 Who is seeking recognition?

15 Senator Lautenberg. Mr. Chairman.

16 Chairman Stennis. The Senator from New Jersey.

17 Senator Lautenberg. Are we talking about the  
18 closing of the section, or just of the current  
19 amendment?

20 Chairman Stennis. I did not understand the Senator  
21 from New Jersey. Would you repeat?

22 Senator Lautenberg. Are we still dealing with the  
23 Senator from Arkansas' amendment?

24 Senator Inouye. No, we accepted that.

25 Chairman Stennis. We have disposed of that.

1 Senator Lautenberg. Mr. Chairman, I have an  
2 amendment that I would like to offer.

3 Chairman Stennis. Just a minute.

4 The Bumpers Amendment, I thought that it had been  
5 disposed of, but actually it has not.

6 Senator Inouye. I ask unanimous consent that the  
7 Bumpers Amendment be accepted.

8 Chairman Stennis. Very well, is there objection?  
9 (No response)

10 Chairman Stennis. The Chair hears none. The  
11 Bumpers Amendment is agreed to.

12 The Senator from New Jersey.

13 Senator Lautenberg. Thank you, Mr. Chairman.  
14 I have an amendment that I would like to offer with  
15 the co-sponsorship of Senator D'Amato, Senator Specter,  
16 and Senator Mikulski. It deals, since this is the  
17 Foreign Operations Subcommittee, with the sale of M-833  
18 depleted uranium shells to all countries, except our NATO  
19 allies, and countries designated as major non-NATO  
20 allies, and those countries include Israel, Egypt, Japan,  
21 Australia, and Korea, as acceptable recipients of this.

22 This language is already contained in the Senate and  
23 House Foreign Assistance Authorization bills for fiscal  
24 year 1988, but those bills may not pass in time to stop  
25 of the sale.

1 I have discussed it with the chairman of the  
2 committee, and I believe the ranking member of the  
3 subcommittee, and they have given their approval to  
4 prohibit these sales from going to Saudi Arabia and  
5 Bahrain. These are weapons that could only damage a very  
6 treasured ally, the State of Israel, and I would hope  
7 that we could include that report language in this  
8 section, Mr. Chairman, to prevent those sales.

9 Senator Inouye. We have no objection, Mr.  
10 Chairman.

11 Senator Hatfield. Would the Senator yield for a  
12 question?

13 Senator Lautenberg. Yes.

14 Senator Hatfield. As I understand the Senator's  
15 amendment, he is prohibiting the sale or the sharing of  
16 this particular weapon to what countries?

17 Senator Lautenberg. To any NATO and major non-NATO  
18 specified allies, and the specified allies are Israel,  
19 Egypt, Japan, Australia, and Korea as acceptable  
20 recipients of these shells, but to block any others who  
21 are not also members of NATO. In particular to prohibit  
22 the sale of these shells, which is being currently  
23 considered, to Saudi Arabia and Bahrain.

24 Saudi Arabia and Bahrain have fairly advanced  
25 Tungsten ammunition, Saudi Arabia has TOW missiles, both

1 of which can counter current model Soviet tanks in the  
2 area, and we frankly don't see a need for it. Jordan  
3 already has some of these weapons, and there is a  
4 proposal to sell them additional weapons, and we would  
5 like to prevent that sale from taking place.

6 Senator Hatfield. So it really only prohibits the  
7 sale of this to Bahrain and Saudi Arabia?

8 Senator Lautenberg. Yes, and additional sale of  
9 this ammunition to Jordan.

10 Senator Hatfield. Do we sell any of these weapons  
11 now anywhere?

12 Senator Lautenberg. We sold them to NATO, and the  
13 non-specified.

14 Senator Hatfield. Have we delivered any of these  
15 abroad?

16 Senator Lautenberg. I am told that we have not sold  
17 these weapons any place.

18 Senator Hatfield. We have not sold those anywhere  
19 in the world. Would the Senator consider an amendment to  
20 his amendment to prohibit the sale of these anywhere in  
21 the world?

22 Senator Lautenberg. We may be called upon in the  
23 future to sell to allies that we would want to sell these  
24 to, in response to the Senator's question.

25 We have language in the fiscal year 1988 Foreign

1      Assistance Bill that deals with this. If we could now  
2      just deal with the countries in question, then I we can  
3      discuss the other countries at another time. This is  
4      urgent because these sells are being considered at this  
5      time.

6      Senator Hatfield. I have a little difficulty when  
7      we begin to define allies in a rather non-generic way.  
8      It seems to me that if we are going to ban the sale of  
9      these particular weapons, and in effect we are really  
10     listing three countries at the most, as I understand the  
11     amendment, we are not selling them anywhere else in the  
12     world, why not take this opportunity, before we go down  
13     that track, to get a little arms control by making this  
14     amendment apply worldwide. Why sell them anywhere?

15     They are not requested at this point, I believe the  
16     Senator will confirm. They are not being requested by  
17     our allies. They are not being requested by NATO, or  
18     Japan, or South Korea. Why not then make this an  
19     all-inclusive arms control amendment and prohibit their  
20     sale anywhere in the world?

21     Senator Lautenberg. In response, I would have to  
22     say that I don't think that we can anticipate every  
23     situation at this time. I would urge the Senator, as we  
24     get into the Foreign Assistance Bill for next year, that  
25     we look at that, look at the defense appropriations bill,

1 to see whether or not that is going to be a  
2 consideration.

3 Right now, I can see where there might be a case  
4 where we would want to help an ally who has an enemy that  
5 is someone that we consider hostile the United States  
6 interests. This weapon now can only really be used  
7 against Israel. Israel is a very close ally. We are  
8 talking about people with whom there is a declaration of  
9 war against Israel, and I don't think that we ought to be  
10 giving these people these weapons.

11 Senator Hatfield. The Senator is saying that these  
12 countries are not our allies.

13 Senator Lautenberg. I don't think that this is what  
14 I said.

15 Senator Hatfield. The Senator said that we could  
16 sell them to our allies, and then this amendment  
17 designates these countries specifically as being  
18 prohibited. Then, by the same token, they are being  
19 declared not our allies.

20 Senator Lautenberg. I don't see it that way,  
21 obviously. What I see is people with whom we have  
22 relationships, and we respect those relationships. But  
23 when they call for weapons that can only be used  
24 effectively against a friend, a close friend of ours,  
25 someone with whom we share many defense commitments, I

1 think that it is all right to distinguish in that case  
2 sales to those countries.

3 They have no other viable need for these weapons  
4 except against Israel. They have the weapons necessary  
5 to protect themselves against other enemies.

6 Senator Hatfield. Mr. Chairman, I wont delay, but I  
7 would like to move to amend the amendment by saying, in  
8 effect, we would prohibit the sale of this weapon  
9 anywhere in the world.

10 Chairman Stennis. Is there further discussion?

11 (No response)

12 Chairman Stennis. Those who favor the adoption of  
13 the amendment, let it be known by saying aye.

14 Senator Lautenberg. We are talking about the  
15 Hatfield Amendment at this point, Mr. Chairman?

16 Chairman Stennis. This is the Hatfield Amendment  
17 now to the Lautenberg Amendment.

18 Those who favor the amendment to the amendment as  
19 offered by the Senator from Oregon will say, aye.

20 (Chorus of ayes)

21 Chairman Stennis. Those opposed, no.

22 (Chorus of nays)

23 Chairman Stennis. The noes seem to have it. The  
24 noes do have it. The amendment is not agreed to.

25 This brings us back to the original Lautenberg

1 Amendment. Are you ready to vote on that, and I assume  
2 you are. Those who favor the Lautenberg Amendment let it  
3 be known by saying aye.

4 (Chorus of ayes)

5 Chairman Stennis. Those opposed, no.

6 (No response)

7 Chairman Stennis. The ayes appear to have it. The  
8 ayes do have it. The amendment is agreed to.

9 Senator Nickles. Mr. Chairman, I don't have an  
10 amendment, but I would like to inform the chairman of the  
11 subcommittee that the \$207 million for the International  
12 Development Association, I may well have an amendment  
13 when we go to the floor to reduce that amount. The House  
14 came in with zero. I believe the committee is providing  
15 the Administration's full request of \$207 million.

16 Maybe we can solve some of these questions between  
17 now and the floor. As I understand it, the soft loan  
18 window of the World Bank has made loans such as \$100  
19 million to China to rehabilitate its machine tool  
20 industry. They have made a \$90 million loan to the  
21 Agricultural Bank of China, for individual farmers and  
22 collective farms, a \$30 million loan to Burma to increase  
23 rice exports, and so forth.

24 I would like to review this a little bit further,  
25 but I may well have an amendment to reduce this amount.

1 Senator Inouye. Mr. Chairman, that is understood,  
2 sir.

3 Chairman Stennis. All right, I thank the Senator.

4 Senator Inouye. Once again I move that the chapter  
5 be closed.

6 Senator Inouye. As many as favor the closing of the  
7 chapter, let it be known by saying aye.

8 (Chorus of ayes)

9 Chairman Stennis. Those opposed, no.

10 (No response)

11 Chairman Stennis. The ayes seem to have it. The  
12 ayes have it. The chapter is closed.

13 Senator Inouye. Mr. Chairman, I also ask unanimous  
14 consent that the Lautenberg Amendment be made part of the  
15 general provisions. It doesn't belong in this chapter.

16 Chairman Stennis. You have heard the motion here  
17 from the Senator from Hawaii. Those who favor the motion  
18 let it be known by saying aye.

19 (Chorus of ayes)

20 Chairman Stennis. Those opposed, no.

21 (No response)

22 Chairman Stennis. The ayes seem to have it. The  
23 ayes do have it. The Lautenberg Amendment is not part of  
24 this chapter.

25 Senator Inouye. Thank you, Mr. Chairman.

1 Chairman Stennis. What is the further pleasure of  
2 the committee?

3 Senator Proxmire. Chapter 5 is next in line.

4 Chairman Stennis. The next chapter is Housing and  
5 Urban Development, and Independent Agencies Subcommittee,  
6 Chairman, Senator Proxmire; Ranking minority Member,  
7 Senator Garn.

8 Senator Proxmire, you are recognized.

9 Senator Proxmire. Thank you, Mr. Chairman.

10 Mr. Chairman and Members of the Committee: Under  
11 Chapter 5 of the bill, Senator Garn and I recommend  
12 appropriations of \$380,887,000, a reduction of \$333  
13 million below the House moved amount.

14 This chapter provides \$82.2 million for program  
15 supplementals. The total includes \$80.2 million for  
16 veterans compensation and pensions, an entitlement  
17 program, and \$2 million to permit the American Battle  
18 Monuments Commission to maintain its overseas memorials  
19 despite the fall in the value of the dollar.

20 The remainder of the funds is for pay raise and  
21 Federal Retirement System costs. These costs happen to  
22 be very substantial under Chapter 5 because of the fact  
23 that the VA employs over 200,000 people in its medical  
24 care assistance program.

25 In summary, of the \$380.9 million we have

1 recommended in our chapter, \$281 million is for VA  
2 medical care pay and retirement costs, and another \$80  
3 million is for veterans compensation and pensions,  
4 leaving only \$20 million for all other programs, pay  
5 raises and retirement costs.

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1 Senator Proxmire. I should quickly add that we have  
2 recommended deletion of the homeless funds included by the  
3 House with the thought that we could deal with the homeless  
4 issue in conference following Congressional action on the  
5 authorization bill which has not passed, but we assume that  
6 will be passed before we take this up on the floor.

7 Mr. Chairman, I yield to my distinguished colleague  
8 and ranking member, Senator Garn.

9 Senator Garn. I thank the chairman, and I concur with  
10 what he has said. I do have some report language on HUD  
11 operating subsidies that I believe has been agreed to by  
12 the chairman.

13 Senator Proxmire. It has been agreed to, and I am  
14 delighted to accept that, Mr. Chairman.

15 Senator Garn. I also have an amendment on FEMA  
16 Disaster Relief. Earlier this year, when we appropriated  
17 \$57.5 million for the homeless, I argued at that particular  
18 mark-up that we were playing games with Disaster Relief.  
19 While they were saying this had no cost effect on the  
20 budget because we were transferring the funds from FEMA,  
21 that was on the basis that we wouldn't have any disasters.

22 As of yesterday, \$113.5 million remains in the  
23 account. With \$37.7 million, already declared disasters  
24 will have to be funded, plus the State of New York with the  
25 recent floods is seeking disaster declaration for their

1 recent flooding, and we don't know how much that will be.

2 In addition, FEMA estimates that \$76.6 million will be  
3 needed for the balance of the fiscal year, assuming we are  
4 lucky with a light hurricane season and other disasters.

5 So I am sorry that what I said two or three months ago  
6 was correct. We were playing games in taking money from  
7 Disaster Relief for the homeless. My amendment simply  
8 restores that money in the account where we should have  
9 left it to begin with. The disasters, unfortunately, will  
10 occur, and we will exceed that account balance remaining.  
11 I would hope the Committee would be willing to accept this  
12 amendment.

13 Senator Proxmire. Mr. Chairman?

14 Chairman Stennis. Sir?

15 Senator Proxmire. I am very happy to accept that  
16 amendment. The Senator from Utah is absolutely correct.  
17 This money cannot be spent unless there is a disaster, and  
18 we should have that, as a matter of prudence. Therefore, I  
19 think it is a good amendment, and I accept it.

20 Senator Garn. I thank the chairman.

21 Chairman Stennis. The two Senators have agreed.

22 Senator Weicker. Mr. Chairman, I have an amendment  
23 relative to report language, which I believe has been  
24 cleared both by the chairman and by the ranking member.

25 Chairman Stennis. Who is offering it?

1 Senator Proxmire. As I understand it, this is report  
2 language; is that correct?

3 Senator Weicker. It is report language relative to  
4 directing \$1 million in discretionary funds be directed to  
5 the disaster in Bridgeport.

6 Senator Proxmire. I have no objection to the report  
7 language. I am glad to accept it.

8 Senator Weicker. I appreciate the chairman.

9 Chairman Stennis. Is there objection? I hear none.  
10 It is agreed to about the \$1 million. All right.

11 Senator Hollings. On behalf of NASA, there is a  
12 12-foot wind tunnel in Ames in California where they do the  
13 military testing of not only McDonnell and Boeing aircraft,  
14 which is in civilian competition with the airbus. It is  
15 the only place to do the testing. I have checked it with  
16 the staffs on both sides for report language of a transfer.  
17 It is not an expenditure; it is a transfer from the Space  
18 Flight Control and Data Communications of \$3 million to the  
19 design for the repair of this 12-foot wind tunnel. I think  
20 I have checked it through with the staff, and it is  
21 language.

22 Senator Proxmire. As I understand it, it is bill  
23 language and report language.

24 Senator Hollings. Bill language, yes, sir.

25 Senator Proxmire. It is a good amendment. I think we

1 are experts on wind tunnels around here.

2 (Laughter.)

3 Senator Hollings. Yes, sir. They picked the right  
4 fellow to sponsor this.

5 (Laughter.)

6 Senator Proxmire. I am happy to accept that.

7 Senator Leahy. Mr. Chairman?

8 Chairman Stennis. I recognize the Senator from  
9 Oregon. Excuse me.

10 Senator Hatfield. Mr. Chairman, I have some report  
11 language that I think has been cleared on both sides. It  
12 is really basically somewhat a technical type of thing, but  
13 in the 1986 reauthorization, Ponomo County, Oregon was left  
14 out of a category on this CDBG grant.

15 This is not to reauthorize that particular county;  
16 that is being taken care of through an authorization  
17 process. But merely this report language is to urge them  
18 to give consideration in the discretionary funding part of  
19 this budget for a project that would compensate the loss  
20 because of this omission.

21 Senator Proxmire. I have no objection to that report  
22 language. I am happy to accept it.

23 Senator Garn. I don't, either.

24 Senator Hatfield. I thank the chairman and ranking  
25 member.

1 Chairman Stennis. All right. Thank you.

2 Does the Senator from Arizona seek recognition?

3 Senator DeConcini. Mr. Chairman, I do, and my  
4 amendment may be contingent upon the Senator from Vermont's  
5 amendment passing. I would like to yield to him. If I  
6 could have unanimous consent to do so, I will let the  
7 Senator from Vermont proceed with his amendment first.

8 Chairman Stennis. Is there objection? The Chair  
9 yields.

10 Senator DeConcini. I thank the Chairman.

11 Senator Leahy. Mr. Chairman?

12 Chairman Stennis. Senator?

13 Senator Leahy. I have an amendment, and I thank the  
14 Senator from Arizona for letting me go first. I have an  
15 amendment that I believe has been worked out with Senator  
16 Proxmire and Senator Garn which would permit the VA to  
17 continue to purchase computer equipment in hospitals where  
18 the existing equipment is inadequate to ensure proper  
19 patient care.

20 The report language accompanying the amendment makes  
21 it clear that the VA is not to make a long-term decision on  
22 computer equipment according to the OTA report, which this  
23 Committee requested and has been completed. My amendment  
24 does not involve the appropriation of any new funds.

25 Senator Proxmire. Senator Leahy, you are aware, of

1 course, that Senator DeConcini is going to propose a \$20  
2 million amendment which would provide for a veteran's job  
3 training program. We will have to find a way to pay for  
4 that program.

5 Rather than rescind all \$35 million, as the bill now  
6 proposes, would you agree to rescinding the \$20 million  
7 needed to pay for the job training program? In that way,  
8 the VA will get \$15 million more than we proposed. It  
9 should have more computers. They would also get job  
10 training program, but outlays would not be significantly  
11 affected, and we would not multiply our budget target  
12 problems.

13 Senator Leahy. I wonder if I could propose even a  
14 further compromise along that line. Maybe Senator  
15 DeConcini could find \$10 million of that in his chapter.

16 Senator DeConcini. Mr. Chairman, we can accomplish  
17 that, and we can do it all in this amendment.

18 The Administration has requested \$79 million to  
19 reimburse the Labor Department for payments they have made  
20 to certain employees in the old Post Office Department of  
21 Workers Compensation. We have not made this payment for  
22 several years. The money has already been paid.

23 It is the bookeeping there, and certainly, I am going  
24 to offer it.

25 Senator Kasten. Mr. Chairman, could we have order? I

1 am having trouble hearing, Mr. Chairman. Can we have  
2 order?

3 Chairman Stennis. Let's have quiet, please. Let's  
4 have quiet.

5 Senator DeConcini. I plan to offer the balance,  
6 whatever this is, to be taken out of our chapter anyway.  
7 We just need not go into it. I know the Senator from New  
8 Mexico, the ranking member, is very interested in getting  
9 that down.

10 So this is all outlays that we are talking about, \$79  
11 million. So if \$10 million could come out of this to pay  
12 for part and \$10 million from the rescission, as the  
13 Senator, the chairman of the subcommittee is willing to  
14 alter his amendment along those lines.

15 Senator Leahy. I would be happy to do it that way,  
16 Mr. Chairman. We probably didn't have a compromise. Each  
17 one of us has given some. I think we end up with a fairly  
18 good compromise reached.

19 Chairman Stennis. All right. I have been advised,  
20 gentlemen.

21 Senator Proxmire. That sounds reasonable to me, but I  
22 want to check with my ranking member.

23 Senator Garn. Mr. Chairman, I would prefer to stick  
24 with the compromise you offered, but I have learned several  
25 years ago when you mention veterans, you just hold up your

1 hands and surrender.

2 (Laughter.)

3 Senator Proxmire. That means that we accept the  
4 modified amendment as described by Senator DeConcini.

5 Senator DeConcini. Mr. Chairman?

6 Chairman Stennis. Are you through presenting it?

7 Senator Proxmire. Yes. On the amendment that Senator  
8 Leahy offered as modified by Senator DeConcini.

9 Senator DeConcini. Mr. Chairman?

10 Chairman Stennis. Just a minute. I have got to hear.

11 Senator DeConcini. Mr. Chairman, I would like to now  
12 propose an amendment that also touches on the one just  
13 modified for the veterans job training programs.

14 Chairman Stennis. Excuse me. Did you say offer as a  
15 substitute?

16 Senator DeConcini. No, offer a separate amendment.

17 Chairman Stennis. Let's dispose of this amendment we  
18 have and then I will recognize you.

19 Senator DeConcini. Yes, sir.

20 Chairman Stennis. You and whom?

21 Senator Proxmire. It is my understanding that Senator  
22 Garn has agreed with me to accept the Leahy amendment.

23 Senator Garn. That is correct.

24 Chairman Stennis. All right. Is there objection to.  
25 the adoption or acceptance of the Leahy-Proxmire-Garn

1 amendment as attached to the Leahy amendment? There is  
2 none, and they are agreed to.

3 Senator DeConcini. Mr. Chairman?

4 Chairman Stennis. Senator DeConcini?

5 Senator DeConcini. Mr. Chairman, thank you.

6 Mr. Chairman, along this line, based on that division  
7 of the funds from the modified Leahy amendment, I would  
8 like to propose an amendment for the veterans job training  
9 program, payment to defray the cost of training of and to  
10 provide incentives to hire and training certain veterans  
11 and authorized by the veterans job training program as  
12 amended. Twenty million dollars is to remain available  
13 until September 30, 1989 and to be paid for or offset  
14 further by the Leahy amendment which was just accepted.

15 Senator Proxmire. As I understand it, the Senator is  
16 offered \$20 million, \$10 million of which comes from  
17 Chapter 12, which is the chapter that the Senator from  
18 Arizona has jurisdiction over. He is chairman of that  
19 subcommittee, and \$10 million, as we said before, would  
20 come from our chapter; is that correct?

21 Senator DeConcini. That is correct.

22 Senator Proxmire. I have no objection.

23 Chairman Stennis. All right.

24 Senator Proxmire. I want my ranking member to  
25 comment.

1 Senator Garn. I have already made my comment: I  
2 surrendered twice.

3 Senator Proxmire. Very good. Okay.

4 Chairman Stennis. Any further comment?

5 Senator DeConcini. I thank the chairman and the  
6 ranking member. Those agreeing on the DeConcini amendment,  
7 those who so favor say aye, please.

8 (A chorus of ayes.)

9 Chairman Stennis. Those opposed, no.

10 (No response.)

11 Chairman Stennis. The ayes have it. The amendment is  
12 agreed to.

13 The Senator from New Jersey?

14 Senator Lautenberg. Mr. Chairman, I have some report  
15 language that relates to Superfund that has been cleared  
16 with the chairman of the subcommittee, and I would ask for  
17 its adoption.

18 Senator Proxmire. Mr. President, I have no objection  
19 to the report language.

20 Senator Domenici. What is it?

21 Senator Lautenberg. It simply clarifies the Title III  
22 section, which is the right-to-know section. It is in the  
23 bill and just reinforces the states' role in the  
24 right-to-know.

25 Senator Proxmire. If it is brief, I will be happy to

1 read it. I will take the time to read it. "

2 The committee concurs with the House in recognizing  
3 the importance of EPA initiating activities which aid  
4 states in carrying out Title III mandates under Superfund.  
5 The committee also recognizes the continuing Federal role  
6 in implementing these activities. Title III places many  
7 significant on-going duties in EPA's charge, including  
8 collecting, managing and disseminating information and  
9 data, performing complex rulemakings related to the health  
10 and environmental effects of large numbers of substances;  
11 processing petitions relating to such substances;  
12 developing trade secret regulations; processing requests  
13 and petitions relating to trade secrets; studying ways to  
14 detect and prevent extremely hazardous releases and  
15 enforcing the mandates of Title III. That is it.

16 Chairman Stennis. Any objection to the amendment?  
17 There is none. The amendment is agreed to.

18 Senator Stevens. Mr. Chairman. I have an amendment.

19 Chairman Stennis. The Senator from Alaska?

20 Senator Stevens. Mr. Chairman, I would like to offer  
21 an amendment to add \$150,000 to the American Battle  
22 Monuments Commission. This would establish a memorial on  
23 Guadalcanal in the Solomons.

24 I was very surprised to learn recently that this  
25 location which is, I think, most of us know is one of the

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1 turning points of the Pacific campaign in World War II,  
2 does not have a memorial to those Americans who gave their  
3 lives there, although there is a substantial memorial there  
4 that has been erected by our Japanese friends to honor  
5 their countrymen who fought there.

6 Several of my acquaintances recently went to  
7 Guadalcanal and saw that, and I talked it over with the  
8 Battle Monuments Commission and they said that that is  
9 true; they would like to be able to have a memorial there.  
10 Because of the way that the Japanese have moved ahead in  
11 the area, it is really a sad thing to see that only one  
12 side of that conflict has memorialized its dead at that  
13 location.

14 I have a letter here from P. X. Kelley, the Commanding  
15 General of the Marine Corps, which indicates a support for  
16 this. I do hope that the Committee will accept that. It  
17 is a modest amount to build a modest memorial, but I think  
18 it ought to be done now.

19 Senator Bumpers. Mr. Chairman?

20 Chairman Stennis. The Senator from Arkansas?

21 Senator Bumpers. Mr. Chairman, I would like to add my  
22 very strong support to the amendment from the Senator from  
23 Alaska, and I am appalled. This is the first time I ever  
24 realized. I have known that we did not have a memorial  
25 there in memory of the Marines that died on Guadacanal. I

1 went into the Marine Corps just as that battle was winding  
2 up and met all of those people coming back as I was going  
3 over.

4 I was going in the Marine Gunnery School, which meant  
5 you sat in the back of a SBD bomber. We used to talk  
6 about, when we were fighting for Henderson Field on  
7 Guadalcanal, how the pilots would land on Henderson Field  
8 and say, "Give me some gas and take a hose and wash that  
9 gunner out of the back seat."

10 It was probably one of the most brutal battles if not  
11 the most brutal battle fought in World War II under  
12 unbelievable circumstances for so many of those men who  
13 fought so valiantly there. I want to say that from a  
14 personal standpoint that I strongly, strongly support this  
15 amendment.

16 Chairman Stennis. The Senator from Wisconsin is  
17 recognized. He sought recognition.

18 Senator Proxmire. Mr. Chairman, of course, I have no  
19 objection to this amendment. It is a small amount. I  
20 think it should be in the regular bill instead of the  
21 supplemental, but it is for a very good cause, and I am  
22 happy to accept it.

23 Chairman Stennis. Is there objection? The Chair  
24 hears none. The amendment is passed.

25 Senator Stevens. I thank you very much, Senator.

1 Thank you, Senator.

2 Chairman Stennis. What is the pleasure of the  
3 Committee?

4 Senator Johnston, did you ask for recognition?

5 Senator Garn. Mr. Chairman?

6 Chairman Stennis. Senator D'Amato?

7 Senator D'Amato. Mr. Chairman, I am not going to  
8 offer an amendment at this time, but I am at the time that  
9 this bill comes to the floor. I would hope that we could  
10 call attention to all of the members of the Senate the fact  
11 that we have not included any money for housing for the  
12 homeless. We passed a homeless bill, but there is not one  
13 penny as it relates to housing for the homeless.

14 I am particularly concerned about the fact that in the  
15 House of Representatives, although they have provided some  
16 money as it relates to Section 8 which would give 108  
17 permanency to funding for families that are displaced, et  
18 cetera. It is in a very effective and efficient way. The  
19 House neglected to put that money in, so it is not  
20 conferenceable.

21 When the bill comes to the floor, I would hope to have  
22 an opportunity to work out with the staffs or with the  
23 chairman and ranking member some opportunity to come up  
24 with some amount to deal with Section 8 housing dollars for  
25 the homeless.

1 Chairman Stennis. Why not bring it up now?

2 Senator D'Amato. Pardon me?

3 Senator Chiles. No, no, no.

4 Senator D'Amato. I would like to work on the dollar  
5 amount. If I bring it up now, it is going to pass, but I  
6 don't think you will want to vote against that. But I  
7 would like to, with the assurance of the chairman and the  
8 ranking member, see if we can't come to some dollar amount  
9 as it relates to Section 8 housing.

10 Senator Proxmire. If the Senator from New York would  
11 yield, I agree with him wholeheartedly, and I very much  
12 appreciate his willingness to defer this until the floor.  
13 The reason why we want to wait until the floor is because  
14 this does not have an authorization. We hope that we can  
15 get an authorization, meanwhile, and we can proceed in a  
16 more orderly way.

17 Chairman Stennis. All right. You are just giving  
18 notice now; is that your point?

19 Senator D'Amato. Yes.

20 Chairman Stennis. All right.

21 The Senator from New Mexico?

22 Senator Domenici. Mr. Chairman, I am not sure that  
23 Section 8 housing is the right way, but I have conferred  
24 with Senator Proxmire, who has some ideas on the housing  
25 part, and withheld it here. Clearly, this bill is a

1 difficult one in that it already exceeds the budget by a  
2 couple of billion on the outlay side. I think we are  
3 already \$16 billion over the budget; \$14 over before this.

4 I would have offered housing to tie in to the program  
5 that Senator Chiles funded in his bill for the mentally  
6 ill, but I am kind of reluctant to offer anything that adds  
7 new money here today.

8 But if we are going to waive the budget on the floor,  
9 then clearly, I think it is unreasonable to have a new  
10 program for the homeless and, in particular, the new  
11 homeless that are mentally ill, and not have any  
12 transitional housing for it. It just won't work.

13 So I will also work with the distinguished chairman of  
14 the subcommittee as we move through the floor. I hope you  
15 understand why I am not offering it today. If we are going  
16 to waive the budget, then clearly, we ought to add  
17 something for the housing part of homeless, not just the  
18 care, because we are going to be taking care of them out in  
19 the open air. That isn't going to work.

20 I thank the Senator for his consideration, and I will  
21 also work on it with you.

22 Senator Proxmire. I thank my good friend from  
23 New Mexico.

24 Senator Garn. Mr. Chairman? Mr. Chairman, I do not  
25 have another amendment. I just want to make a comment

1 before we close this section. I considered offering an  
2 amendment on supplemental pay in the NASA section. The  
3 House of Representatives split the \$25 million supplemental  
4 with \$13 million of it being transferred and \$12 million of  
5 it new money, or maybe it was the other way around, and our  
6 bill requires NASA to transfer the entire \$25 million.

7 I want to go on record here that I oppose that. I  
8 will not offer an amendment. It will be in conference when  
9 we get to the House and I advise everyone that I will try  
10 and intend to restore that, because to take \$25 million out  
11 of NASA and force them to fund their salary increases out  
12 of research and development at the very time when they are  
13 struggling with inordinate costs of recovering from the  
14 Challenger accident and trying to go through the research  
15 and development phase for getting new boosters, it doesn't  
16 make a great deal of sense to me to force them to absorb  
17 their pay increases, particularly out of research and  
18 development.

19 I won't offer that amendment today, but I will very  
20 strongly work in conference to see that we accept the House  
21 version of that provision. Thank you, Mr. Chairman.

22 Chairman Stennis. Thank you, Senator.

23 What is the pleasure of the Committee, please?

24 Senator Proxmire. Mr. Chairman, I move to close  
25 Chapter V, plus the pay raise, homeless and retirement

1 entitlements to the bill as they are affected by this  
2 chapter.

3 Chairman Stennis. You have heard the suggestion, and  
4 the motion goes to Chapter V. Is there any objection?

5 (No response.)

6 Chairman Stennis. The chair hears none. That chapter  
7 is closed. What is the further pleasure of the Committee,  
8 please?

9 Senator Stevens. Mr. Chairman, is the Legislative  
10 Committee portion open?

11 Chairman Stennis. Next is the Military Construction  
12 Subcommittee. The chairman is Mr. Sasser and the ranking  
13 Minority member is Mr. Specter.

14 Senator Proxmire. Mr. Chairman?

15 Chairman Stennis. Arrangements were made with the  
16 Senator here for presenting the matter. I recognize  
17 Senator Proxmire.

18 Senator Proxmire. Thank you very much, Mr. Chairman.  
19 Mr. Chairman, on behalf of Chairman Sasser, who has been  
20 called away to a funeral in Tennessee, I am offering the  
21 Military Construction chapter.

22 The budget request before the Military Construction  
23 Subcommittee was for \$256,503,000. The request included a  
24 program supplemental of \$250 million for construction of  
25 facilities for the demilitarization of chemical weapons;

1 \$143,000 for the pay supplemental; and \$67,360,000 for the  
2 FERS retirement account.

3 Of that amount, the subcommittee approved only the  
4 FERS supplemental. The subcommittee denied the request for  
5 chemical munitions demilitarization facilities. The  
6 subcommittee held a special hearing and learned from Army  
7 testimony that none of the funds could be obligated in the  
8 current fiscal year.

9 The action of the Military Construction Subcommittee  
10 is consistent with the action of the Defense Subcommittee,  
11 which deleted another request for \$250 million for  
12 procurement of demilitarization equipment.

13 Mr. Chairman, the subcommittee recommendation reflects  
14 a desire to reduce the funds provided by the supplemental.

15 I take it that Senator Specter is not here. I know of  
16 no amendments. If there is no report language or  
17 amendments, I move adoption of the chapter on behalf of  
18 Senator Sasser.

19 Chairman Stennis. You have heard the motion and  
20 explanation. Is there any further discussion of this  
21 section? Hearing none, the motion is that the section be  
22 agreed to. The Chair hears no objection. It also will be  
23 closed forthwith.

24 The Chair hears no objection. Therefore, it is  
25 closed.

1 Senator Johnston. Mr. Chairman, I am ready.

2 Chairman Stennis. May we have quiet, please. Here is  
3 a section here, Interior and Related Agencies. The  
4 subcommittee chairman is Senator Byrd of West Virginia.  
5 The ranking minority member is Senator McClure. I  
6 understand the Senator from Louisiana has agreed to handle  
7 this.

8 Senator Johnston. Yes, sir.

9 Chairman Stennis. Will you proceed?

10 Senator Johnston. Mr. Chairman, the Interior Chapter  
11 provides a net increase of \$10,381,000 in new budget  
12 authority for program supplementals in Title I. This  
13 amount is \$12.6 million below the budget request and  
14 \$28,800,000 under the House request. We have recommended a  
15 total of \$69 million in new budget authority to cover  
16 increased pay costs and \$36 million to cover additional  
17 costs for the Federal Employees Retirement System.

18 Mr. Chairman, I have eight amendments which I believe  
19 we are prepared to approve. I think they are  
20 non-controversial, but if I may read down these, on behalf  
21 of Mr. DeConcini, bill and report language to draft access  
22 to the Abandoned Mine Fund for surface for the Navaho and  
23 Hopi tribes. That is okayed by the Department, as well.

24 Chairman Stennis. Just hold right there. You are  
25 representing DeConcini, too?

1 Senator Johnston. Yes, Sir.

2 Chairman Stennis. Put the question while you are on  
3 it. Move its adoption?

4 Senator Johnston. I think I can offer all eight at  
5 one time.

6 Chairman Stennis. All right.

7 Senator Johnston. I don't think anything will be  
8 controversial;

9 Second, an amendment on behalf of Senator Nickles,  
10 which is bill language with respect to the Choctaw Nation;

11 Third, an amendment on behalf of Senator Nickles,  
12 report language with respect to the Toshimingo National  
13 Fish Hatchery;

14 Fourth, language on behalf of Senator Lautenberg on  
15 the National Endowment for the Humanities. I think copies  
16 of that are in front of everyone;

17 Five, a technical amendment on behalf of Forest  
18 Service construction;

19 Six, an amendment on behalf of Senator Byrd for black  
20 fly eradication in the New River Gorge;

21 Seven, an amendment authorizing or appropriating \$15  
22 million for emergency flood damage money. This has been  
23 set aside by the Department.

24 Senator McClure. That is Fish and Wildlife.

25 Senator Johnston. Finally, on behalf of Senator

1 Domenici, report language restating the Energy and Natural  
2 Resources Committee report language directing the Santa Fe  
3 National Trail to be managed out of the Santa Fe Regional  
4 Office of the National Park Service.

5 Mr. Chairman, I believe these are non-controversial.  
6 I am prepared to go into more detail on each one if anyone  
7 would like.

8 Chairman Stennis. You might identify them a little  
9 further and have it be in the record.

10 Senator McClure. Mr. Chairman?

11 Senator Johnston. Excuse me. Mr. Chairman, there is  
12 one additional amendment which I did not call which I  
13 overlooked here, and that is report language on Turtle  
14 Mountain on behalf of Senator Burdick.

15 Senator McClure. Mr. Chairman?

16 Chairman Stennis. All right.

17 Senator McClure. Mr. Chairman, we have gone over each  
18 of the amendments which the Senator has identified, and I  
19 have one or two comments, but I have no objection to any of  
20 the amendments.

21 The last one identified on behalf of Mr. Burdick will  
22 carry forward a discussion we had last year with respect to  
23 whether or not this project was ready to go. I think it  
24 may be implied fairly that there was a commitment to go  
25 forward as soon as the Department was ready to go forward.

1       I think under the kind of general comment that was  
2 made earlier about whether or not these were emergency  
3 items, I don't think that one is an emergency item, but I  
4 think it does carry forward an understanding that was  
5 reasonably understood on the basis of actions taken last  
6 year and is within the priority lists as established by the  
7 Bureau of Indian Affairs.

8       Senator Johnston. That is correct.

9       Senator McClure. The \$15 million for flood damage is  
10 to be identified as being with respect to Fish and Wildlife  
11 Service, I believe?

12      Senator Johnston. That is correct.

13      Senator McClure. With that explanation, I think each  
14 of the amendments the Senator has generally described are  
15 acceptable to this side.

16      Senator Domenici. Mr. Chairman?

17      Chairman Stennis. The Senator from New Mexico.

18      Senator Domenici. Mr. Chairman, I wonder if the  
19 distinguished Senator from Louisiana and Senator from Idaho  
20 might just add one additional report language request. I  
21 think you are aware that the distinguished majority leader,  
22 Senator Byrd, most of us think rather prudently removed  
23 that portion of the House bill which would have taken away  
24 from the states a portion of the mineral leasing  
25 distribution for the remainder of the year, and that was

1 taken out so that the states and rural communities wouldn't  
2 have school funds and road funds changed in mid point.

3 But the report language says that we are not going to  
4 do this at this time. I would ask that the "at this time"  
5 be stricken in that we have just decided that we do not  
6 want to do this, and I don't think we intend to leave any  
7 implication that perhaps we intend to do it at a later  
8 time, at least in terms of this bill.

9 I would only ask for report language that the "at this  
10 time" be stricken, which is more consistent with the  
11 Majority Leader's decision as chairman of the committee to  
12 delete that.

13 I wonder if the distinguished Senator from Idaho or  
14 Louisiana would have any objection to adding that.

15 Senator Johnston. If the Senator would not object, we  
16 would prefer to keep that matter open. It does involve a  
17 considerable amount of money, and it may well be that we  
18 would end up agreeing with the Senator, but it is not an  
19 emergency matter, and we would like the ability to review  
20 it again in the future. I don't have any strong feelings  
21 on it.

22 Senator Domenici. I don't think you deny anyone any  
23 review. It just seems to mean that the decision is sort of  
24 halfhearted at this point with reference to the action  
25 taken, and I don't think that really is the case. I think

1 it is full and complete; that we don't intend to change  
2 midstream this year.

3 I wonder whether the distinguished Senator from Idaho  
4 has any thoughts on about the matter.

5 Senator Johnston. Let me just say that it has  
6 budgetary implications. I am not prepared to argue it  
7 fully at this point, except to say that it has real  
8 implications for the budget in 1988. I think it is not one  
9 of these emergency matters. I can go into it in more  
10 detail, but it seems to me a matter involving significant  
11 money, about \$25 million within the House bill, and that it  
12 has budgetary implications for 1988. We ought to put it  
13 off.

14 Senator McClure. Mr. Chairman?

15 Chairman Stennis. Senator?

16 Senator McClure. Mr. Chairman, I agree with the  
17 Senator from New Mexico. The item was not on the list  
18 which was agreed, and you can see that there has been  
19 discussions between myself and the majority side on this  
20 item.

21 It was, I believe, Senator Johnston in presenting the  
22 list, who was presenting a list that had been agreed upon.  
23 I would hope that before we complete action on this, we  
24 could delete that language that says "at this time",  
25 because there is an implication, whichever way the language

1       is used, and I would prefer the implication to be on the  
2       other side, very honestly, since the House has taken the  
3       action that they did, and I think unwisely precipitated  
4       that particular debate at this time.

5           It is important for us to, in effect, balance the  
6       scale on the other side by removing the language and  
7       clearly and unambiguously removing that provision from this  
8       bill.

9           That does not mean that at a later time, the Congress  
10      couldn't reverse that. I hope that Congress will not. I  
11      hope the Senate will agree with the position that is being  
12      stated here in the committee report that we don't intend to  
13      take that step.

14           The Senator from Louisiana is correct. It does have  
15      budgetary implications. No need kidding ourselves about  
16      that.

17           Senator Domenici. Might have.

18           Senator McClure. I hope when we get around to doing  
19      that, we will very clearly and unambiguously decide not to  
20      take that action.

21           So I support the Senator from New Mexico in his  
22      request, but I would say it is not an agreed item.

23           Senator Johnston. Let me just say --

24           Senator Domenici. Fine. You don't agree at this  
25      point. We will offer it later.

1 Chairman Stennis. What is the order?

2 Senator Johnston. I have the package of eight  
3 amendments --

4 Senator Stevens. Mr. Chairman?

5 Senator Johnston. -- to move en bloc.

6 Chairman Stennis. Did you move the amendment?

7 Senator Johnston. There are nine amendments.

8 Mr. Chairman, I move that we approve en bloc the nine  
9 amendments previously described.

10 Senator Stevens. Mr. Chairman, is one of those  
11 amendments this amendment on page 48 that deals with the  
12 administrative provision regarding the Assistant Secretary  
13 for Parks and Wildlife?

14 Senator McClure. No.

15 Senator Johnston. No.

16 Senator Stevens. Is that amendment up for discussion  
17 at all? It is not in the bill now.

18 Senator Johnston. It is not in the package. It is in  
19 the bill. But it is not in this package of nine  
20 amendments.

21 Senator Stevens. The action you are suggesting  
22 wouldn't foreclose discussing that other amendment?

23 Senator McClure. No.

24 Senator Johnston. No.

25 Chairman Stennis. Any further discussion? So many as

1 favor the adoption of the proposal and adoption of the  
2 amendments let it be known by saying aye.

3 (A chorus of ayes.)

4 Chairman Stennis. Those opposed, no.

5 (No response.)

6 Chairman Stennis. The ayes have it. They do have it.  
7 It is agreed to.

8 All right, what is the next pleasure of the Committee?

9 Senator Stevens. Now, Mr. Chairman, would it be in  
10 order to discuss that provision?

11 Chairman Stennis. I think so.

12 Senator Stevens. I call the members' attention to  
13 page 48 of the print. I understand it, but I think it is  
14 extremely far reaching. It would say that, "Within 30 days  
15 of the passage of the Act, no money could pay the Assistant  
16 Secretary for Fish and Wildlife unless there is a  
17 reorganization of the Park Service."

18 There are several statutes that require the approval  
19 of the Assistant Secretary of Fish and Wildlife. I think  
20 we are shooting ourselves in the foot with that amendment.  
21 I understand that the distinguished leader, who is a good  
22 friend of mine, is upset about that, but I still think that  
23 is a very far-reaching provision, and I would urge that the  
24 members reconsider that amendment.

25 Senator Johnston. In reply, I would state that I

1 think it is well described here in the report. Bill  
2 language is included regarding the organization structure  
3 of the Washington Office of the National Park Service. The  
4 language seeks the reestablishment of the Office of Policy  
5 Development in the immediate Office of the Director to be  
6 supervised solely by the Director.

7 This language is proposed in response to actions by  
8 the Department based upon the recommendation of the  
9 Assistant Secretary for Fish and Wildlife and Parks which  
10 were taken in explicit disregard of the Committee's  
11 reprogramming procedure.

12 The Committee seeks the Department's continued  
13 cooperation and urges the Department to follow our  
14 reprogramming guidelines in future instances. The  
15 Committee has included bill language provided by the State  
16 of West Virginia. In any event, this is something they  
17 agreed to do, and it was in our reprogramming guidelines,  
18 which they just didn't do. This says, "Do it or else."

19 Senator McClure. Mr. Chairman? If I might just add  
20 at this point to what has already been said, and by way of  
21 background, I have to confess some mixed opinions and mixed  
22 attitudes about this particular provision.

23 The Secretary is attempting to reorganize both his  
24 responsibilities in the administration, areas under his  
25 responsibility, moved out of the Park Service, the Office

1 of Policy Analysis Development into the Office of the  
2 Secretary.

3 I think I understand why he wanted to do that. I am  
4 not suggesting it is good or bad. I understand if I were  
5 the Secretary, and I had a responsibility and wanted to  
6 discharge it, I would try to organize whatever way would  
7 assist me in getting it done right. I think Secretary Horn  
8 believed that that was correct.

9 The other side of that question, however, aside from  
10 the substance, is he achieved it by reprogramming without  
11 following reprogramming guidelines. He did that at a time  
12 when he was under notice that he was doing it in violation  
13 of the reprogramming guidelines.

14 I think the prerogatives of this Committee are  
15 somewhat challenged, the prerogatives of Congress are  
16 somewhat challenged by that action.

17 I would suggest that certainly, he is not going to go  
18 without salary, and this is an appropriations way -- I  
19 didn't say appropriate, I said appropriations way -- of  
20 getting him to reverse an action which he has taken and to  
21 take the action which we probably would have approved had  
22 he asked for it in the appropriate manner in reprogramming.

23 But to remove that course, you would probably not have  
24 been approved or at least would have been subject to  
25 question if he had asked for a reprogramming and we had

1       acted on the reprogramming.

2       Senator Stevens. Why don't you just direct the  
3       Secretary to put the money back where it belongs and not  
4       shoot ourselves in the foot?

5       Senator McClure. We are not shooting ourselves in the  
6       foot. We are shooting him in the foot so it will move.

7       (Laughter.)

8       Senator Johnston. We directed it in report language  
9       last year, and it was disregarded. That is the problem.

10      Senator Stevens. I will only tell you I remember  
11     early in the days when I came to Washington when the  
12     Congress had a fight with a fellow named Strauss, who was  
13     head of the Bureau of Reclamation, and a similar provision  
14     was passed. Congress regretted that for a long time and  
15     what that man did when he was not on the payroll but had  
16     the authority of his office. Think it over.

17      Senator Johnston. What did he do?

18      Senator. He did a lot of things.

19      Senator Johnston. That was before my time, then.

20      (Laughter.)

21      Senator Stevens. Not before mine. I think John  
22     Stennis remembers it.

23      Senator McClure. Mr. Chairman, I don't have strong  
24     feelings about this one way or the other. I am satisfied  
25     to send him a strong message to the Secretary, and I know

1 he has heard it, because I have heard from him.

2 On the other hand, I am not certain that I want to  
3 prescriptively manage his Department for him. I think he  
4 has got a very grave range of responsibilities, and he  
5 ought to have some latitude to try to figure out how best  
6 to discharge those responsibilities.

7 I can see both sides of it. The majority chose to put  
8 this language in. I did not choose to make a fight about  
9 it, although we have discussed it at length.

10 Senator Johnston. I am not going to fall on my sword  
11 about this language. You know, staff has been dealing back  
12 and forth with Bill Horn, whom I like, but the fact of the  
13 matter is, they put report language in last year and he  
14 disregarded it.

15 We don't want him to go without salary; we just want  
16 him to do what he is supposed to do.

17 Senator Stevens. Mr. Chairman, let's leave it this  
18 way. I am not going to offer an amendment now, but when  
19 the bill comes back from conference, there will be plenty  
20 of amendments and disagreement. I will offer an amendment  
21 to knock that out. I think it is just bad policy. Maybe  
22 he will get the message between now and then.

23 Senator Johnston. Can you lean on the Secretary to  
24 make the commitment to do this? We will be glad to  
25 withdraw it if we will get a clear commitment.

1 Senator Hatfield. Mr. Chairman?

2 Chairman Stennis. Yes, the Senator from Oregon.

3 Senator Hatfield. Would the Senator yield for a  
4 question? I am looking at page 49 of the bill, which has  
5 to do with the application of pesticides. It appears, as I  
6 read it, that we are validating the state's permit, and, I  
7 would assume, notwithstanding the Federal role that  
8 normally is played either through NEPA or EPA or other such  
9 Federal agencies relating to control of pesticides.

10 Having gone through a series of problems with tussock  
11 moth and gypsy mouth and mountain pine beetle and a few  
12 other things that attacked forest lands, I know the  
13 difficulty in being able to use pesticides, and I am just  
14 concerned that we have just gone through a long problem  
15 with agricultural pesticides controlling weeds. What was  
16 that one called?

17 Senator McClure. Dinoceb.

18 Senator Hatfield. Called Dinoceb. I am just asking  
19 the question, really: Are we circumventing the normal  
20 procedures that are set forth in Federal statutes on the  
21 use of pesticides?

22 Senator Johnston. Let me say that these black flies  
23 are a big problem for Senator Byrd.

24 (Laughter.)

25 Senator Johnston. It has been certified as a public

1 health problem for the residents of and visitors to the  
2 southern counties of West Virginia, and it is a hell of a  
3 mess. They say this pesticide will really help clear it  
4 up.

5 (Laughter.)

6 Senator Hatfield. Frankly, when I saw this, I didn't  
7 connect it to Senator Byrd. I guess that was my first bad  
8 piece of observation. I want to say to the Senator, we had  
9 800,000 acres of prime forest land threatened by the  
10 tossock moth, and the only known counteraction was DDT, and  
11 it was on the forebode enlist. We had to go through a long  
12 process in order to free up a temporary use of that  
13 particular pesticide. Otherwise, we would have lost  
14 800,000 acres of land.

15 I know a little bit about some of the problems on  
16 dealing with pesticides, and I also am an environmentalist.  
17 But I am just concerned about precedent here,  
18 notwithstanding my desire to be helpful to the Majority  
19 Leader at any time I can be helpful, and I have  
20 demonstrated that in the past.

21 But I must say that I am bothered, as one who is  
22 concerned about having been a part of environmental  
23 legislation, if did they find that the Federal agencies  
24 were unresponsive. Did they find the Federal agency vetoed  
25 the effort? What is the background?

1 Senator Johnston. I think the Director of the Park  
2 Service will not approve the permit for BTI. Of course,  
3 BTI is used extensively. As a matter of fact, we do have  
4 money in here to use it on the tussock moth in Oregon, as I  
5 understand it. Is that correct?

6 Senator Hatfield. We don't have any tussock moth  
7 problem at the moment. We have a gypsy moth problem.

8 Senator Johnston. Whatever that moth is, we can use  
9 BTI on it to kill it.

10 Senator Hatfield. The point is, the gypsy moth  
11 warfare has been approved by the Federal agencies that  
12 govern the use of pesticides. Now, my question is, did  
13 Federal agencies not approve this?

14 Senator Johnston. This pesticide, as I understand, is  
15 registered with EPA. I think the problem is that the Fish  
16 and Wildlife Service recommends that a full IES be done,  
17 and that would take a great deal of time. BTI is approved  
18 and it is effective, and it is a terrible problem.

19 Senator Hatfield. I understand. But I would also,  
20 for the record, indicate we lost over 100,000 acres of rich  
21 timberland before we could get the process completed in  
22 order to free up the use of a pesticide on the tussock  
23 moth.

24 I can appreciate his problems, but I still think it is  
25 bad precedent for us on an appropriations bill to

1 countermand a Federal ruling on the use of pesticides  
2 without some kind of reference to the authorizing  
3 committee, which the Senator from Louisiana is the chairman  
4 of. The Senator from Idaho is the ranking member.

5 Senator McClure. We have some responsibility about  
6 the national river, but not its flies.

7 (Laughter.)

8 Senator Hatfield. I can see, I hope, I have made a  
9 point.

10 Senator Johnston. I will relay your deep concern and  
11 the fact that this is not creating a precedent to all  
12 concerned.

13 Senator Stevens. On the contrary. I hope it does  
14 create a precedent. If we are going to do it, for other  
15 people, I remember when we lost over one million acres of  
16 Alaska forest, and we couldn't spray it at all.

17 If we are going to do this, I want everybody to know  
18 it is a precedent.

19 Senator Johnston. Let it stand for whatever precedent  
20 it stands for.

21 (Laughter.)

22 Senator D'Amato. Mr. Chairman, sometimes it is good  
23 to keep some of those prerogatives and don't handicap ones  
24 self. I support the Senator's contention. Maybe you need  
25 the precedent that time.

1 Senator Johnston. Mr. Chairman, I think we are ready.  
2 There is no amendment pending. We are ready to approve the  
3 chapter.

4 Senator Domenici. I do have one, Senator.

5 Senator Johnston. Which one, Peter?

6 Senator Domenici. Are you finished?

7 Senator Domenici. I want to strike those three words.

8 Senator Johnston. Mr. Chairman, against, I won't say  
9 against my better judgment, but after the strong persuasion  
10 of the Senator from New Mexico, I will agree to go along  
11 with the striking of the words "at this time" --

12 Senator Hatfield. I think that is very helpful.

13 Senator Johnston. -- in the Senator's amendment,  
14 recognizing that it does cost us \$25 million.

15 Senator Domenici. It doesn't cost anything.

16 Senator McClure. I approve this action, and I applaud  
17 the acting chairman of the subcommittee.

18 Senator Domenici. I thank the distinguished acting  
19 chairman, and I would indicated that for those who are  
20 interested, I will put in the record the states affected:  
21 The distinguished acting chairman's state is affected  
22 adversely. Almost every Senator here -- I looked around --  
23 except five are adversely affected, and in a rather  
24 substantial way. They wouldn't be under the bill, because  
25 you have already decided that the House was wrong, eight

1 months through the year, in changing a program.

2 But we will not go on record that we have done this in  
3 any equivocating manner by taking those words out.

4 Senator McClure. He agreed.

5 Senator Johnston. I am taking yes for an answer.

6 Senator Hatfield. I want to thank the Senator, too.

7 Senator Johnston. If there is no further amendments --

8 Senator McClure. Has the Domenici amendment been  
9 agreed to and adopted?

10 Chairman Stennis. The Senator from New Mexico, yours  
11 was agreed to?

12 Senator Johnston. It was accepted.

13 Senator Domenici. The distinguished chairman and  
14 ranking member accepted it.

15 Senator Johnston. We accepted the Domenici amendment,  
16 Mr. Chairman, and are prepared to close the chapter.

17 Chairman Stennis. You have accepted it. Do you have  
18 anything? Do you move to close the chapter?

19 Senator McClure. I second the motion.

20 Chairman Stennis. The motion is made and seconded to  
21 close the chapter which we have just completed. It has  
22 been completed. Those in favor of closing the chapter now  
23 let it be known by saying aye.

24 (A chorus of ayes.)

25 Chairman Stennis. Opposed, no.

1                   (No response.)

2                   Chairman Stennis. The ayes seem to have it. The ayes  
3 do have it. The chapter is closed.

4                   What is the further pleasure of the committee?

5                   Senator Chiles. Mr. Chairman, I am ready with Labor,  
6 Health and Human Services.

7                   Chairman Stennis. On our list now we have now come to  
8 Labor, Health and Human Services, Education and Related  
9 Agencies; Chairman Senator Chiles; ranking minority member,  
10 Senator Weicker.

11                  Senator Chiles. Thank you, Mr. Chairman.

12                  Chairman Stennis. I recognize Senator Chiles.

13                  Senator Chiles. Mr. Chairman, the recommendations for  
14 this Labor, Health and Human Services Education  
15 Subcommittee totaled \$375.7 million. This is approximately  
16 \$3 million less than the House, even after the House made  
17 their 21 percent across-the-board cut. We have attempted  
18 to include only time-sensitive items of an emergency  
19 nature.

20                  We have received requests to provide funding for many  
21 worthwhile projects from some of our members in here and a  
22 lot of our colleagues. Those projects that are not truly  
23 time sensitive or urgent we have said we would defer those  
24 for consideration in the regular 1988 cycle.

25                  We have included the necessary funding for the

1 homeless legislation in Title IV of this bill, which has  
2 passed the Senate. Funding has also been included for an  
3 AIDS public information initiative that has been requested  
4 by the Centers for Disease Control.

5 Also, to respond to the AIDS epidemic, \$30 million is  
6 recommended to be allocated to the states to help defray  
7 the cost of AZT and other AIDS life-prolonging drugs.

8 The \$8,000 to \$10,000 annual cost of these drugs puts  
9 it beyond the financial reach of many AIDS patients.  
10 Language has been included to transfer \$287 million for  
11 spending authority from the grant student loan program to  
12 the Pell grant program. That transfer is necessary to  
13 avoid an across-the-board reduction in the size of the 1987  
14 Pell grants.

15 Mr. Chairman, those are the highlights of this  
16 chapter. Senator Weicker, the ranking member, and his  
17 staff have provided invaluable advice and assistance in  
18 preparation for these recommendations. I call on him for  
19 any statement he might want to make.

20 Senator Weicker. Mr. Chairman, I want to thank the  
21 distinguished chairman and his staff for putting forth what  
22 is a joint effort here and which I concur completely in,  
23 and I would hope --

24 Chairman Stennis. Let's have quiet, please. Let's  
25 hear the Senator.

1 Senator Weicker. I would hope that the presentation  
2 of Chairman Chiles is agreed to.

3 Senator Chiles. Mr. Chairman, I want to make just a  
4 couple of other remarks, and we will have a couple of  
5 amendments. First, I want to say that this bill is \$371  
6 million over the 1987 budget in budget authority; \$149  
7 million over in outlays. Of that \$149 million, \$98 of that  
8 is the emergency homeless bill, which everybody in this  
9 body was mostly supportive of.

10 If you take that off of our \$149 million, we are \$60  
11 million over the 1987 appropriation, our budget authority  
12 level, our outlay authority level.

13 Senator Nickles. Of the total bill, or this section?

14 Senator Chiles. This section. The total bill is  
15 over. I point that out because there are \$125 billion in  
16 our section, in Title VII, and of that \$125 billion, we are  
17 roughly \$60 million over, \$149 if you count the homeless.  
18 We are \$60 over that. We have worked pretty hard to hold  
19 it down.

20 At the same time, putting on my budget hat, I think we  
21 have to point out that the committee bill adds \$2.5 billion  
22 in budget authority and \$2.7 in outlays to our current  
23 level deficits.

24 The largest portion of that, of this bill, is \$7.3  
25 billion is for pay raises, veterans compensation, family

Senator Lowell P. Weicker  
Labor - HHS

OPENING STATEMENT

I'D LIKE TO COMMEND OUR SUBCOMMITTEE CHAIRMAN, SENATOR CHILES, FOR HIS RECOMMENDATIONS REGARDING THE LABOR/HHS/ED CHAPTER OF THIS BILL. WHILE THE OVERALL BUDGET RESTRAINTS PRECLUDED THE INCLUSION OF A NUMBER OF ITEMS WE WOULD OTHERWISE HAVE STRONGLY SUPPORTED, THE SUBCOMMITTEE RECOMMENDATION INCLUDES FUNDING FOR CERTAIN ITEMS THAT ARE OF AN URGENT NATURE. I AM SPECIFICALLY REFERRING TO THE \$30 MILLION FOR THE PROVISION OF THE AZT DRUG FOR AIDS SUFFERERS WHO OTHERWISE WOULD NOT BE ABLE TO AFFORD THIS POTENTIALLY LIFE-SUSTAINING TREATMENT.

I AM ALSO VERY PLEASED ABOUT THE INCLUSION OF \$20 MILLION WHICH IS NEEDED BY THE CENTERS FOR DISEASE CONTROL (CDC) TO CONDUCT THE MOST COMPREHENSIVE PUBLIC EDUCATION CAMPAIGN EVER UNDERTAKEN -- A MASS MAILING TO EVERY HOUSEHOLD IN AMERICA ABOUT THE POTENTIAL RISKS OF CONTRACTING THE DISEASE AND AIDS PREVENTION EFFORTS.

THE PELL GRANT SUPPLEMENTAL IS ALSO OF MAJOR IMPORTANCE TO THE NEARLY 245,000 NEEDY STUDENTS WHO WOULD OTHERWISE HAVE THEIR AWARDS ELIMINATED SHOULD IT NOT BE PROVIDED. THIS WAS A REQUEST OF THE ADMINISTRATION AND, I MIGHT ADD, A GOOD ONE. UNFORTUNATELY, THE 21% ACROSS-THE-BOARD REDUCTION ON THIS AND NEARLY EVERY OTHER PROGRAM IN THE HOUSE BILL WOULD MEAN AN ELIMINATION OF 70,000 AWARDS FOR LOW-INCOME STUDENTS.

FURTHER, SOME 986,000 PELL GRANTS WOULD BE REDUCED ONCE LINEAR REDUCTIONS WERE IMPOSED.

I'D LIKE TO ADD SOME COMMENTS ABOUT THAT 21% CUT. MR. CHAIRMAN, I KNOW THAT SENATOR CHILES JOINS ME IN OUR FRUSTRATION OF WANTING TO DO EVEN MORE FOR VARIOUS IMPORTANT HEALTH, LABOR AND EDUCATION PROGRAMS:

- 1) TARGETED JOBS TAX CREDITS,
- 2) SUMMER YOUTH EMPLOYMENT PROGRAM, AND
- 3) MENTAL HEALTH CLINICAL TRAINING,

ARE JUST A FEW EXAMPLES OF WHAT WE WERE FORCED TO EXCLUDE, BUT WHICH THE HOUSE DID INCLUDE. WHILE WE TRIED LABORIOUSLY TO PROVIDE FOR URGENT NEEDS AT SUFFICIENT LEVELS, THE HOUSE IN MANY AREAS OF THIS BILL SEEMED TO LOAD UP THE BILL WITH AS MUCH AS POSSIBLE BUT THEN IMPOSED A 21% CUT. THIS JUST FUELS THE FIRE OF CRITICISM THAT WE CANNOT COME UP WITH RESPONSIBLE BUDGET LEVELS ON OUR OWN -- THAT WE SEEM TO NEED AN EXTERNAL MECHANISM TO FORCE US TO LIVE WITHIN REALISTIC TARGETS. I OPPOSE THIS MEAT AXE APPROACH AND THEREFORE SUPPORT EVEN MORE THE DIFFICULT BUT RESPONSIBLE CHOICES WE HAD TO MAKE IN THE LABOR/HHS CHAPTER.

1 social services and the CCC that are already included in  
2 current levels.

3 However, after we do that, the bill will increase the  
4 1987 outlays by \$2.7 billion over the current levels.  
5 Almost half of that is for retirement contributions, not in  
6 the current levels. Unfortunately, although the committee  
7 was supposed to absorb retirement costs in last year's  
8 subcommittee mark, each area was supposed to absorb those  
9 costs. Failure to do so has left these mandatory items  
10 unfunded.

11 The larger half of this total, \$1.5 billion, is for  
12 discretionary items. The 70 percent of that increase is  
13 for defense and foreign aid, those discretionary items.  
14 They were not in our levels of what our budget authority  
15 and budget outlays were supposed to be.

16 Only \$176 million of this total is for discretionary  
17 items included in the Budget Resolution that we are now  
18 debating on the floor.

19 So again, much of those items are not included there.  
20 Since the bill is going to add to our outlays when we  
21 already exceed our deficit --

22 Senator Domenici. Mr. Chairman, could we have order?

23 Chairman Stennis. May we have order, please?

24 Senator Chiles. It is very clear that a point of  
25 order will lie against the bill. The Chairman is going to

1 need a waiver when the bill comes to the floor. I suppose  
2 we have to ensure that the retirement portion of this bill  
3 is funded. No way those agencies are going to be able to  
4 make up that kind of money now.

5 I think it is something that the committee ought to  
6 look at very strongly if we are going to say, when we start  
7 putting away putting our crosswalk totals and as part of  
8 our budget resolution or the savings, if we are going to  
9 require agencies to eat their retirement funding or to  
10 provide it and then we don't do that and we come through  
11 every year with a supplemental.

12 We might as well just recognize we are not holding  
13 anything to those totals.

14 Senator Nickles. Would the chairman yield?

15 Senator Johnston. Yes.

16 Senator Nickles. Is that that Congress' fault, or is  
17 that the agency's fault?

18 Senator Johnston. I think it is the agency's fault,  
19 but it is our fault if we allow it to happen, if we keep  
20 allowing it to happen, just like whose fault is it now with  
21 the Japanese situation with our trade? And I think a lot  
22 of that is our fault. We allowed it to happen over these  
23 years.

24 Senator Nickles. Would we have that problem if we  
25 didn't fund it?

1 Senator Johnston. I don't know how you do that on a  
2 mandatory item like retirement now at this stage. I think  
3 we should sort of put ourselves on notice of where we find  
4 ourselves next year as we start dealing with this.

5 As the other elements of the bill, I want to commend  
6 the chairman and the ranking member for what they have  
7 tried to do to hold these costs down. Compared to where  
8 the House is, we are considerably below, and compared to  
9 where the requests are, we are still below, but at some  
10 stage when we go to the floor, I am still worried about  
11 what kind of amendments may come on the floor and what  
12 technical changes or other changes could be made on the  
13 floor, and I really think maybe -- the Senator from  
14 New Mexico can speak for himself -- but I think we have to  
15 reserve anything that we are going to do on the bill to see  
16 what does happen on the floor.

17 Again, I just point out that some of the  
18 subcommittees, I think, have worked very hard to see that  
19 only those things that are of emergency nature have come  
20 through, but when you see a lot of these requests, they are  
21 discretionary spending. They were not part of the Budget  
22 Resolution, and we are over in this bill, and I think those  
23 are things that we have to consider.

24 We are not pure on our subcommittee, but when you look  
25 at total of \$149 million out of \$125 billion, we have come

1 pretty close, and especially when \$89 of that was housing.

2 Senator Nickles. Would the chairman yield for a  
3 question?

4 Senator Domenici. Go ahead.

5 Senator Nickles. I was just going to ask you, we have  
6 discussed in the budget committee before, and I noticed you  
7 have, what, \$30 million for a one-year, one-time  
8 appropriation for AZT?

9 Senator Chiles. That is right.

10 Senator Nickles. Next year, the demand is going to be  
11 greater. How much next year? I just question how much.

12 Senator Chiles. We are encouraging the states to pick  
13 that up through Medicaid. We think that is where it ought  
14 to be done. I think where we found ourselves is we  
15 encouraged that over 5,000 people to come in as tests to  
16 provide the test of this drug.

17 The drug has now been rendered out there. I mean, it  
18 has been useful. It is not a cure, but it was the feeling  
19 that we should not sort of pull the rug out from under  
20 these folks and literally sort of take their life away. We  
21 have tried to construct this to say this is not the  
22 beginning of a new grant program. We are urging the states  
23 to pick this up. I think the point that the Senator makes  
24 is a good one.

25 Senator Hatfield. Would the chairman yield for a

1 question?

2 Senator Chiles. Yes.

3 Senator Hatfield. What if we put in a little score in  
4 this appropriation that no outlays in this supplemental  
5 shall be scored as it relates to the deficit for FY87 or  
6 FY 88? Just exempt it.

7 Senator Chiles. If we are going to do that, why don't  
8 we just add a hell of a lot more outlays, if we are going  
9 to do that? I have got some other projects I would like to  
10 put in there, if we are not going to score it.

11 Senator Hatfield. I was just thinking that perhaps we  
12 could just exempt the scoring as we did in the Budget  
13 Resolution.

14 Senator Chiles. I assume that I am being poked fun  
15 at.

16 (Laughter.)

17 Senator Chiles. I have been poked a little bit this  
18 week, so you are not.

19 Senator Domenici. Mr. Chairman. I will not poke fun  
20 in that regard. I have already done my share of that.

21 Let me express this my way. I think the distinguished  
22 Chairman of the Budget Committee has stated the case. This  
23 is a situation that cries out for us to take some  
24 procedural reform in that this supplemental, as we are  
25 going to report it, I mean, we can't wish away the fact

1 that it spends some money. So we are in accord.

2 We are trying to figure out how much does it spend in  
3 outlays. We end up agreeing that it is \$2.7 billion. I am  
4 talking about outlays. Now, the fact of the matter is that  
5 at this particular moment, we are already \$13.3 billion in  
6 outlays over the budget. When you add this \$2.7, we are  
7 \$16 billion over in outlays.

8 Obviously, the Budget Act is pretty clear as it  
9 applies to the Senate that this bill is subject to a point  
10 of order very simply because we said we were going to stick  
11 to a certain outlay level and we are going to be not \$2.7,  
12 which is this bill, we are going to be \$16 billion over.

13 But the interesting thing is that in budget authority,  
14 we are not going to be over. We are at \$1.4 billion under.  
15 So the U. S. House is going to say, if they were to adopt  
16 our supplemental, they are going to say, "We have not broke  
17 the budget. We are right within," when, as a matter of  
18 fact, nobody could really tell you anything different than  
19 what the chairman and I are telling you. You are \$16  
20 billion over on the outlay side.

21 We chose, in the Senate, to say that it is outlays  
22 that cause deficits. Therefore, we bind ourselves to an  
23 outlay number. So this bill is going to be subject to that  
24 point of order. I don't know what will happen. We will  
25 see and probably talk together about it. But I want to

1 make one second point.

2 You know, the chickens come home to roost eventually.  
3 At evening, when everything is finished, they come home.  
4 When you pass an appropriation measure and you say, "Here  
5 it is, here is the bill for the year," and you don't  
6 include the pay increase that you are going to have to pay  
7 for, you know the chicken is going to come home and you are  
8 going to have to make the pay increase. That is a big part  
9 of this.

10 When you pass an appropriation bill and you say it  
11 fits the budget but you don't include the Federal Employees  
12 Retirement System requirement -- and we knew that. I am  
13 not here being critical. I am merely making a statement.  
14 We knew we were going to have to contribute to the Federal  
15 Employees Retirement System, but we put it off.

16 Now, that is here. In fact, those two items eat up a  
17 substantial portion of the \$2.7; am I not right?

18 Senator Chiles. Well, yes, except in the Federal pay,  
19 part of that, some of that was set aside. It is the  
20 retirement that put us over.

21 Senator Domenici. We set some aside assuming it would  
22 happen.

23 Senator Chiles. Right.

24 Senator Domenici. But in essence, I say to the  
25 committee, it seems to me that we ought to both be bound by

1 the same set of rules, which is one of the rules I have,  
2 one of the things I have suggested. If outlays cause the  
3 deficit and it is outlays that you add up to see what the  
4 deficits are, we have the budget when we had the  
5 supplemental that is, indeed, \$16 billion over. The House  
6 doesn't have a different budget. It is the same \$16  
7 billion over in outlays.

8 Senator Hatfield. Would the Senator yield for just a  
9 moment?

10 Senator Domenici. I will not only yield, but I am  
11 finished.

12 Senator Hatfield. The same observation was made by  
13 the leader of the Budget Committee addressed to the  
14 membership of the Appropriations Committee, which is a very  
15 appropriate action at any time. I would like to ask the  
16 Senator, though, in that there is a larger responsibility  
17 than just the two committees that we are talking about.

18 Because of that \$13 billion that we are now over in  
19 terms of the deficit, this current fiscal year, let me ask  
20 the Senator: is that by the actions of the Appropriations  
21 Committee that has caused that? Or is that some of the  
22 farm programs and other programs that the corporation known  
23 as the Senate, the institution of the Senate as a whole,  
24 that again, we have to look at it?

25 Senator Domenici. Absolutely right.

1 Senator Hatfield. I think beyond the Appropriations  
2 and the Budget Committees' jurisdiction, look at the fact  
3 that we are having to deal by that \$13 billion, not by the  
4 action of this committee.

5 Senator Domenici. Two billion, I think, may be  
6 attributable, \$2 billion, I think, Mr. Chairman, may be  
7 attributable directly to appropriations activities. The  
8 rest, the distinguished former chairman is correct.

9 Senator Weicker. Mr. Chairman, are we still on this  
10 section?

11 Senator Chiles. I have a couple of amendments.

12 Mr. Chairman, Senator Weicker and I are co-sponsoring  
13 amendments to the chapter that will add \$22,750,000 to the  
14 bill. The first is for the Maternal and Child Health Care  
15 Block Grant Program. Our amendment would add \$18,750,000  
16 to the last quarter funding to correspond with the increase  
17 in the program authorization that occurred last year after  
18 the Labor-HHS Education appropriations bill passed.

19 That program has focused on the health needs of  
20 mothers and children. The focal points were Federal  
21 efforts to reduce the country's high infant neonatal  
22 mortality rate. Senator from Arkansas, Senator Bumpers  
23 brought this to our attention. This is an item that should  
24 be included.

25 The second item adds \$4 million for General Clinical

1 Research Centers funded by the National Institutes of  
2 Health fourth quarter shortfall for the 78 centers located  
3 across the country, and those centers provide in-patient  
4 research beds, labs and skilled staff to support human  
5 subject research and NIH funded research. That is also  
6 really of an emergency nature.

7 Those two items, we would like to propose that they be  
8 included. I don't know whether the Senator from Arkansas  
9 wants to say a word. Did the Senator from Arkansas wanted  
10 to say a word on this?

11 The Senator from Arkansas is recognized.

12 Senator Bumpers. Mr. Chairman, I want to thank the  
13 chairman for adding this money for maternal and child  
14 health care. There are 11 million children in this country  
15 who have no health insurance and are not eligible for  
16 Medicaid. This is just a pittance compared to what we  
17 ought to be doing in this program.

18 There is no more cost effective program in health care  
19 in the United States or maybe in any other field. The  
20 figure runs anywhere from a 3 to 1 cost up to \$10 for every  
21 dollar we spend. In my state, for example, we have a lot  
22 of children who go to crippled children's clinics. They go  
23 to crippled children's clinics. Would have absolutely no  
24 care for congenital, physical defects if it weren't for  
25 this program.

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1        There are 25,000 pregnant women who are served in this  
2 program at paternity child health care clinics every year.  
3 I say this, because I certainly don't want to say no to  
4 less, but I do want to point out that out of 25,000  
5 pregnant women, this program serves just 20 defective  
6 children. Just 20 defective children is enough, if they  
7 were institutionalized for a lifetime, would more than  
8 offset this \$18 million. That is how dramatic this program  
9 is.

10      Senator Chiles. Mr. Chairman, I would move the  
11 amendments be adopted en bloc.

12      Senator Weicker. Seconded.

13      Chairman Stennis. Excuse me?

14      Senator Chiles. I move the two amendments be adopted  
15 en bloc.

16      Chairman Stennis. All right. Second the motion?

17      Senator Weicker. I second the motion.

18      Chairman Stennis. Further discussion? Those in favor  
19 of the adoption of the two amendments, as moved, please,  
20 by saying aye.

21      (A chorus of ayes.)

22      Chairman Stennis. Those opposed, no.

23      (No response.)

24      Chairman Stennis. The ayes have it. The amendment is  
25 adopted.

1 Senator Chiles. I ask unanimous consent that some  
2 report language by Senator Harkin be provided at this point  
3 in the record.

4 Chairman Stennis. Without objection, the request will  
5 be granted.

6 Senator Chiles. Mr. Chairman, I move adoption of the  
7 section as amended.

8 Chairman Stennis. Move the adoption of what?

9 Senator Chiles. Move to close this section.

10 Chairman Stennis. Yes. The motion is to close this  
11 section.

12 Senator Chiles. Including Title IV relating to the  
13 homeless.

14 Chairman Stennis. That is the consideration. Is  
15 there objection?

16 (No response.)

17 Chairman Stennis. There is none. It is agreed to.

18 That brings us down now to the Legislative Branch  
19 Subcommittee. The Chairman is Senator Bumpers; the ranking  
20 minority member is Senator Grassley.

21 All right, Senator Bumpers.

22 Senator Bumpers. Mr. Chairman, just one second here.

23 Mr. Chairman, the Legislative Branch --

24 Chairman Stennis. Let's have quiet, gentlemen. I  
25 think this will move faster if we just give him a chance.

1 Senator Bumpers. The Legislative Branch chapter  
2 contains a total of \$14.3 million of programmed  
3 supplementals. That is \$5.8 million below the requested  
4 amount and \$1.8 million above the House. It also contains  
5 \$16,415,000 for pay cost supplementals and \$54,459,000 for  
6 estimated 1987 costs of the new Federal Employees  
7 Retirement System.

8 The committee has also identified savings in fiscal  
9 1987 in the west central front project of the Capitol in  
10 the Architect's office. That is \$4 million we have  
11 identified we can save that they are not going to need.

12 When our program compares with items in the House and  
13 Senate jointly, we are considerably below the House  
14 allowances, and we are deficit neutral.

15 Mr. Chairman, this bill provides for an unforeseen  
16 requirement of the Senate and our support agencies without  
17 needed additions. I would be glad to answer any questions  
18 of the Committee, but let me just say I do have two  
19 amendments of a technical nature, and I submit them and ask  
20 that they be considered en bloc first.

21 The first one clarifies certain provisions in last  
22 year's law stating that they are permanent law. These two  
23 things, if you are interested in all of them, one of them  
24 is child care facilities for the Senate, and the other is  
25 for additional positions for the Capitol Police.

1       The final amendment simply changes a misprint that was  
2       really the fault of the Government Printing Office. I move  
3       the adoption of those two amendments.

4       Chairman Stennis. All right. Is there any further  
5       discussion?

6       Senator D'Amato. Mr. Chairman?

7       Chairman Stennis. Or arguments to make?

8       The Senator from New York, I believe he is the ranking  
9       minority member.

10      Senator Grassley, you go ahead.

11      Senator Grassley. Mr. Chairman, members of the  
12       committee, I only have one amendment to this section, and I  
13       am offering this amendment at the request of Senator  
14       Chafee. This amendment has been requested by the  
15       Republican Conference Committee, and that is under Senator  
16       Chafee's chairmanship. It seeks to give the conference the  
17       authority to transfer not more than \$40,000 from the salary  
18       account to be available to meet certain expenses.

19      Identical language was included in both the fiscal  
20       year 1985 and fiscal year 1986 supplemental appropriation  
21       bills, and in fiscal year 1985, the conference was  
22       authorized to utilize up to \$65,000 for this purpose. In  
23       fiscal year 1986, it was half that amount, about \$30,000.

24      The amendment, though, is written so that it would be  
25       both for the majority as well as the minority conference.

1 It is not just for the Republicans. It would apply to both  
2 conferences. Let me ask Senator Bumpers. It was my  
3 understanding that you would approve of this; is that  
4 right?

5 Senator Bumpers. I certainly do approve it. It is  
6 certainly a very good amendment. We have done it in the  
7 past, but we have been just been doing it on a yearly  
8 basis. Mr. Chairman, it allows the Republican Conference  
9 and the Democratic Conference to shift monies from their  
10 salary account over to their expenditures account in the  
11 sum of \$40,000 a year instead of \$30,000.

12 There should be no objection to it. We have been  
13 doing it on a yearly basis. All this does is it extends it  
14 to this year.

15 Chairman Stennis. Thank you. Do you want to proceed?

16 Senator Grassley. I move the adoption of the  
17 amendment.

18 Chairman Stennis. The motion is the amendment by  
19 Mr. Grassley be adopted. The motion is also for two  
20 amendments offered by the Senator from Arkansas to be  
21 adopted.

22 Senator Bumpers. Mr. Chairman, I would move to close  
23 the chapter, and I thank the Senator from New York.

24 Chairman Stennis. We haven't passed on the amendment  
25 yet.

1 Senator Nickles. Mr. Chairman, I have a question  
2 before you close it.

3 Senator McClure. Let us adopt the amendment.

4 Chairman Stennis. So many as favor the two amendments  
5 offered by the Senator from Arkansas let it be known by  
6 saying aye.

7 (A chorus of ayes.)

8 Chairman Stennis. Those opposed, no.

9 (No response.)

10 Chairman Stennis. The ayes have it. The amendment is  
11 adopted.

12 Now, those who favor and vote for the Senator  
13 Grassley's amendment, let's vote on that one.

14 Senator Grassley. He wants to adopt my amendment.

15 Senator D'Amato. It was adopted?

16 Senator Grassley. No.

17 Chairman Stennis. The motion is that your amendment  
18 pass. Is there objection? The chair hears none, so that  
19 amendment is passed. That is three.

20 The Senator from New York wants recognition. I  
21 recognize him.

22 Senator D'Amato. Thank you, Mr. Chairman.

23 Mr. Chairman, I have an amendment on behalf of Senators  
24 Wilson and Cranston with regard to the administrative and  
25 clerical assistance. What this amendment attempts to do is

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1 to deal with the different amounts and to set up a system  
2 whereby states can, with regularity, determine what this  
3 amount will be based upon population. Right now, there are  
4 some disparities.

5 I have spoken to the chairman of the committee,  
6 Senator Bumpers. He believes that he can accomplish and  
7 accept this. He would like to make some additional  
8 clarifications in this area. It sets a system of  
9 compensation or monies allocated on populations so that we  
10 don't have skips in the system, and I would hope that  
11 before the bill comes to the floor, we would be able to  
12 work that out, and I will convey that message to both  
13 Senator Cranston and Wilson.

14 Senator Bumpers. Mr. Chairman, I thank the Senator  
15 from New York for raising this question. The Senators from  
16 California were particularly interested in getting an  
17 increase in their allotment. In all fairness, they are due  
18 one. They have not had an increase in their allowances in  
19 the Senate since the population of California was 21  
20 million. It is now 27 million. They are under  
21 considerable pressure, and I think we ought to redress  
22 that.

23 We have two or three other problems. Senator Nunn has  
24 brought to my attention that the present allowance schedule  
25 does not provide anything in the categories from six to

1 seven million. The category at present is from five to  
2 seven million. Since Georgia has just gone over the six  
3 million mark, he would like to see the category changed  
4 from six to seven million.

5 North Carolina also fits in that category. We have an  
6 additional problem. We have a number of states with less  
7 than two million people, all the way from Wyoming's roughly  
8 500,000 to West Virginia's 1,900,000. Senators Byrd and  
9 Rockefeller, for example, with 1,950,000, get precisely the  
10 same allowance that Senators Wallop and Simpson get for  
11 500,000 people.

12 So all I say to the Senator from New York is rather  
13 than try to deal with this on a piecemeal basis here,  
14 between now and the time this bill comes up on the floor, I  
15 will get with interested parties and particularly members  
16 of the Rules Committee and see if we can't agree on  
17 something and solve all of these problems at one time.

18 Senator Stevens. Would the Senator yield?

19 Senator Bumpers. I would be happy to.

20 Senator Stevens. I am interested in helping the  
21 people from California. I am also of the opinion that we  
22 have to keep in mind the problem of the balance of the  
23 monies that are spent in the Congressional system. You  
24 mentioned the problem of the large states are  
25 West Virginia, for instance, compared to Wyoming. My state

1 would be like Wyoming; probably Vermont and one of the  
2 Dakotas, too.

3 If you look at the House side, the House has, what,  
4 45? How many Congressmen do you have now, from New York?

5 Senator D'Amato. Thirty-five.

6 Senator Stevens. Thirty-five. We have one. So if  
7 you look at the total expenditure of the Congressional  
8 system, there is an imbalance in the House compared to the  
9 Senate with regard to these states. I think something has  
10 to be done to look at the mechanisms to respond to these  
11 people. Twenty-seven million people writing to the  
12 Senators from California, they obviously need some clerical  
13 assistance.

14 On the other hand, there are some other problems that  
15 we have got that you all don't have. The acceleration of  
16 transportation costs, for instance, to go from here to  
17 Alaska. It used to cost me \$300 when I first came here.  
18 It costs well over \$900 to go up there now.

19 Senator Bumpers. Does the formula now not take into  
20 consideration some of those factors such as that?

21 Senator Stevens. The Rules Committee ought to join  
22 you in going into the overall question of these allowances  
23 across the board, is what I am saying. California has made  
24 a good case. I think there are some other matters out  
25 there that also need attention. We have not looked at them

1 now since my time in the Senate.

2 Chairman Stennis. Gentlemen, there is no immediate  
3 motion pending now. That subject has been well presented  
4 here. Shall we pass on to the next item?

5 Senator Nickles. Mr. Chairman, I just wish to ask the  
6 Senator from Arkansas a question. Included in this is,  
7 just for my information, one \$89,500 for the surviving  
8 spouse Cece Zorinsky. Is that just a one-time amount?

9 Senator Bumpers. That is. That has been customary in  
10 the Senate to provide for a year's salary to the spouse of  
11 a Senator who dies in any given year. That is a one-shot  
12 affair.

13 Senator Stevens. There is a general authorization,  
14 and it has never failed to be complied with.

15 Senator Nickles. I think it is fine. I just wanted  
16 to be aware of what it was. Let me ask another question.  
17 There is also \$1.3 million to provide severance pay for  
18 Senate employees. What is that, and how many employees  
19 will be covered?

20 Senator Bumpers. Just a second, Don.

21 Chairman Stennis. Gentlemen, we would like to proceed  
22 on, now, if it is agreeable to the Committee. The next  
23 item here that I have is Agriculture.

24 Senator Burdick. Mr. Chairman?

25 Chairman Stennis. The next item I have is --

1 Senator Stevens. Mr. Chairman, there is still a  
2 matter here, if we can settle it, and I think I can settle  
3 it for the Senator from Oklahoma. That is subject to the  
4 certification by the Rules Committee of the actual  
5 entitlement pursuant to the basic rule that applies to  
6 termination when there is a change of control in the  
7 Senate. It happened in 1981, and it has happened now.

8 There are people that have become eligible for that  
9 special termination pay. That is the estimate that we  
10 have. We cannot certify to you how many people are  
11 eligible, because it is determined by how many people are  
12 employed within a certain period of time by another agency  
13 of government. It is the amount that we estimate in the  
14 Rules Committee that may be necessary, and we have asked  
15 for that amount.

16 Senator Bumpers. That is correct. We did that in  
17 1981 when the Republicans took control of the Senate under  
18 a general authorization. We are doing the same thing this  
19 time. A lot of it is because Republicans had a lot of  
20 staffers who could not be retained as a result of their  
21 reduction in personnel.

22 Senator Stevens. But they had to stay on board until  
23 the change in January because there was a possibility of a  
24 special session and a lot of other things in that period.

25 Senator Nickles. I understand. Are they receiving a

1 year's salary?

2 Senator Bumpers. Oh, no, nothing like that; one  
3 month.

4 Senator Stevens. One month subject to reduction by  
5 whatever Federal pay they would receive if they transferred  
6 to another job.

7 Chairman Stennis. Members of the committee, I think  
8 we finished that section now. We have disposed of the  
9 amendments.

10 Senator Bumpers. I move the section be closed,  
11 Mr. Chairman.

12 Chairman Stennis. Yes. Is there a second?

13 Senator Proxmire. Second.

14 Chairman Stennis. Is there any objection to closing  
15 this section? Hearing none, I would be glad to close that.

16 The next we have is Agriculture, Rural Development and  
17 Related Agencies Subcommittee. The chairman is Senator  
18 Burdick; the ranking minority member is Senator Cochran.

19 Is Mr. Burdick here?

20 Senator Burdick. Mr. Chairman?

21 Chairman Stennis. Yes. There he is. All right.

22 Senator Burdick. Mr. Chairman, I want to point out  
23 the urgency of passing the Supplemental Appropriation  
24 because of the need for providing funds for the Commodity  
25 Credit Corporation. Without the funds appropriated in this

1 bill, the Commodity Credit Corporation has to be shut down  
2 and will, in fact, shut down tomorrow, May 1st.

3 When this happens, all payments by the Commodity  
4 Credit Corporation to farmers and ranchers will cease.  
5 Many of these payments are made monthly, such as storage,  
6 handling, transportation of CCC's inventory, reduced  
7 storage payments, dairy program payments, and conservation  
8 reserve program payments. These payments are crucial for  
9 many farmers to adopt or they will face severe difficulties  
10 in continuing their operation and putting food on the  
11 table.

12 Therefore, I hope that we will proceed with this  
13 supplemental appropriations bill in an expeditious manner  
14 and it should pass without much controversy. In that  
15 light, I would like to propose two changes in Chapter X of  
16 the bill dealing with Agriculture. The first change that I  
17 am proposing is to delete a provision which was added by  
18 the subcommittee which requires the transfer of \$200  
19 million from the Emergency Loan Program to the Direct  
20 Operating Loan Program.

21 The Farmers Home Administration has now instituted a  
22 program which pools unused funds in the Direct Operation  
23 Loan Program and is making those funds available to states  
24 in need. In place of that bill requiring the transfer, I  
25 am suggesting substitute report language which urges the

1 Farmers Home Administration to use this Emergency Loan  
2 Fund, if necessary, and to keep the committee apprised of  
3 whether there is an insufficiency of funds for the Direct  
4 Operating Loan program.

5 I hope there will be no objection to this change. I  
6 ask that the amendment be made.

7 Chairman Stennis. All right, Senator. Senator  
8 Cochran? May we have quiet, please?

9 Senator Cochran. Mr. Chairman? Mr. Chairman, I am  
10 happy to join with the distinguished chairman.

11 Chairman Stennis. Let's suspend just a moment. Let's  
12 see. I believe there are seats for everyone who wishes to  
13 sit down. I wish everyone would sit down, please, and  
14 let's have quiet. These matters are important.

15 Senator Stevens. I have a question about this  
16 chapter, Mr. Chairman, when we get to it.

17 Chairman Stennis. Let's hear the ranking minority  
18 chairman.

19 Senator Cochran. Mr. Chairman, I am happy to join  
20 with the distinguished chairman of the subcommittee and  
21 recommend to the Full Committee that it approve this title  
22 of the bill.

23 I do have one objection to a provision which I, at the  
24 proper time, Mr. Chairman, will offer an amendment to  
25 strike that deals with cargo preference. Let me just point

1 out that this is a very critical provision of the whole  
2 bill in that \$6.7 billion is needed by the Commodity Credit  
3 Corporation by the end of this week, tomorrow, in order to  
4 continue making payments under farm programs for storage,  
5 for loans, for other benefits and provisions of the Farm  
6 Bill that relate to all the commodity crops that are very  
7 important.

8 Letters from the Department of Agriculture support the  
9 need for that money now. There are other critical items in  
10 the bill, including a transfer of funds for salaries and  
11 expenses of ASCS employees; \$1 million for dairy indemnity  
12 for heptachloric contamination for dairy herds in Arkansas,  
13 Missouri, and Oklahoma; emergency funds for bo weevil  
14 eradication programs in Alabama, Georgia, and Florida that  
15 are of an emergency nature; and an additional \$2 million  
16 for the Foreign Agriculture Service to help deal with the  
17 problems brought on by the sharp decline and the value of  
18 the dollar overseas and the programs of the Foreign  
19 Agriculture Service.

20 This is a section which I think the committee will  
21 want to support. I commend the distinguished chairman of  
22 the subcommittee for his leadership except with respect to  
23 the provision relating to cargo preference which I will  
24 have an amendment on in just a moment, Mr. Chairman.

25 Chairman Stennis. All right, gentlemen.

1 Senator Stevens. Mr. Chairman?

2 Chairman Stennis. Let's see what the chairman has to  
3 say.

4 Senator Burdick. Could I have some action on the  
5 amendment?

6 Chairman Stennis. Yes, oh, yes. In time, but we have  
7 others on the floor.

8 Senator Stevens. I would like to ask the chairman  
9 some questions. I remember so well the battle I had when I  
10 was chairman of the Subcommittee on Defense about the  
11 assistance to universities. I am sure all the members will  
12 remember that. I have had a little problem up at my  
13 university of Alaska concerning agriculture research. I am  
14 quite interested in the impact of this chapter in dealing  
15 with \$10 million to Louisiana State University for  
16 facilities; \$8 million for North Dakota University for  
17 facilities. I note the House had \$16 million for the  
18 Pennsylvania State University facilities.

19 There is a Northern Crop Institute mentioned here for  
20 \$1.2 million and \$2 million for an international trade  
21 center in Iowa.

22 Senator Bumpers. What is your point, Senator?

23 Senator Stevens. Is there peer review? I remember  
24 getting beat over the head about this. I am very serious.  
25 Is there a peer review board here on this?

1 Senator Johnston. These are the peers.  
2 Senator Stevens. You are the peers. All the times  
3 when I was the peer, nothing went to the University of  
4 Alaska. I note that it is going to the states of the  
5 members of the majority of the Agriculture Subcommittee. I  
6 am serious, now.

7 Senator Bumpers. That is most unusual.

8 Senator Stevens. What is going to happen to the  
9 University of Alaska that is trying to get going and  
10 utilize 22 million acres of land in Alaska that has  
11 agriculture potential and they are closing our Agriculture  
12 Extension Service?

13 Senator Leahy. Will the Senator yield?

14 Senator Johnston. They sent it to an Army division,  
15 instead.

16 (Laughter.)

17 Senator Leahy. Actually, the payroll is bigger.

18 Senator Stevens. That was just a light division.

19 (Laughter.)

20 Senator Stevens. If you want to make it heavy, I  
21 might keep quiet.

22 (Laughter.)

23 Senator Stevens. I am serious. Is there some peer  
24 review board on this? Is there?

25 Senator D'Amato. Yes, committee of the hold.

1 Senator Stevens. I am serious. Is there a peer  
2 review board to say these universities have areas of  
3 expertise and they are to be done?

4 Senator Bumpers. They are appointed by the ranking  
5 member.

6 Senator Leahy. If the Senator would yield.

7 Senator Stevens. I didn't notice any in Mississippi.

8 Senator Leahy. If the Senator would yield at some  
9 appropriate time, I will point to this committee at some  
10 appropriate time. I am going to be seeking money for a  
11 microbiology center to be named in honor of the retiring  
12 Senator Robert Stafford. That has had a peer review. I  
13 just want to say that.

14 Senator Stevens. Are you suggesting I have to retire  
15 for the University of Alaska to get some money?

16 (Laughter.)

17 Senator Leahy. I want the Senator to draw whatever  
18 conclusions he wanted.

19 (Laughter.)

20 Senator Leahy. I just want it known that that does  
21 come up. We did get a peer review on it. It is under the  
22 section and there has been a peer review and they support  
23 it.

24 Senator Stevens. I better wait for my money.  
25 Mr. Chairman.

1 Chairman Stennis. Let's proceed on these.

2 Senator Burdick. Mr. Chairman, I have another one  
3 here.

4 Chairman Stennis. All right, Senator Burdick.

5 Senator Burdick. The second change I suggested on  
6 this bill deals with the cargo preference provision that I  
7 had inserted in the committee print. Recently, on March  
8 31st, we received testimony from the Department of  
9 Agriculture that the Department of Transportation had not  
10 paid any of the costs that are required by law under the  
11 cargo preference compromise which was attributed to the  
12 increase of cargo preference on U. S. flag ships.

13 At that time, I inquired why the Department of  
14 Transportation did not simply pay the bill in the first  
15 place rather than having the Commodity Credit Corporation  
16 pay the bill and then attempt to get reimbursed at the  
17 Department of Transportation.

18 The officials at the time indicated they did not know  
19 exactly why this was and that it would be a preferable  
20 position to take. That is why I added language in this  
21 bill which would prohibit CCC from paying these increased  
22 costs since the law comprises that support requires DOT pay  
23 these costs.

24 Since that hearing, however, and since putting this  
25 provision into the bill, there has been considerable

1 progress made on the matter. I am now enformed that the  
2 Department of Transportation has made a partial payment for  
3 a bill it has received from the CCC and additional payment  
4 is expected very soon.

5 I also understand that part of the problem in getting  
6 the Department of Transportation to reimburse CCC is that  
7 CCC took considerable time in sending the bill to DOT.  
8 Therefore, in view of the fact that progress has been made  
9 and the payments have been made, the Departments of  
10 Transportation and Agriculture have come to an agreement, I  
11 recommend that we delete this section of the bill to  
12 restrict CCC funds for this purpose.

13 Chairman Stennis. All right. Senator Cochran?

14 Senator Cochran. Mr. Chairman, I have no objection to  
15 either of the amendments that have been proposed by the  
16 chairman of the committee. The first simply substitutes  
17 report language for bill language relating to funds for the  
18 Farmers Home Administration and Agricultural Credit  
19 Insurance Fund.

20 The second amendment that the chairman described is  
21 one that deletes language that was in the bill that related  
22 to cargo preference. That would still leave some other  
23 objectionable language which I will offer an amendment to  
24 strike in just a moment.

25 At this point, there is no objection on this side to

1 either of the two amendments that the chairman has offered.

2 Senator Burdick. I move to adopt.

3 Senator D'Amato. Wait.

4 Senator Burdick. I move the two amendments.

5 Chairman Stennis. All right, Senator Burdick. You  
6 are recognized.

7 Senator Burdick. I move the approval of the two  
8 amendments.

9 Chairman Stennis. Any further discussion? All right.

10 The Senator from New York, you held your hand up  
11 first.

12 Senator D'Amato. I have no discussion, Mr. Chairman.

13 Senator Cochran. Mr. Chairman, I would like now,  
14 since the bill is open for amendment, to proceed to offer  
15 the amendment that I have described that I would offer, and  
16 that is an amendment to strike the other section of the  
17 cargo preference provision that is contained in the bill.

18 Senator Johnston. Is this a substitute to his  
19 amendment?

20 Senator Cochran. This is not a substitute. It is a  
21 motion to strike, on page 74, lines 6 through 21. I might  
22 say, Mr. Chairman, that this amendment is cosponsored by  
23 Senator Stevens.

24 Senator Proxmire. Would the Senator from Mississippi  
25 yield? Shouldn't we act first on the Burdick amendment?

1 that have been moved?

2 Senator Cochran. They have been adopted.

3 Senator Proxmire. They have not been approved, have  
4 they? To my understanding, they have not been approved.

5 Senator Burdick. Are they or aren't they?

6 Senator Stevens. They are.

7 Chairman Stennis. I have made no approval yet, formal  
8 approval of the amendment.

9 Senator Stevens. I beg your pardon.

10 Chairman Stennis. I am ready to. No discussion from  
11 anyone? All right, without objection, those two amendments  
12 are agreed to.

13 Senator Cochran?

14 Senator Cochran. This amendment is cosponsored,  
15 Mr. Chairman, by the distinguished Senator from Alaska,  
16 Mr. Stevens, Mr. Inouye and Mr. Hollings. The reason why  
17 this amendment is offered, Mr. Chairman, is that in the  
18 Committee Print, there is a provision that would require  
19 the allocation month-by-month of a certain percentage of  
20 P.L. 480 shipments to Great Lakes ports.

21 This is objectionable for the reason that two years  
22 ago, Senators will remember that we had a knock-down,  
23 drag-out fight on the floor of the Senate over cargo  
24 preference as a provision of the 1985 Farm Bill. Senators  
25 may remember that there were six straight amendments

1 dealing with the percentage of the allocation of shipments  
2 that should be made to the Great Lakes ports.

3 On six straight votes, the Senate spoke very clearly  
4 supporting an allowance, an allocation based on annual  
5 tonnage. What this provision in the bill does that the  
6 chairman has caused to be put in there is to allocate a  
7 percentage month-by-month which would remove any  
8 flexibility that the administrators have in allocating  
9 equitably the shipments of P.L. 480 goods among the various  
10 port ranges, the Gulf Coast, West Coast ports and East  
11 Coast ports.

12 I am suggesting that it would be really a tragedy if  
13 this Committee now approved what amounts to an amendment to  
14 that compromise which was fashioned on the floor of the  
15 Senate two years ago that would change the law with respect  
16 to cargo preference shipments. It would take away the  
17 flexibility of the administrators. MIRAD is strongly  
18 opposed to this provision being in the bill. The  
19 Department of Agriculture is strongly opposed.

20 I am suggesting that we ought to recognize the fact  
21 that the leaders of the Commerce Committee and those who  
22 worked on issues of this kind for a long time are opposed  
23 to this provision being in the bill and are co-sponsoring  
24 the amendment to strike.

25 I hope the Senators will strike this provision and not

1 permit this amendment to be made on the Supplemental  
2 Appropriation bill that will upset a compromise that we had  
3 a hard time working out but that we did work out two years  
4 ago on the floor of the Senate.

5 Senator Stevens. Would the Senator yield for a  
6 moment, Mr. Chairman?

7 Senator Burdick. Mr. Chairman?

8 Senator Stevens. As Howard Baker used to say, "I  
9 ain't got no dog in this fight," except that I had the job  
10 of working out that compromise, and it has worked. The  
11 Commerce Committee members that I have talked to really  
12 believe that this is not the place to reopen that fight  
13 now. If you want to reopen it, I am sure we can get a  
14 commitment to have a hearing in the Commerce Committee and  
15 address it to see if there is some inequities developed  
16 that we didn't understand at the time we entered the  
17 compromise.

18 But I would urge you not to do this. That took us  
19 three to four days on the floor to work that compromise  
20 out. The Senator is right; this will upset that balance.  
21 I would urge you not to do it.

22 Senator Burdick. I just want to say to both my  
23 friends across the table there that this does not in any  
24 way change the cargo preference law. It doesn't change  
25 anything. This issue has the support of the agency, the

1 Department of Transportation, the St. Lawrence Seaway  
2 Development Corporation, and all of them have recommended  
3 this change.

4 What does this mean? This means that the 441 metric  
5 tons of shipment that was envisioned by this law has now  
6 been reduced to half, and by 20,000 tons. That is what has  
7 happened. It has not worked out the way the law planned  
8 for it. So that is a gross inequity.

9 Senator Proxmire. Would the Senator from North Dakota  
10 yield?

11 Senator Burdick. Yes.

12 Senator Proxmire. I strongly support the Senator from  
13 North Dakota. I do hope the Committee will support the  
14 chairman on this matter. The fact is that we did have a  
15 knock-down, drag-out fight in December of 1985, a year and  
16 a half ago. Compromise was worked out, and the purpose of  
17 the compromise was that we would have a some kind of fair  
18 allocation of cargo in the Great Lakes.

19 Now, what has happened is we get about 15 percent of  
20 Title II money. We get 4 percent of overall shipping  
21 activities of P.L. 480 in the Great Lakes. Furthermore,  
22 this is the cheapest means of transportation. We haven't  
23 gotten our share, and the reason why we need this is  
24 because in the first couple of months of this year, we have  
25 really been short changed. There is no question about

1 that.

2 We are getting far, far less than we should get, and  
3 if we don't have some monthly allocation, which is, as the  
4 chairman of the committee has pointed out, strongly  
5 supported by the St. Lawrence Seaway people and also by the  
6 Department of Transportation, if we don't get that, we will  
7 be shortchanged for this year for sure. There is no way  
8 they can provide it all in July and August and September.  
9 We have to do it on a monthly basis.

10 Senator Kasten. Mr. Chairman?

11 Chairman Stennis. All right, Senator, do you wish  
12 recognition?

13 Senator Kasten. Mr. Chairman, I would like to also  
14 speak in support of the committee position and in  
15 opposition to the Cochran amendment. The Senator from  
16 Mississippi is correct. We had an agreement, and the  
17 Senator from Alaska and others of us were part of that  
18 agreement. We did deal with this subject in the 1985 Farm  
19 Bill, and it was agreed that the U. S. flag requirement for  
20 P.L. 480 cargo would be increased from 50 percent to 75  
21 percent over three years in exchange for exempting other  
22 USDA export assistance programs from cargo preference  
23 requirements. That was what we did.

24 At the same time, we were involved in this debate to  
25 ensure that the Great Lakes ports that do not have

1 U. S. flag service or as much U. S. flag service as the  
2 Gulf ports do. We also, therefore, were being harmed, and  
3 the agreement was that they would not be further harmed;  
4 that we made, in addition to this 75-25 as opposed to 50  
5 percent agreement, we also made an agreement to maintain  
6 the 1984 share of P.L. 480's cargo handled by the ports on  
7 the Great Lakes.

8 That was part of the agreement that we made. In the  
9 process of going from the shift, the 50-50 to 75-25, the  
10 Great Lakes ports would not lose, we would not have less  
11 than the 1984 share of P.L. 480 cargo.

12 What has happened is that in the process of looking at  
13 these allocations, that second part of the language, the  
14 idea that if Great Lakes ports would not continue to lose  
15 off the 1984 base, that part right now USDA has not  
16 permitted to be effective.

17 Through April of this past year, Wisconsin ports  
18 handled roughly 57,000 short of P.L. 480 cargo. They are  
19 handling, that was April of last year. This year, they are  
20 handling roughly half of that. Most of it is going to one  
21 particular port. It happens to be Milwaukee, and Kenosha,  
22 Green Bay, Superior and others are losing.

23 I agree with everything that the Senator from  
24 Mississippi said except that, and we did make this  
25 agreement, but the last part of the agreement, the part of

167

1 the agreement that was important to some of these smaller  
2 ports has not, in fact, been implement.

3 USDA has is not carrying out that policy, and if the  
4 amendment were to prevail, what it would do, I believe, is  
5 destroy the agreement that we had made when we all came to  
6 a rough agreement on the 1985 Farm Bill. We have got the  
7 information as to the USDA port allocations of Title II,  
8 Food for Peace; April 1987, April 1986 and 1986  
9 year-to-date. I would ask that I could make this part of  
10 the record.

11 (The information referred to follows:)

12 COMMITTEE INSERT

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USDA PORT ALLOCATION TITLE II-FOOD FOR PEACE

	APRIL 1987	1987 YEAR TO DATE	APRIL 1986	1986 YEAR TO DATE
GREEN BAY	-	-	-	1,830
DULUTH	-	-	-	-
SUPERIOR	-	-	15,000	35,750
MILWAUKEE	20,616	28,816	4,400	14,050
KENOSHA	-	3,000	4,950	15,800
CHICAGO	-	-	-	-
BURNS HARBOR	-	-	-	-
LAKES TOTAL	20,616	31,816	24,350	67,430

Report in short tons.

*"Gateway to the Great Seaway"*

1 Senator Kasten. The point is that part of the  
2 agreement was that the 1984 base would be maintained for  
3 the Great Lakes. That has not happened. Only if we have  
4 the language that Senator Burdick has included as the  
5 subcommittee chairman will we be able to maintain the  
6 agreement that was reached.

7 Senator Proxmire. Would my colleague yield just for  
8 an observation?

9 Senator Kasten. I yield the floor.

10 Senator Proxmire. May I say my colleague is  
11 absolutely right. The fact is that last year, we were  
12 below the target, and we had last year, to this date, we  
13 had 67,000 tons. This year, we have only 31,000 tons. No  
14 question about it; that if we don't have some language like  
15 this then we will not keep the agreement that was reached  
16 on the floor of the Senate in December of 1985.

17 Senator Stevens. Mr. Chairman, if I read this  
18 language right, it says none of the funds that have been  
19 made available to come out of the Commodity Credit  
20 Corporation can be used to implement the regulations to  
21 establish the percentage share that we decreed.

22 That means not that you just get restored to what you  
23 ought to get, but we cannot keep the compromise. I think  
24 this breaks the compromise, and we will be back on the  
25 floor, ladies and gentlemen; we will be there eight days

1 this time rather than four. This is the wrong way to do  
2 it. If the CCC is jerking you all around, then let's find  
3 a way to stop that.

4 From the point of view of the compromise, why do you  
5 do this? I don't understand it. Because there are others.  
6 We don't have the proof of what is happening somewhere  
7 else. Is someone else getting the share you think you  
8 should get? Or has just the amount of shipping declined?  
9 There is proof here that our committee ought to have before  
10 we vary this compromise.

11 I am no longer chairman of that subcommittee, and I  
12 wish the chairman of the subcommittee were here. He would  
13 tell you the same thing. This is no way to break a  
14 compromise. We ought to establish the record. If the  
15 situation, if it is not working, let's get the parties in  
16 there again and make it work. If we do this to meet your  
17 problem in Wisconsin, and I accept your statement, both of  
18 you know what you are talking about. But I don't think you  
19 ought to break that compromise in order to rectify the  
20 situation that Wisconsin the Great Lakes share is not what  
21 it should have been under that compromise.

22 Senator Kasten. Mr. Chairman?

23 Chairman Stennis. Senator?

24 Senator Kasten. Mr. Chairman, I just would like to  
25 reply briefly to the Senator from Alaska, and I have got

1 the 1985 bill in front of me. I would refer to page 146.  
2 I can repeat the language here that says that, "Such steps  
3 will be taken as necessary and practicable in effect. They  
4 are saying that we guarantee or at least we make attempts  
5 to maintain the 1984 levels.

6 I don't know the answer to your question.

7 Senator Stevens. You are right. That was the  
8 guarantee, and they ought to keep it.

9 Senator Kasten. But the maintaining of the 1984  
10 levels was important to all of us. We didn't necessarily  
11 have the votes, but we did end up by going along with the  
12 agreement. What has happened is the 1984 levels have not  
13 been maintained. We are assuming that they have not been  
14 maintained because shipping is being diverted outside of  
15 that area; also because of the seasonal nature of Great  
16 Lakes shipping as opposed to the annual nature or the  
17 year-round nature of shipping in some other areas.

18 So what we are trying to get at is to keep that 1984  
19 agreement together, and this is at least one way of doing  
20 it.

21 Chairman Stennis. Members of the Committee, I have  
22 inquiries here of the matters to come before the Committee.  
23 We have adopted the Burdick amendment. We have this  
24 amendment.

25 Is there any further discussion or any further order?

1 Senator Cochran. Mr. Chairman, before we vote, let me  
2 ask that the Senator from Maryland, Ms. Mikulski, be added  
3 as a co-sponsor to the amendment.

4 Chairman Stennis. Very well. It will be so ordered.

5 Is there anything further? All right, your motion is?

6 Senator Cochran. I move the amendment, Mr. Chairman.  
7 Ask for a roll call vote.

8 Chairman Stennis. Let's have quiet, please. There  
9 will be a roll call vote on the Cochran amendment standing  
10 alone. The others have been disposed of already.

11 Let's have quiet. Could everyone find a place to sit  
12 down? Let's move along. Call the roll, please.

13 The Clerk. Mr. Byrd?

14 (No response.)

15 The Clerk. Mr. Proxmire?

16 Senator Proxmire. No.

17 The Clerk. Mr. Inouye?

18 Senator Cochran. Mr. Inouye votes aye by proxy.

19 The Clerk. Mr. Hollings?

20 Senator Cochran. Mr. Hollings votes aye by proxy.

21 The Clerk. Mr. Chiles?

22 (No response.)

23 The Clerk. Mr. Johnston?

24 Senator Johnston. Aye.

25 The Clerk. Mr. Burdick?

- 1 Senator Burdick. No.
- 2 The Clerk. Mr. Leahy?
- 3 Senator Leahy. Aye.
- 4 The Clerk. Mr. Sasser?
- 5 (No response.)
- 6 The Clerk. Mr. DeConcini?
- 7 (No response.)
- 8 The Clerk. Mr. Bumpers?
- 9 Senator Bumpers. Aye.
- 10 The Clerk. Mr. Lautenberg?
- 11 Senator Lautenberg. Aye.
- 12 The Clerk. Mr. Harkin?
- 13 Senator Harkin. No.
- 14 The Clerk. Ms. Mikulski?
- 15 Senator Mikulski. Aye.
- 16 The Clerk. Mr. Reid?
- 17 Senator Reid. No.
- 18 The Clerk. Mr. Hatfield?
- 19 Senator Cochran. Mr. Hatfield votes aye by proxy.
- 20 The Clerk. Mr. Stevens?
- 21 Senator Stevens. Aye.
- 22 The Clerk. Mr. Weicker?
- 23 Senator Cochran. Mr. Weicker votes aye by proxy.
- 24 The Clerk. Mr. McClure?
- 25 Senator McClure. I pass.

- 1       The Clerk. Mr. Garn?
- 2       Senator Cochran. Mr. Garn votes aye by proxy.
- 3       The Clerk. Mr. Cochran?
- 4       Senator Cochran. Aye.
- 5       The Clerk. Mr. Kasten?
- 6       Senator Kasten. No.
- 7       The Clerk. Mr. D'Amato?
- 8       Senator D'Amato. Aye.
- 9       The Clerk. Mr. Rudman?
- 10      Senator Cochran. Mr. Rudman votes aye by proxy.
- 11      The Clerk. Mr. Specter?
- 12      (No response.)
- 13      The Clerk. Mr. Domenici?
- 14      Senator Cochran. Mr. Domenici votes aye by proxy.
- 15      The Clerk. Mr. Grassley?
- 16      Senator Grassley. No.
- 17      The Clerk. Mr. Nickles?
- 18      Senator Nickles. No.
- 19      The Clerk. Mr. Stennis?
- 20      Chairman Stennis. Aye.
- 21      Senator Burdick. Mr. Chairman?
- 22      Senator McClure. Mr. Chairman?
- 23      Senator Stevens. He wants to vote.
- 24      Chairman Stennis. Wait a minute. We are tabulating.
- 25      Senator Stevens. McClure wants to vote.

1 Senator McClure. Mr. Chairman? I vote aye.

2 The Clerk. There are 17 ayes and 7 nays.

3 Chairman Stennis. You heard the call of the vote.

4 The amendment has passed. What is the further pleasure of  
5 the Committee?

6 Senator Johnston. Mr. Chairman? Mr. Chairman, I have  
7 an amendment. On page 70, line 9 add the following  
8 language: "Provided that \$10 million of this amount shall  
9 be made available for a grant for a human nutrition  
10 research center to be designated and established hereafter  
11 as the United States Department of Agriculture Nutrition  
12 Research Center at the Pennington Biomedical Research  
13 Center of Louisiana State University."

14 Mr. Chairman, what this amendment does is puts in bill  
15 language the designation already agreed upon of the  
16 Pennington Center as an agricultural nutrition research  
17 center. There are five such nutrition research centers in  
18 the country today; none in the southeast region. The  
19 Pennington Biomedical Center is a \$25 million center built  
20 with private funds, not at this point occupied, but which,  
21 through a cooperative agreement with the Department of  
22 Agriculture, would be operated as a nutrition center for  
23 the southeast region which, as the Committee, I think, well  
24 knows, is the region with the highest percent of  
25 unemployment, certainly, our state and some of the most

1 difficult nutritional problems.

2 So, Mr. Chairman, I move the amendment.

3 Chairman Stennis. Is there further discussion of this  
4 amendment?

5 Senator D'Amato. Mr. Chairman, I think that this is  
6 an excellent proposal. Having been a sponsor of some of  
7 these myself in the past and having gotten a little heat,  
8 excellent.

9 (Laughter.)

10 Senator D'Amato. I just hope that, Mr. Chairman,  
11 because we have got a little work to complete that Syracuse  
12 project, that my dear friends would be solitious of that  
13 when that comes around.

14 Senator Leahy. Remember that when the Robert Stafford  
15 microbiology center comes floating down.

16 Senator D'Amato. You never see me turn down a  
17 colleague with a meritorious request.

18 Chairman Stennis. Any other amendments?

19 Senator Cochran. May I ask a question of the  
20 distinguished Senator from Louisiana?

21 Senator Johnston. Yes, indeed.

22 Senator Cochran. I don't recall any testimony about  
23 this facility in the hearings that we held in the  
24 subcommittee, and there were some other research centers  
25 discussed by Senators and others which were in need of

1 financial assistance, either for planning, design or  
2 construction funds or equipment or operating.

3 I wonder whether or not, in view of the fact that this  
4 is a center that is has already been constructed and  
5 looking at the amounts of funds being requested for other  
6 similar centers such as the one in Vermont and the one at  
7 Penn State University that are pending and haven't really  
8 been funded by the Committee, whether or not this is a  
9 one-shot deal or is this for funds that will continue to be  
10 used for operation or exactly what are the monies to be  
11 used for?

12 Senator Johnston. This is the initial funding for the  
13 center at Pennington which is, as I say, a \$25 million  
14 center built with private funds which I think is the  
15 unusual part of it; that it is a center already built and  
16 ready for occupancy but not yet occupied.

17 As the Senator knows, the unemployment in our state  
18 and the fiscal situation has prevented us from getting it  
19 open. This will help us.

20 Senator Cochran. Mr. Chairman, let me ask one other  
21 question. I don't want to belabor this. This is a new  
22 matter, and it has not been brought before the committee in  
23 any formal way. Does this mean that the building and the  
24 center will be operated by the Department of Agriculture as  
25 a Federal facility, or will the University continue to own

1 the facility and operate it as the donor, Dr. Pennington,  
2 intended it to be, as a medical research center?

3 Senator Johnston. The real advantage to the  
4 government of this is it is paid for privately, and it will  
5 be operated pursuant to a cooperative agreement with the  
6 Federal government pursuant to their rules, regulations and  
7 directions on the guise of LSU. Of course, it is now,  
8 because it is a \$25 million center already, so it is a real  
9 advantage in that having been already constructed.

10 Chairman Stennis. If there is no further discussion?

11 Senator Leahy. Mr. Chairman? Mr. Chairman?

12 Chairman Stennis. Yes, Senator Leahy.

13 Senator Leahy. I have a question. On page 100 --

14 Senator Johnston. Let me get this finished.

15 Senator Leahy. I'm sorry.

16 Chairman Stennis. You withdraw it? All right.

17 Any other questions?

18 Senator Johnston. I move the adoption of the  
19 amendment

20 Chairman Stennis. The question is on the adoption of  
21 the Johnston amendment. We have not passed on it.

22 So many who favor the adoption of the Johnston  
23 amendment let it be known by saying aye.

24 (A chorus of ayes.)

25 Chairman Stennis. I vote aye.

1           So many as opposed say no.

2           Senator Nickles. No.

3           Chairman Stennis. The ayes seem to have it. The ayes  
4 do have it.

5           Senator Leahy. Mr. Chairman?

6           Senator Grassley. Mr. Chairman?

7           Chairman Stennis. I believe this gentleman over here  
8 had his hand up anyway.

9           Senator Grassley. Mr. Chairman, I have an amendment  
10 that I am going to offer on agricultural programs, and I  
11 would ask my colleagues to listen, because if you just look  
12 at the amendment, you are going to say, "Well, Grassley is  
13 not fiscally responsible because he wants to spend two and  
14 seven-tenths billion on agricultural programs."

15          Chairman Stennis. Would you let me make an  
16 observation here? There is a question coming up about  
17 continuing the session on, you see. We have been here now  
18 since 2:30. I don't know how long it would take to stay  
19 here, but some members are concerned and want to know what  
20 the Committee is going to do.

21          My idea is we would run a little while longer here, 30  
22 or 40 minutes, and see how near we would come to finishing  
23 up these things, and then we will have left all of what is  
24 called items that go to the Department of Defense and so  
25 forth. We would go invade another field. That is a rather

1 a well-known process. It won't take a great deal of time,  
2 but I don't think it is well to try to stay here and finish  
3 up tonight.

4 We are going to be in session, as I understand,  
5 tomorrow. We can have a meeting if we are in session. We  
6 can have a session in the morning and perhaps finish up.

7 But to be have to being long and dragged out as  
8 uncertain is not fair tonight. I hope that is okay to the  
9 group.

10 Senator Bumpers. What time do you want to reconvene,  
11 Mr. Chairman?

12 Chairman Stennis. In the morning?

13 Senator Bumpers. What time?

14 Chairman Stennis. Some time that is thought to be  
15 convenient, nine o'clock.

16 Senator Bumpers. That is not convenient for me.

17 (Laughter.)

18 Senator Hatfield. What time do you get up, Dale?

19 Chairman Stennis. We will come out and wait on you  
20 especially, if there is some problem you have got. We will  
21 wait for you. Let me say that nine o'clock, it seems to  
22 me, is one choice. Ten o'clock is another choice.

23 Senator Bumpers. Let's split the difference,

24 Mr. Chairman. Nine-thirty is a great time.

25 Chairman Stennis. That suits me all right, but there

1 will be members wanting to leave as soon as they can. That  
2 is one thing; you lose them mighty fast. If that is all  
3 right, we will make this a nine o'clock meeting. That is a  
4 general rule on Friday: Get them before they leave.

5 We will go on awhile now if you want to. Those who  
6 want to leave, there is no prohibition on you.

7 Senator Lautenberg. How long are we going to continue  
8 now, Mr. Chairman?

9 Chairman Stennis. We don't have anything actually  
10 pending now.

11 Senator Lautenberg. Just on this bill?

12 Chairman Stennis. I beg your pardon?

13 Senator Lautenberg. Mr. Chairman, I am sorry. I  
14 wasn't clear as to what the recommendation was. Would the  
15 remaining 40 minutes be spent on Agriculture and not take  
16 up the next function until tomorrow morning?

17 Senator McClure. No.

18 Chairman Stennis. We wanted to run long, as fast and  
19 as far as we could where we had a quorum and we had things  
20 to dispose of. I didn't run with it at any particular  
21 time.

22 Senator Bumpers. Mr. Chairman, how many sections do  
23 we have left?

24 Chairman Stennis. We are ready to go.

25 Senator Bumpers. How sections do we have left,

1 Defense and what else?

2 Chairman Stennis. Transportation.

3 Senator Mikulski. Transportation and Post Office,  
4 Senator.

5 Chairman Stennis. Transportation and we have got one  
6 here about Legislation, and defense.

7 Senator Bumpers. Parliamentary inquiry, Mr. Chairman:  
8 Did we have additional amendments on Agriculture?

9 Chairman Stennis. Yes.

10 Senator Leahy. Yes, I have one.

11 Senator Bumpers. The second inquiry, Mr. Chairman, is  
12 the request of the Senator from New Jersey in order to say  
13 that we finish up Agriculture and save the remaining three,  
14 or does the Chairman wish to go longer?

15 Chairman Stennis. No, he hasn't given me any request,  
16 and I don't have any preference.

17 Senator Lautenberg. I would, Mr. Chairman, ask if we  
18 are going to convene and we don't have too many functions  
19 left, I would submit that we ought to move with Agriculture  
20 this evening. You are planning to bring us back in the  
21 morning. We can start with the section which is next in  
22 line. I think it would take just a couple of minutes to go  
23 on that. Then we could finish up the rest of it in the  
24 morning.

25 Chairman Stennis. I am personally agreeable to us

1 going forward. You have something on Agriculture, you say?

2 Senator Lautenbeg. No, sir. No. I don't have much  
3 on Agriculture in New Jersey.

4 Chairman Stennis. We can get hung up on the matter on  
5 time in the morning, but I think it will move along.

6 Senator McClure. Mr. Chairman, I am ready to offer an  
7 amendment to the Agriculture section.

8 Senator Bumpers. Would the Senator yield for just one  
9 additional thing? I think the thing, Mr. Chairman, that  
10 most members are concerned about is Defense. Would it be  
11 fair to request that we start or at least that we know we  
12 have postponed that one section until in the morning?

13 Chairman Stennis. What was that? I am sorry?

14 Senator Bumpers. I said, I think most members are  
15 most concerned about Defense, the section on Defense.

16 Chairman Stennis. Yes.

17 Senator Bumpers. Actually, I put this in the form of  
18 a request: That we go however long the Chairman wants to  
19 go tonight and possibly take up Transportation and Post  
20 Office, but defer Defense until in the morning.

21 Chairman Stennis. That will be suitable. It takes  
22 some time. That is a good suggestion. All right. What do  
23 we have?

24 Senator Grassley. Mr. Chairman, you had recognized  
25 me.

1 Chairman Stennis. That is true.

2 Senator Leahy. I had been recognized.

3 Senator McClure. I yield to the Senator from Iowa.

4 Chairman Stennis. Yes, the Senator from Iowa has the  
5 floor. Let's have conditions, gentlemen, where we can  
6 carry on here.

7 Senator Grassley. Mr. Chairman, I defer to Senator  
8 Leahy, because he said he asked before I did, and that is  
9 perfectly legitimate.

10 Chairman Stennis. Senator Leahy. He addressed the  
11 Chair. Let's have quiet, please, gentlemen. Let's see  
12 what Senator Leahy wants.

13 Senator Leahy. All I have is a question,  
14 Mr. Chairman. On page 100, there is a honey loan program.  
15 We have not had any hearings on this in the Agriculture  
16 Committee yet. As I understand this honey loan program, if  
17 we were to take the action that is in here, that would cost  
18 \$6 million in fiscal year 1987; it would cost \$3 million in  
19 1988; it would cost another \$3 million in 1989, and this \$6  
20 billion in 1988 would be divided up among about 20 people.

21 I am just thinking. If we are going to appropriate  
22 approximately \$300,000 per honey bee owner, we ought to  
23 just put their names in there, at least, and say we are  
24 appropriating \$300,000 to John Doe, such and such and  
25 \$300,000 to Mary Smith, such and such. I mean, they ought

1 to get some notoreity out of this. They ought to have a  
2 chance to have their day and to be in the record.

3 I wonder. I wish we would have caps on all the  
4 programs, frankly, but if we are going to take the cap off  
5 this one and give 20 people \$6 million, I think we ought to  
6 at least have some authorization on it.

7 Senator Cochran. Mr. Chairman?

8 Chairman Stennis. Senator Cochran?

9 Senator Cochran. Mr. Chairman, let me try to respond  
10 by saying that the change in the bill relating to --

11 Chairman Stennis. Let me recognize Senator Grassley.

12 Senator Cochran. -- this program is because this  
13 program --

14 Chairman Stennis. Let me recognize him. I overlooked  
15 him awhile ago. Come on, Senator Grassley.

16 Senator Leahy. I am listening.

17 Senator Cochran. He recognized Senator Grassley.

18 Senator Grassley. Mr. Chairman, my issue is entirely  
19 different than this one.

20 Chairman Stennis. All right.

21 Senator Grassley. It would be wrong for me to discuss  
22 mine while we are in the middle of this.

23 Chairman Stennis. All right.

24 I thought you had finished over there, Senator.

25 Senator Leahy. I would like to get an answer to my

1 question. If I am right on what I have been told by the  
2 Department of Agriculture, which is strongly in opposition  
3 to this, I would like to know it, because I may have to  
4 either move an amendment here or most likely on the floor  
5 to strike this.

6 Chairman Stennis. For the time being, you are  
7 finished.

8 Senator Leahy. I didn't hear the answer. They were  
9 about to answer my question.

10 Senator Cochran. Mr. Chairman?

11 Chairman Stennis. Does anyone want to answer him?

12 Senator Cochran. Mr. Chairman?

13 Chairman Stennis. Yes. Do you want to be recognized?

14 Senator Cochran. I am prepared to try to respond to  
15 the distinguished Senator's question.

16 Chairman Stennis. All right.

17 Senator Cochran. The change in the bill relates to a  
18 double limitation that was placed on this program, a  
19 \$250,000 cap on the deficiency payment program, as well as  
20 a \$250,000 cap on the loan program. It was the only  
21 commodity that was singled out in that way, and so the  
22 removal of the cap on the loan program would make the  
23 limitations that apply to this program the same as those  
24 that apply to all other commodity programs.

25 Senator Leahy. Well, the thing is, though, we have

1 the cap is now at \$250,000. With all due respect, I would  
2 love to see people raise honey, but do we have to give  
3 these beekeepers more than \$250,000? I mean, we have got a  
4 surplus coming to them anyway. This has gone from \$8  
5 million in 1981 to raise honey to \$90 million in 1986.  
6 Maybe we ought to be raising honey on my farm instead of  
7 trees. At least the money would come in a lot quicker.

8 But we have got a cap of \$250,000. Isn't that enough?  
9 Do people need more than \$250,000 from the government a  
10 year?

11 Senator Burdick. Would the Senator yield?

12 Senator Leahy. Of course.

13 Senator Burdick. Do you know one other program that  
14 is capped?

15 Senator Leahy. I would be happy to cap them all at  
16 \$250,000.

17 Senator Burdick. I asked you if any of them have been  
18 capped?

19 Senator Leahy. I vote for caps every single year, and  
20 we are trying to get caps in.

21 Senator Burdick. You still didn't answer any  
22 question. Are they capped?

23 Senator Leahy. All the deficiency payments are  
24 capped. I know of no other that has a loan cap of  
25 \$250,000. I would be happy to see this bill amended to

1 make the loan caps \$250,000 on every farm program. But I  
2 hate to start going the other way and start taking them  
3 off. I think we ought to at least have a hearing.

4 Chairman Stennis. You don't have an amendment now, do  
5 you?

6 Senator Leahy. No, but I will have one on the floor  
7 if this has to stay in.

8 Chairman Stennis. I am just asking you, finding out  
9 who has an amendment here to present now so we won't be  
10 here too long.

11 We will get to you in the morning, Senator Grassley.

12 Senator Grassley. Thank you.

13 Chairman Stennis. We are coming to Senator McClure.

14 Senator McClure. Mr. Chairman, I have some report  
15 language that I have circulated, and I understand that the  
16 chairman and the ranking member of this subcommittee and  
17 the Chairman and the ranking member of the Full Committee  
18 have agreed with respect to the report language dealing  
19 with the problem of the extreme drought that is now  
20 appearing in Idaho.

21 Senator Leahy. I am sorry. I couldn't hear that.

22 Senator Cochran. Mr. Chairman, we have reviewed the  
23 report language and have no objection to it on this side.

24 Senator Leahy. Is there a cost on it?

25 Senator McClure. No. Well, it makes certain counties

1 eligible with respect to disaster assistance and emergency  
2 loans with respect to the disaster which is occurring in  
3 Idaho now with an extreme drought situation.

4 Senator Leahy. Is this similar to any of the  
5 legislation we had in the Disaster Relief Bill that just  
6 went through?

7 Senator McClure. The money is already there. There  
8 is no additional money.

9 Senator Burdick. I have no objection to this  
10 language.

11 Senator McClure. Thank you.

12 Chairman Stennis. All right, gentlemen. It is agreed  
13 to, as I understand it. Any further discussion? If not,  
14 as many who favor the adoption of the amendment that has  
15 been offered let it be known by say saying aye.

16 (A chorus of ayes.)

17 Chairman Stennis. Those opposed, no.

18 (No response.)

19 Chairman Stennis. The ayes seem to have it; the ayes  
20 do have it. The amendment is agreed to.

21 The gentleman from New York.

22 Senator D'Amato. Mr. Chairman, I think I have a  
23 non-controversial amendment. The Chairman's mark on the  
24 supplemental bill has a provision which grants a two-year  
25 extension on the moratorium of the ban on saccharine. We

1 have been extending that ban since 1977, two years at a  
2 time, and we continue to do so.

3 Both the chairman and the ranking member agreed to my  
4 amendment, which extends the ban to five years. In  
5 addition, the authorizing committee, both on Labor and  
6 Human Resources, Senator Kennedy, and the Ranking  
7 Republican, Senator Hatch, support the five-year extension.  
8 I move the amendment.

9 Senator Burdick. I support the five-year amendment.

10 Senator Cochran. We have no objection to the  
11 amendment, Mr. Chairman.

12 Chairman Stennis. All right. Is there any further  
13 discussion? If not, so many as favor the amendment, let it  
14 be known by saying aye.

15 (A chorus of ayes.)

16 Chairman Stennis. Those opposed, no.

17 (No response.)

18 Chairman Stennis. The ayes seem to have it. The ayes  
19 do have it. The amendment is agreed to.

20 Senator D'Amato. Thank you, Mr. Chairman.

21 Chairman Stennis. Any other amendments, gentlemen?

22 Senator Cochran. Did Senator Grassley have the floor?

23 Chairman Stennis. He is going in the morning.

24 Senator Cochran. Mr. Chairman, I have some report  
25 language that we talked about already dealing with the bo

1 weevil eradication program. This is just report language.  
2 It describes the program and what it seeks to do in the  
3 emergency situation in the three states of Alabama, Georgia  
4 and Florida. I would ask that it be included in the  
5 report.

6 Senator Burdick. Accepted.

7 Senator Stennis. You have agreed to the matter?

8 Senator Cochran. Yes, sir, Mr. Chairman. We  
9 recommend it be included in the report. Senator Burdick  
10 has also indicated his approval of this report language

11 Chairman Stennis. That is fine. You have already put  
12 the language in.

13 Senator Cochran. We move that it be adopted.

14 Chairman Stennis. You have heard the motion. The  
15 motion is before Mr. Cochran. As many who favor his motion  
16 let it be known by saying aye.

17 (A chorus of ayes.)

18 Chairman Stennis. The ayes seem to have it.

19 Senator DeConcini. Mr. Chairman, we can't hear.

20 Chairman Stennis. The matter is agreed to.

21 Gentlemen, who else has something fairly brief?

22 Senator Burdick. I move to close except for Senator  
23 Grassley's amendment.

24 Senator Cochran. Did we move to close the Agriculture  
25 section, Mr. Chairman?

1 Chairman Stennis. We will get to that in just a  
2 minute. Let's see if anyone here wishes to offer an  
3 amendment.

4 Senator Grassley. You said I could offer my amendment  
5 in the morning.

6 Chairman Stennis. Yours is in Agriculture.

7 Senator Cochran. Why don't we do it now?

8 Chairman Stennis. I don't want to leave anybody out,  
9 but we can except you.

10 Senator Cochran. I was hoping, Mr. Chairman, we could  
11 conclude the Agriculture section this afternoon. There are  
12 some of us that would like to do something else tomorrow  
13 besides work on the Agriculture section. If that is the  
14 only amendment and the Senator is here, I would hope that  
15 we could bring it up and maybe we could agree to it.

16 Chairman Stennis. See what he says.

17 Senator DeConcini. Mr. Chairman?

18 Chairman Stennis. The Senator from Arizona?

19 Senator DeConcini. Mr. Chairman, if I could make an  
20 inquiry, I don't know what we are going to do in the  
21 Agricultural section. I know that the Senator from  
22 New Mexico and myself are prepared to move ahead on the  
23 next section, the section after next, Treasury. I think we  
24 could do that in a short period of time, because we have  
25 committee amendments that have been agreed to, and there

1 Chairman Stennis. I have no idea to shut anybody out  
2 and I don't want to. If we could fix it up to go on in the  
3 morning, are you going to have more Agriculture in the  
4 morning?

5 Senator Burdick. No, Senator. It is my understanding  
6 that it is just the one amendment left by the Senator from  
7 Iowa, and the chapter will be closed.

8 Chairman Stennis. I will promise him that we will  
9 take care of him in the morning, because I skipped him  
10 unintentionally earlier this afternoon.

11 Senator Cochran. The motion, Mr. Chairman, is, to  
12 close the chapter? Mr. Chairman, if we could restate the  
13 motion, the motion is to close the title on Agriculture  
14 with the exception of the one amendment to be offered by  
15 the Senator from Iowa, Mr. Grassley.

16 Chairman Stennis. I favor that and am going to do it.  
17 I am sure we are getting to it without closing anybody out.  
18 Senator Leahy, you were through, too, for now, anyway.

19 Senator Leahy. Yes. I am going to raise mine on the  
20 floor of the Senate.

21 Chairman Stennis. All right. You don't have anything  
22 you want passed on in the morning in Agriculture?

23 Senator Leahy. I want to be heard on the Grassley  
24 amendment.

25 Chairman Stennis. Oh, yes.

1 Senator Leahy. In the morning, because I strongly  
2 oppose it.

3 Chairman Stennis. In addition, then.

4 Senator, what about you?

5 Senator Burdick. I am for it. I second whatever you  
6 want done.

7 Chairman Stennis. That will take care of him. I just  
8 inadvertently skipped him, as I already told him. I thank  
9 you very much for your attitude about arranging this. We  
10 will recess now until in the morning at nine o'clock.

11 Agriculture is closed with the exception of the  
12 matters that may be offered by the Senator from Iowa.

13 Senator DeConcini. Mr. Chairman?

14 Chairman Stennis. We can take yours up tonight; is  
15 that all right?

16 Senator DeConcini. Yes, sir, if the Chairman will.

17 Chairman Stennis. I am inclined to.

18 Senator DeConcini. Mr. Chairman, thank you. Thank  
19 you very much.

20 Chairman Stennis. That is all right. Let's have  
21 quiet. Some of you stay here, and let's continue on here.

22 Senator DeConcini. Thank you.

23 Chairman Stennis. We tried to accommodate these men  
24 earlier. We will just have to have quiet, please. Have  
25 seats, will you, all of you. I think that will help.

195

1 Senator DeConcini. Mr. Chairman, I appreciate the  
2 lateness of the hour. I am glad the chairman is here. I  
3 am pleased to present Chapter XII of the Supplemental which  
4 covers programs under the jurisdiction of the Treasury,  
5 Postal Service and General Government Subcommittee. As  
6 contained in the Committee Print, the Treasury Chapter of  
7 the Supplemental contains \$177,274,000 in program  
8 supplements, which is \$5.5 million below the House and  
9 about \$11.2 million over the President.

10 This is of great concern, of course, with my ranking  
11 member, Senator Domenici, and I wanted to ask that the  
12 balance of my statement be put in the record.

13 (The statement of Senator DeConcini to be provided  
14 for the record follows:)

15 COMMITTEE INSERT

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STATEMENT OF SENATOR DENNIS DECONCINI  
CHAIRMAN, SUBCOMMITTEE ON TREASURY, POSTAL  
SERVICE, AND GENERAL GOVERNMENT  
CHAPTER XII: SUPPLEMENTAL

MR. CHAIRMAN, I AM PLEASED TO  
PRESENT CHAPTER XII OF THE SUPPLEMENTAL  
WHICH COVERS PROGRAMS UNDER THE  
JURISDICTION OF THE TREASURY, POSTAL  
SERVICE, AND GENERAL GOVERNMENT  
SUBCOMMITTEE.

AS CONTAINED IN THE COMMITTEE  
PRINT, THE TREASURY CHAPTER OF THE  
SUPPLEMENTAL CONTAINS \$177,274,000  
IN PROGRAM SUPPLEMENTS, WHICH  
IS \$5.5 MILLION BELOW THE HOUSE  
AND ABOUT \$11.2 MILLION OVER THE  
PRESIDENT. I WILL HAVE AN AMENDMENT  
TO OFFER SHORTLY THAT WILL BRING

OUR TOTAL CHAPTER UNDER THE PRESIDENT  
BY A SUBSTANTIAL MARGIN.

THE TREASURY CHAPTER ALSO INCLUDES  
\$129,112,000 TO COVER THE COST OF  
THE NEW FEDERAL EMPLOYEE RETIREMENT  
SYSTEM (FERS) FOR OUR AGENCIES.  
THIS AMOUNT IS SLIGHTLY OVER THE  
PRESIDENT BUT \$21.4 MILLION BELOW  
THE HOUSE. AND WE HAVE DENIED THE  
JANUARY 3 PERCENT PAY RAISE FOR  
EVERY AGENCY IN OUR CHAPTER, CUTTING  
\$58.6 MILLION BELOW THE HOUSE AND  
\$3.9 MILLION BELOW THE PRESIDENT'S  
REQUEST.

OVERALL, THE TREASURY CHAPTER  
IS \$85.6 MILLION BELOW THE HOUSE AND  
ONLY \$12 MILLION OVER THE PRESIDENT.  
AGAIN, THE LAST NUMBER WILL CHANGE  
IN A FEW MOMENTS.

3

MR. CHAIRMAN, I WON'T BORE THE MEMBERS WITH THE DETAILS IN OUR CHAPTER. YOU HAVE ALL HAD AN OPPORTUNITY TO REVIEW THE COMMITTEE PRING FOR SEVERAL DAYS AND TO DISCUSS ITS CONTENTS WITH US AND OUR COMMITTEE STAFFS. I BELIEVE THAT THE DISTINGUISHED RANKING MEMBER, SENATOR DOMENICI, AND I HAVE PUT TOGETHER A SECTION OF THE BILL THAT CONTAINS ONLY ESSENTIAL ITEMS AND PROVISIONS THAT MUST BE HANDLED IN THIS PARTICULAR BILL. WE HAVE IMPORTANT REQUIREMENTS. WE HAVE ALSO TRIED TO LIMIT THE AMOUNT OF LEGISLATIVE LANGUAGE TO ONLY THOSE ITEMS THAT ARE TIME-SENSITIVE WITH NO OTHER LEGISLATIVE PROSPECT AVAILABLE TO CORRECT THE ISSUES. AND, WHEREVER POSSIBLE, WE HAVE

ATTEMPTED TO WORK WITH THE ADMINISTRATION IN CRAFTING THE PROVISIONS IN OUR CHAPTER. I BELIEVE THAT OUR CHAPTER IS DESERVING OF THE COMMITTEE'S SUPPORT.

MR. CHAIRMAN, OUR SUBCOMMITTEE WAS PLACED IN THE POSITION OF HANDLING THE ISSUE OF DRUG TESTING OF FEDERAL EMPLOYEES AS A RESULT OF AN AMENDMENT ADDED IN THE HOUSE THAT WOULD ESSENTIALLY FREEZE THE IMPLEMENTATION OF THE PRESIDENT'S DRUG TESTING EXECUTIVE ORDER. IN COOPERATION WITH THE DISTINGUISHED SENATOR FROM MARYLAND, SENATOR MIKULSKI, AND OUR RANKING MEMBER, SENATOR DOMENICI, I HAVE WORKED OUT A COMPROMISE PROVISION THAT I FEEL IS RESPONSIBLE AND PROVIDES SUFFICIENT SAFEGUARDS FOR THOSE

OF US WITH REAL CONCERN'S ABOUT THIS SENSITIVE ISSUE. FURTHERMORE, SINCE THE PRINTING OF THE COMMITTEE DRAFT, I HAVE BEEN WORKING WITH THE ADMINISTRATION TO TRY TO REACH A COMPROMISE ON OUR LANGUAGE. I AM PLEASED TO SAY THAT IN A MOMENT, I WILL OFFER SOME TECHNICAL CORRECTIONS TO THE LANGUAGE IN THE COMMITTEE PRINT THAT WILL MAKE THE DRUG TESTING PROVISION ACCEPTABLE TO BOTH OPM AND THE JUSTICE DEPARTMENT. IN FACT, WITH THESE CHANGES, THEY WILL SUPPORT IT. I HOPE THAT THE COMMITTEE WILL DO LIKEWISE AND LET US TAKE THIS MATTER TO CONFERENCE WITH THE HOUSE.

MR. CHAIRMAN, BEFORE I DO SOME "HOUSEKEEPING CHORES" ON THE CHAPTER, I WANT TO PAY TRIBUTE TO YOU AND

6

TO MY RANKING MEMBER, SENATOR DOMENICI,  
FOR YOUR WORK IN BRINGING THIS SUPPLEMENTAL  
TO THIS POINT. YOU HAVE PUT TOGETHER  
A GOOD BILL AND YOU ARE TO BE COMMENDED.  
SENATOR DOMENICI HAS BEEN TOTALLY  
COOPERATIVE WITH THIS SENATOR IN  
CRAFTING OUR CHAPTER, AS HAS HIS  
OUTSTANDING STAFF MEMBER, BECKY  
DAVIES. IT IS NOT EASY WORKING  
IN THE SHADOW OF THE HIGHLY SKILLED,  
FORMER CHAIRMAN OF THE BUDGET COMMITTEE,  
BUT HE HAS BEEN MOST HELPFUL IN  
WORKING OUT THE DETAILS OF THIS  
CHAPTER AND I AM VERY GRATEFUL.

(END OF STATEMENT: GO TO THE AMENDMENT  
AND TECHNICAL CORRECTION STATEMENT)

1 Senator DeConcini. I want to point out that the  
2 ranking member, Mr. Domenici, has worked tirelessly with me  
3 on this particular chapter, and I want to offer, before I  
4 yield to him for a statement, a number of committee  
5 amendments.

6 One is one that the Senator from New Mexico has  
7 suggested, and I wholeheartedly concur, and I think it is  
8 an excellent idea. This would be to reduce savings of  
9 \$69.2 million in outlays, actually, \$79.2, but we already  
10 took \$10 of this out in the Leahy-DeConcini amendment in  
11 HHS, which has no direct outlay effects on the bill in  
12 total.

13 I also have a technical correction to offer to the  
14 drug testing section of 5023 of the bill and the  
15 accompanying report language. Senator Mikulski has been a  
16 strong advocate of putting together some language which I  
17 offer here as that amendment which ensures, it requires the  
18 OMB to cost out the drug testing programs so that this  
19 Committee can know how much each agency is going to have to  
20 spend to implement the President's program.

21 We have accommodated a number of relatively minor  
22 language changes in the bill, language and, as I said, we  
23 now have the support of OPM and the Justice Department, as  
24 well.

25 In addition, Mr. Chairman, I have an amendment that I

1 offer, and I am prepared to leave this open both for  
2 reconsideration on the floor and in conference, and that is  
3 to prohibit the relocation of the Peace Corps outside of  
4 the Washington, D. C. area. I do this without having the  
5 full information before us but at the request of the head  
6 of the Peace Corps agency. I intend to pursue that with my  
7 ranking member before we go to the floor.

8 Also, modification of the report language on the  
9 clerical pay raises on page 145. I offer that as a  
10 technical amendment. I hope that these amendments might be  
11 adopted en bloc before we open it to other amendments.

12 I am very pleased to yield to my distinguished ranking  
13 member, the Senator from New Mexico.

14 Senator Domenici. Mr. Chairman, I want to compliment  
15 Senator DeConcini, as chairman of the Subcommittee, for the  
16 work he has done. I support the basic recommendation and  
17 have no objection to the amendments that he proposes that  
18 we adopt en bloc and the report language that he suggests  
19 we adopt.

20 I think we have done on this a very difficult,  
21 difficult bill because almost the entire subject matter is  
22 pay and personnel. I think we have done as well as we can,  
23 and I join him in moving the adoption.

24 When he is finished, I have one amendment that I would  
25 like to offer. I don't think it will take longer than a

1 minute or two, but I move the adoption of this portion of  
2 the bill and all the matters that the distinguished  
3 Subcommittee chairman has referred to the Committee.

4 Chairman Stennis. Thank you, Senator.

5 Senator Mikulski. Mr. Chairman?

6 Chairman Stennis. Yes, ma'am?

7 Senator Mikulski. Mr. Chairman, as a member of this  
8 Subcommittee, I wish to support the bipartisan work that  
9 has been done here by Senators DeConcini and Domenici.

10 I want to just make a particular note to some items  
11 that I have that Senator DeConcini has offered in my  
12 behalf. In regard to Federal drug testing, I think that  
13 the work that we have done here takes a responsible and  
14 important step toward the goal of a drug-free Federal  
15 workplace while protecting the rights and safeguards of  
16 Federal employees.

17 In terms of clerical pay raises, I think we have taken  
18 some important steps to get OPM to focus on both morale and  
19 fairness in the system. I thank both the chairman and the  
20 ranking minority leader for their cooperation in this and  
21 look forward to supporting the proposals of the chair.

22 Senator DeConcini. Mr. Chairman, I move, then, the  
23 amendments that I have offered en bloc.

24 Chairman Stennis. Are there any other suggestions,  
25 any other observations, anyone who wants to be recognized?

1                   (No response.)

2                   Chairman Stennis. The chair sees and hears none. The  
3                   members favoring the adoption of this amendment, let it be  
4                   known by saying aye, please.

5                   (A chorus of ayes.)

6                   Chairman Stennis. Opposed, no.

7                   (No response.)

8                   Chairman Stennis. The ayes seem to have it. The ayes  
9                   do have it.

10                  Senator DeConcini. Mr. Chairman, the Senator from  
11                  New Mexico would like to offer bill language.

12                  Senator Domenici. Mr. Chairman, I have an amendment  
13                  that I would believe everyone would agree to. We are  
14                  putting in this bill overall \$1.1 billion in outlays for  
15                  new Federal Employees Retirement program.

16                  The distinguished chairman, Senator DeConcini, has  
17                  inquired of the appropriate agencies of the Federal  
18                  government as to how much money is needed for that program.  
19                  Frankly, all we are doing in that \$1.1 billion is  
20                  estimating that there will be 40 percent of the Federal  
21                  employees that are entitled to convert that will do so and  
22                  then converting the money over and saying we assume 40  
23                  percent, so we are putting \$1.1 billion in.

24                  The testimony is that that could be high, that 40  
25                  percent, or it could be low. My amendment merely says that

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1       in the event that estimate of 40 percent is too high, and  
2       we don't need all of that money, and that is a very real  
3       possibility, that we won't need that entire amount of  
4       money, my amendment very simply says that it is intended  
5       for that purpose only and that if it is not used for that,  
6       it lapses and is returned to the Treasury.

7           I think it is important that we do that, because if it  
8       is off by \$300 or \$400 million, it will be there, available  
9       to spend for something else.

10          Essentially, my amendment says this is what it is for,  
11       and if you don't need it all because your guesstimating is  
12       wrong, then it ought to lapse.

13          Senator Mikulski. I move adoption of the amendment.

14          Senator Reid. I move adoption of the amendment.

15          Chairman Stennis. What be the situation, Senator,  
16       where the money was going for the purposes designated?  
17       That will be a complete article and continue on?

18          Senator Domenici. Continued on, and obviously, it can  
19       have no bad effect on the the retirees, because if our  
20       estimate is wrong in the other direction, we are going to  
21       use up all the money and we will be back with the  
22       Supplemental. I am just trying to protect; in the event we  
23       have a few hundred million we didn't need to spend we ought  
24       to put it back in the General Treasury and not leave it  
25       there.

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1 Chairman Stennis. You are always looking out for that  
2 that you can find and that that you can't find, you look  
3 for it, too.

4 Is there any further discussion of this matter? I  
5 really hadn't caught it that you had an amendment further,  
6 but there is nothing in the agreement that precludes you  
7 from offering the amendment. I am glad that you got it in  
8 tonight rather than later.

9 Senator Domenici. Thank you very much.

10 Chairman Stennis. As many as favor the adoption of  
11 the amendment, let it be known by saying aye.

12 (A chorus of ayes.)

13 Senator Stennis. Those opposed, no.

14 (No response.)

15 Chairman Stennis. The ayes have it. The amendment is  
16 adopted.

17 Senator DeConcini. I want to thank the chairman for  
18 taking this section up today. I want to particularly thank  
19 my ranking member, Senator and also Barbara Mikulski for  
20 working in her area of expertise, particularly the drug  
21 testing role and the range of OPM problems in testing this  
22 bill.

23 I would like, Mr. Chairman, to ask unanimous consent  
24 that the staff be authorized to make the technical  
25 corrections in the report language, and I move the closing

1 of this chapter.

2 Chairman Stennis. All right. Without objection, that  
3 is agreed to about the staff making corrections, if needed,  
4 in the record; also, the closing of the chapter. There is  
5 no objection. It is agreed to.

6 I thank all of you for what you did in working on it,  
7 too.

8 Senator DeConcini. Thank you.

9 Senator Domenici. Thank you, Mr. Chairman.

10 Chairman Stennis. You did a fine job. We will take a  
11 recess now until tomorrow morning at nine o'clock in this  
12 building. The meeting in the morning is at nine o'clock  
13 and will be held here.

14 Thank you for staying with us.

15 (Whereupon, at 6:35 p.m., the Committee was recessed  
16 to reconvene at 9:00 a.m. the following day, May 1, 1987.)  
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