

SUPPLEMENT: BEHIND CLOSED» DOORS

By George Hager

Government in the sunshine it's not, but many appropriators prefer to keep the doors «closed» when they sit down to craft the

multibillion-dollar bills that finance the federal government.

More than half of the 13 House Appropriations subcommittees routinely close their markup sessions. Many of the rest do only perfunctory work in the light of day, arriving at the public session with key decisions already made. Senate Appropriations subcommittees work in the open, but often they, too, do most of their work in private beforehand.

Appropriators have numerous explanations for the secrecy. The Energy-Water and Defense subcommittees in the House assert a national security interest in shutting out the public, but people who have been inside both markups over the years insist that the claim is just a pretext because classified issues are rarely discussed.

William H. Natcher, D-Ky., «closed» his markups after taking over the Labor-HHS Subcommittee in 1979, arguing that it would be too difficult to put together a fiscally responsible bill if special interests could record how every member voted on every amendment. The temptation to vote yes on everything would be too great.

Indeed, in the days when Appropriations committees saw their mission as cutting spending rather than maximizing it, appropriators carried out virtually all of their activities, including hearings, behind «closed» doors.

House appropriators kept all their meetings «closed» through 1970, while Senate appropriators kept about three-quarters of their sessions «closed», according to University of Maryland Professor Allen Schick.

That practice was discarded in the 1970s, but the pendulum has since swung back in the House. Seven of the 13 subcommittees usually vote to close their sessions to the public: Agriculture, Defense, Energy-Water, Labor-HHS, Military Construction, Transportation and VA-HUD. This year, the Interior Subcommittee, which is usually open, voted 8-2 to shut the doors at the urging of Les AuCoin, D-Ore., who was concerned about a politically delicate vote on timber-harvest levels.

That left only five open markups: Commerce, Justice and State; District of Columbia; Foreign Operations; Legislative Branch; and Treasury-Postal Service.

The appropriators' secrecy stems in part from a desire to limit outsiders' ability to leverage the process while the bill is still vulnerable to change. By the time the bill is marked up by the full House committee, appropriators are confident enough to release a printed report that details virtually every dollar in the measure.

Secrecy is rampant again before and during the House-Senate conference, however, when the bill is once again in flux. The obscure dialogue among conferees is virtually impossible to decipher without access to committee conference notes. Sometimes the notes are handed out, sometimes not.

Senate Appropriations subcommittees keep all their markup sessions open, but participants agree that the panels can do that because virtually all the real work is done earlier in private sessions. The chairman and the ranking member typically come to the «meeting» with a joint "mark" that leaves only a handful of issues - if any - undecided.

Much of the nuts-and-bolts work on a spending bill has already been done by the time Senate appropriators receive it from the House. "Some of the 'ha-ha' test has already been passed" on members' requests, says a Senate aide, noting that with only 100 members, the Senate also must winnow far fewer requests than the House.

Actually, both House and Senate appropriators use small rooms to limit attendance by outsiders, even when their meetings are technically "open." House appropriators have a large committee room in the Rayburn Building, but conferences are still

typically held in small rooms in the Capitol, where the few outsiders allowed in are often relegated to standing room only for the hours-long meetings.

Dividing the Pie in Secret

The most secret and closely held meetings of the appropriators take place even before the individual bills are marked up. These are the annual meetings in which subcommittee chairmen divide up the total discretionary spending pie among the 13 subcommittees.

The arcane allocation process is as important as it is private: The size of a subcommittee's allocation can mean life or death for some big projects, feast or famine for whole agencies and departments.

In the House, the 13 Democratic subcommittee chairmen gather in the appropriators' inner sanctum a few steps from the House floor. With only their top staff in attendance, the chairmen discuss and then approve the proposed allocation, which has already been pieced together in private meetings by the staff. The results are subject to approval by the full committee, which this year agreed to them by **voice vote**.

The Senate's procedure is even more closely held. Senate Appropriations Chairman Robert C. Byrd, D-W.Va., says he calls his subcommittee chairmen in one by one, listens to their recommendations and then makes the allocations himself. Republicans need not apply and should not complain.

GRAPHICS: Photo, Even when appropriations hold public markups, key decisions are often made in private consultations, (R. Michael Jenkins).

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