

Congressional Closeup by Carl Osgood

Democrats Block Justice Department Nominees

On May 3, Senate Democrats blocked votes on two Justice Department nominees, Theodore Olson to be Solicitor General and Larry D. Thompson to be Deputy Attorney General. Democrats, particularly those on the Judiciary Committee, are outraged at the way that the White House has handled nominations to the Federal bench, including without consulting with the American Bar Association, and are accusing the White House of wanting to pack the judiciary with conservative ideologues.

The immediate issue, however, is the procedures within the Judiciary Committee itself. Patrick Leahy (D-Vt.), the ranking member on the committee, demanded that committee chairman Orrin Hatch (R-Utah) follow the same procedures under President George W. Bush, as those used under President Bill Clinton, with respect to the privileges of the two senators from a nominee's home state. This "blue slip" policy gave weight to the opinions of the home state senators in deciding whether to move forward a nomination. Leahy accused Hatch of trying to change this policy "to the detriment of home state senators." Leahy noted the difficulties that the Clinton White House had in moving judicial nominations, and accused Republicans of trying "to abrogate the Senate's role in choosing judges so that they can create the most ideological bench that we have seen in America ever."

Only minutes after Leahy's remarks, Hatch appeared before reporters to denounce the Democrats for "obstructionist politics." "The Democrats are not only being obstructionist on various legislative matters and using every procedural tactic to block this President's new important bipartisan initiatives; they are also playing

games with this country's law enforcement officials," he said. "I think it's even a more irresponsible matter." He said that the two nominees are "being held hostage for political maneuvering to seek an unprecedented absolute veto on the President's judicial selections."

Bill To Extend Interstate Dairy Compacts Gains Support

On May 2, a bipartisan grouping of 155 members of the House, led by Asa Hutchinson (R-Ark.), announced that they will be introducing legislation to extend the Northeast Dairy Compact and to approve a Southern Dairy Compact.

The Northeast Dairy Compact, made up of the six New England states, was established in 1996 to stabilize milk prices paid to dairy farmers. The Southern Dairy Compact would include Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North and South Carolina, Tennessee, Virginia, and West Virginia. Seven other state legislatures have already approved participation in dairy compacts and six more are considering participation.

Hutchinson told reporters on May 2 that his legislation honors the prerogatives of the states and protects both consumers and farmers.

Bob Etheridge (D-N.C.), one of about a dozen co-sponsors who joined Hutchinson at the press conference, said that North Carolina has now become a net importer of milk because of the loss of dairy farms in that state. "Milk is too important for nutritional needs for all of our citizens, especially for the young and the elderly, for us to allow the price to be controlled by a few powerful corporations," he said.

John McHugh (R-N.Y.) methodically refuted all of the arguments

against such compacts, noting that the Northeast Compact has withstood Federal court scrutiny and that some 1,000 dairy farmers from his area of New York have no trouble shipping milk for processing and sale in the compact area.

Despite the 155 co-sponsors and 25 state legislatures in support, supporters of the bill aren't taking passage for granted. Milk processors and retailers are opposed to the bill. In Massachusetts, it has been reported that some retailers are blaming the compact for \$3 a gallon prices for milk. McHugh suggested that if retail prices are a problem, it's not the farmers who are to blame, but rather the processors and retailers.

Pension Reform Bill Clears House

On May 2, the House passed a bill by a vote of 407-24, to expand the types of pension and retirement plans. The bill, in the words of House Education and the Workforce Committee Chairman John Boehner (R-Ohio), "makes retirement security more available to millions of workers by expanding small business retirement plans, allowing workers to save more, addressing the needs of an increasingly mobile workforce through greater portability, making pensions more secure, and cutting the red tape that has hamstrung employers who want to establish pension plans for their employees."

The bill supposedly accomplishes these things by increasing the IRA contribution limit from the current \$2,000 a year to \$5,000 by 2004, raising coverage and contribution for 401(k) plans, making rollovers easier between different types of plans, and reducing regulatory requirements im-

posed on pension plans. It also reduces the premiums that must be paid by pension plans to the Pension Benefit Guaranty Corp.

Opposition to the bill revolved around the issue of some corporations changing their pension plans from defined benefit plans to cash-balance plans, which resulted in a reduction of pension benefits for employees. Bernie Sanders (I-Vt.) made a motion to recommit the bill back to the Education and the Workforce Committee to be amended to deal with this problem, but it was defeated by a vote of 276-153.

Missing Pages Delay Budget Consideration

At 2 a.m. on May 4, a dejected Porter Goss (R-Fla.) came to the House floor to announce that consideration of a compromise budget resolution would have to wait until May 8. Negotiators had spent all day struggling to assemble an agreement that had been struck between GOP leaders and the White House the day before on a compromise ten-year budget resolution, only to discover that two pages were missing after the conference report had been filed. The missing pages come from the section of the resolution that provides for the tax cuts.

The ever colorful Barney Frank (D-Mass.), who had been querying Goss on the missing pages, was quick to assure the House (and the C-Span audience) that the pages he was asking about were the paper kind. "I want to assure all parents that all pages are present and accounted for," he said.

The agreement, which took about a week and a half to negotiate, provides for \$1.35 trillion in tax cuts over 11 years and a 4.9% increase in discretionary spending for fiscal year 2002.

Both numbers are slightly different from the \$1.6 trillion in tax cuts and 4% increase in discretionary spending that President Bush had asked for. Senate Budget Committee Chairman Pete Domenici (R-N.M.) assured reporters on May 2 that the deal would hold "because you have a different team." GOP leaders have been advising Bush to use his veto pen if he gets any spending bills that exceed the limits set in the budget resolution.

Ironically, Democrats are saying that much of what Bush and the GOP are actually planning to do isn't included in the resolution, leading some to call it a "fraud." On May 8, Sen. Bob Graham (D-Fla.) described the budget plan as "blind and in denial as it relates to the current state of the American economy."

Graham also accused Republicans of reneging on a \$100 billion immediate tax-cut package that had been part of the deal (apparently, that is what was on the two missing pages) by folding it into the general tax cuts. "That is not an action of a Congress that understands the anxiety of the American people . . . about their economic future . . . the vicious spiral toward a serious recession."

House Panel Cuts Vouchers From Bush's Education Plan

On May 2, the House Education and the Workforce Committee voted to strip school vouchers from President Bush's education plan. The voucher plan, while strongly backed by the White House and conservatives, would likely have dragged the bill down to defeat. George Miller (D-Calif.), the committee's ranking member, said after the vote, "This was a big hurdle, and clearly for our continued participation, vouchers had to come out

of the bill."

Committee chairman John Boehner (R-Ohio) vowed to continue fighting for vouchers when the bill comes to the House floor. "I have fought for vouchers to provide school choice to the parents of children in failing schools and I intend to continue that effort," he said. However, the issue seems to have little chance of success, given that the Senate has already stripped a voucher provision from its version of the bill.

In fact, at the same time as the House committee's action, the Senate moved its bill to the floor for debate, where another aspect of Bush's plan, mandatory testing, was a major source of disagreement. Democrats said that the GOP is intent on making schools accountable, without providing the resources necessary for them to improve. They also said that the cost of administering testing, which some estimate to be as much as \$7 billion a year, will take resources away from other needs, such as hiring teachers and developing curricula. On May 3, Sen. James Jeffords's (R-Vt.) amendment to provide \$400 million a year to cover the cost of testing passed by a vote of 93-7.

Another victory for Democrats came on an amendment sponsored by Chris Dodd (D-Conn.) and Susan Collins (R-Me.) to authorize \$295 billion for Title I education grants to the states without any conditions. The amendment replaced language in the bill that only specified "such amounts as are necessary" after the first year of the bill. It passed by a vote of 79-21. The Senate also turned back, by a vote of 73-27, an attempt by Larry Craig (R-Id.) to make Title I grants contingent on schools meeting achievement standards. He complained that since 1965, \$120 billion has been spent on the program without any progress to show for it.