

Congressional Closeup by Carl Osgood

Bush Request for Fast Track Gets Dubious Response

On May 10, President Bush sent to Capitol Hill his formal request for fast-track negotiating authority, now called Trade Promotion Authority (TPA). In his letter, Bush said that he has placed "enactment of TPA at the top" of his trade legislative agenda. The White House views TPA as vital to the completion of the Free Trade Association of the Americas pact. In what is seen as a concession to Democrats and organized labor, the outline that Bush included with the letter promises to "ensure" that trade agreements are compatible with labor and environmental standards. The outline includes a "tool box" of actions that can be taken to promote such standards.

In testimony before the House Trade Subcommittee on May 8, U.S. Trade Representative Robert Zoellick explained that there "is a very strong fear out there in the developing world that we cannot ignore, that the developed countries, including the United States, want to use some of these labor and environmental standards as a new form of protectionism." Therefore, the "tool box," which includes discussion forums, such as the International Labor Organization, to promote labor standards, but excludes coercive measures such as trade sanctions.

That concession may not help the bill very much, however. Even before the outline was released, AFL-CIO President John Sweeney told a meeting of the Council of the Americas on May 7 that Bush probably doesn't have the votes he needs, and that organized labor will "mobilize a campaign to defeat it."

Congressional Democrats were also unimpressed. House Minority Whip David Bonior (D-Mich.) complained, "What good is a 'tool box' if it doesn't contain a hammer to enforce

labor and environmental protections with tough trade sanctions?" Rep. Sander Levin (D-Mich.) added that while discussions with UN agencies can be useful, they "are not a substitute for addressing enforceable core labor and environmental standards in trade negotiations."

Feingold Bill Would Prohibit Private Prisons

On May 8, Sen. Russell Feingold (D-Wisc.) introduced a bill to prohibit the placement of Federal prisoners in private for-profit prison facilities. The bill would also cut off specified Federal funds to states that continue to put state prisoners into such facilities. "Incarceration," he said, "is the penultimate control a state exercises over its citizens. That authority should not be delegated to any private, for-profit entity. We must restore responsibility for public safety and security to our Federal, state, and local governments."

Feingold referred to a number of reports that demonstrate that privately run prisons don't live up to the promises made for them, especially in regards to safety and cost of operation. He referred to reports by the Government Accounting Office and the Federal Bureau of Prisons that conclude that "there is no strong evidence to show that states save money by using private prisons." On safety, Feingold singled out the Corrections Corporation of America facility in Youngstown, Ohio, where 20 inmates were stabbed, two fatally, within ten months of the prison's opening in 1997.

Bush Makes First Judicial Nominations

On May 9, President Bush trotted out his first 11 nominees for the Federal

bench, far fewer than the dozens that had been expected. The announcement came after Democrats had charged the Administration with wanting to pack the Federal court system with right-wing ideologues.

The nominees included three members of the conservative Federalist Society, which has played a high-profile role in the Bush Administration's judicial strategy; one, Washington attorney Miguel Estrada, is a law partner of Theodore Olson, whose nomination to be Solicitor General is being held up because of his own role in the Richard Mellon Scaife-financed "Arkansas Project" legal witch-hunt against President Clinton. Two of the nominees were recess appointments by Clinton, including Roger Gregory to the Fourth Circuit Court of Appeals, who is the first African-American on that circuit. These are seen as attempts to mollify Democrats.

In a press conference, Senate Minority Leader Tom Daschle (D-S.D.) said, "I'm pleased that the White House has chosen to work with us on the first group of nominations." He warned, however, "We will expect to be consulted. We expect that that consultation involve the full participation of Democratic as well as Republican Senators."

Grassley-Baucus Tax Bill Passed by Finance Committee

On May 15, the Senate Finance Committee passed, by a vote of 14-6, a tax package that includes the major provisions of President Bush's tax plan. The package, which had been introduced by committee chairman Charles Grassley (R-Iowa) and ranking member Max Baucus (D-Mont.) on May 11, includes an across-the-board rate

reduction, a phased-in increase of the child tax credit, reduction of the so-called marriage penalty, a phased repeal of the estate tax, and an increase in contribution limits to 401(k) and other retirement plans. Majority Leader Trent Lott (R-Miss.) has promised that the bill will be passed by the full Senate before the Memorial Day recess.

Baucus explained his working with Grassley: "One is much more likely to get something accomplished being at the table than not—that is, being part of the process rather than not." Grassley praised Baucus's bipartisan approach, and said that they both wanted a bipartisan agreement. "We know that we wouldn't get the people's business done without" it, he said.

However, Baucus is getting some grief from his own party for his willingness to work with the GOP. Minority Leader Tom Daschle (D-S.D.) said in a statement that the bill is "nearly as flawed" as President Bush's original plan. The day before, Robert Byrd (D-W.V.), the ranking member on the Appropriations Committee, warned Democrats not to vote for the budget resolution, because its passage "would make it impossible" for him to help Democratic senators get the projects they want in their home states. The bill passed later that day by a vote of 53-47; Baucus was one of five Democrats who voted for the bill.

House Protests Loss of Seat on UN Commission

On May 10, the House voted 252-165 to retaliate against the United Nations for the loss of the U.S. seat on the UN Human Rights Commission, a move which even the Bush Administration expressed reservations about. The vote came on an amendment to the

State Department authorization bill that conditions release of \$244 million in U.S. back dues on the "restoration of full membership" on the commission.

The backers of the amendment expressed rage against the UN for the May 3 vote of the UN Economic and Social Council against the United States. International Relations Committee Chairman Henry Hyde (R-Ill.) called it "a deliberate attempt to punish the United States for its insistence that we tell the truth about human rights abuses, wherever they occur."

Opponents of the measure suggested that the United States look in the mirror before condemning the actions of other countries. Cynthia McKinney (D-Ga.) told the House, "We cannot continually stand before the world community with a finger pointed outward, while never looking inward." She criticized the policies of former Secretaries of State Henry Kissinger and Madeleine Albright for the destructive effects of their policies in Asia and Africa. She described the treatment of minorities, especially African-Americans, in the United States. "What about the human rights of America's black men who are dying on the streets?" she asked.

Patients Bill of Rights Introduced by Breaux, Frist

On May 15, Sens. Bill Frist (R-Tenn.) and John Breaux (D-La.) introduced patients bill of rights legislation that Frist described as building "upon principles that have been outlined by the President of the United States." Frist claimed that the bill covers all Americans, and that it holds health plans accountable for their decisions without "unnecessary" lawsuits, and provides for a "strong" internal appeals process. It includes disclosure requirements, an

external medical review process, and gives Federal courts jurisdiction over liability disputes. It also makes litigation "a last resort." Lawsuits cannot be filed until all appeals have been exhausted.

The Breaux-Frist bill competes with an earlier bill filed by Sens. John McCain (R-Ariz.), Edward Kennedy (D-Mass.), and John Edwards (D-N.C.). Breaux said that while the two bills are similar in many respects, the problem with the McCain-Kennedy bill is that it "cannot become law," because it won't pass the Senate, and even if it did, President Bush won't sign it. The alternative, he said, is to try to "reach a middle ground."

The bill faces an uphill fight in both parties, however. On the Republican side, Sen. Don Nickles (R-Okla.) told reporters, "I'd rather have nothing at all than pass a really bad bill." On the Democratic side, Senate Minority Leader Tom Daschle (D-S.D.) said that he objected to the "lack of accountability" in the bill. Kennedy said, "Like previous Republican proposals, it is an attempt to block reform, not end HMO [health maintenance organization] abuse. . . . It will never command majority support in the House and Senate."

Rep. Charles Norwood (R-Ga.), who was instrumental in crafting the bill passed by the House last year, has been working, at the behest of the White House, to find a compromise between the McCain-Kennedy bill and the GOP. However, on the Breaux-Frist bill, he was uncompromising. He said that "it not only fails to provide adequate protection for patients against HMO abuses, in some instances, it will actually increase the ability of managed-care plans to deny coverage, cause injury and death, and avoid even existing legal responsibility."