

Congressional Closeup by Carl Osgood

Trade Bill Clears Hurdle, Only To Face Another

Majority Leader Tom Daschle's (D-S.D.) threat to pull the trade bill, H.R. 3009, off the Senate floor if the GOP knocked health insurance benefits out of the trade adjustment provisions, provided impetus to negotiators to agree to a deal. On May 9, Daschle announced that Finance Committee Chairman Max Baucus (D-Mont.) and ranking member Charles Grassley (R-Iowa) had negotiated a deal with the White House strong enough to keep the bill on the floor. Minority Leader Trent Lott (R-Miss.) stated his support for the agreement.

The agreement adds language to the trade adjustment assistance (TAA) provisions that, in Baucus's words, makes the trade adjustment program "more effective." It extends the income support program for workers who lose their jobs for trade-related reasons from 52 weeks to 78 weeks, and extends eligibility for TAA benefits to so-called secondary workers who work for a firm that supplies parts to a plant that is shut down for trade-related reasons. The agreement also extends benefits to workers who lose their jobs because their plant is shut down and moved out of the country. Previously such benefits were available only to workers if the plant moved to Canada or Mexico. The agreement also includes 70% support, in the form of a tax credit, for workers to retain health insurance when they lose their jobs because of trade. Republicans had been blocking the bill over this provision.

That agreement was thrown into doubt on May 14, however, when the Senate failed to table an amendment sponsored by Larry Craig (R-Id.) and Mark Dayton (D-Minn.) which prohibits trade negotiators from putting any aspect of U.S. trade law on the

table, and allows for a 51-vote point of order against any agreement that does. Dayton said, "This amendment represents one of the last opportunities for Congress to assert its priority for the economic well-being of the American people over the capital-serving efficiencies of liberalized world markets. The Senate approved the amendment by a voice vote after defeating a motion to table it 61 to 38. The White House is threatening to veto the bill if the Dayton-Craig amendment stays in.

Defense Authorization Bill Clears House

The fiscal year 2003 Defense Authorization bill, passed by the House by a vote of 359 to 58 on May 9, is yet another example of the House GOP leadership taking a bill with broad bipartisan support in committee and bringing it to the floor in a manner designed to shut down debate.

The rule for debate passed by a much closer vote of 216 to 200. During debate on the rule, Democrats accused the GOP of trying to block several Democratic amendments. An effort by Martin Frost (D-Tex.), the ranking member on the Rules Committee, to force a vote on an amendment to the rule that would have made in order 34 Democratic amendments, failed by a vote of 215 to 202. Among the amendments was one requiring 12 months notice to Congress prior to restarting nuclear testing, a prohibition on nuclear-tipped missile interceptors, a repeal of the waiver authority granted to the Secretary of Defense on the number of U.S. troops allowed in Colombia, and a repeal of last year's base closure law. Ike Skelton (D-Mo.), the ranking member on the Armed Services Committee, said, "We seem to

be rushing to judgment without a full and fair debate that the country is entitled to have."

Despite the fact that the bill includes the largest defense spending increase in decades, to many Republicans it still is not enough. The bill funds a third Aegis destroyer for the Navy when the Bush Administration only requested two, and it fully funds, at \$475 million, the original request for the Army's Crusader artillery gun. J.C. Watts (R-Okla.) said that while the Crusader has eight years of development and testing behind it, "hypothetical replacements would have start-up costs, research expenses, and all the hiccups of a new program." The bill does not, however, contain statutory language requiring the Pentagon to retain the artillery gun, thereby avoiding a veto threat from President George Bush.

President Joins Fray Over Judicial Nominations

On May 9, President George Bush upped the pressure on Senate Democrats over judicial nominations when, after meeting with Senate Republicans, he said, "We have a vacancy crisis in America. There are too many seats that aren't filled with judges, and therefore, America hurts; America is not getting the justice it needs." When asked if he thought the delay in hearing nominations was "raw politics," he said, "Yeah, I do." He added that most of the nominees who are still awaiting hearings have been given "qualified" or "well qualified" ratings by the American Bar Association.

Senate Judiciary Committee Chairman Pat Leahy (D-Vt.) responded just before the Senate voted to confirm four District Court nominees, bringing to 56 the total number of

nominations confirmed by the Senate since June. He expressed disappointment that Bush's speechwriters "chose a confrontational tone." He shifted blame to the Republicans, claiming that the increase in vacancies increased under their watch to 110 when the Democrats took over last June, including 33 on Courts of Appeals. "I don't expect President Bush to know these numbers," he said, "but his staff does, and when they write his speeches they ought to do him the favor of being truthful."

Orrin Hatch (R-Utah) expressed a different view. He defend his record as chairman of the Judiciary Committee from 1995 to 2001, and attacked what he called "myths," among them, the notion that Republicans created the vacancy crisis by stalling President Bill Clinton's nominees. He claimed that at the end of the Clinton Administration, there were 41 nominees left without hearings, as opposed to 54 left by the Democrats at the end of George H.W. Bush's Administration in 1993.

Innocence Protection Act Gains Momentum in House

On May 14, Reps. William Delahunt (D-Mass.) and Ray LaHood (R-Ill.) announced that the number of co-sponsors on a bill intended to reduce the number of wrongful convictions in capital cases had reached 232, a majority of the House. Delahunt also reported that Lamar Smith (R-Tex.), chairman of the Crime Subcommittee of the Judiciary Committee, had committed to holding hearings on the bill in June.

LaHood said that he became involved in the effort because of the death penalty moratorium imposed in Illinois by Gov. George Ryan (R) in 2000. "I feel as a proponent of the

death penalty," he said, "there has to be 100% certainty of the death penalty is given as the ultimate sentence to someone who is convicted of a death penalty offense." He said that the bill "provides for a check and balance that currently doesn't exist in the current system." He said that the fact that the system is "flawed" is indicated by the number of people who were convicted of death penalty offenses and subsequently released from Death Row because they were exonerated. "So we have to have a system that is foolproof and failsafe and 100% certain, and that's why this legislation is so important."

To move the bill, LaHood and Delahunt indicated that the House leadership would have to be lobbied; they were optimistic that that could be done. Lahood pointed to the recent decision of Maryland Gov. Parris Glendening (D) to impose a moratorium in his state pending the outcome of a study on racial bias in the system. Delahunt noted that the list of co-sponsors included conservative Republicans, such as Dan Burton (Ind.), Dana Rohrabacher (Calif.), and Mark Souder (Fla.), "not, you know, fuzzy, wuzzy liberals from Boston."

Supplemental Funding in Midst of Budget Collapse

On May 9, the House Appropriations Committee began work on the fiscal year 2002 supplemental spending bill. The bill comes in at \$2 billion above President George Bush's \$27.1 billion request, most of the extra money going to the Defense Department for the war on terrorism.

The bill includes \$5.5 billion in recovery assistance to New York City, \$4 billion for the Transportation Security Administration for airport security

measures, \$210 million for the Coast Guard (mostly for operations and port security measures), \$378 million for security of nuclear power plants and Army Corps of Engineers facilities, \$194 million to the Department of Justice, and \$63 million to the Treasury Department. The bill includes language requested by the White House to allow U.S.-provided counter-narcotics funds to be used against terrorism.

The bill comes up in the middle of two related crises, that of the national debt approaching the statutory limit, and that of a growing shortfall in tax revenues, leading to growing budget deficit projections. On May 8, Treasury Secretary Paul O'Neill told a gathering of House Republicans that Congress needs to act on increasing the debt ceiling or risk a national default. He warned that a default will result in increased interest costs to the U.S. government for years to come. House Republicans have been trying to avoid open consideration of the debt increase for ideological reasons, and rumor has it that they will try to sneak it through in the conference report on the supplemental appropriations bill. Minority Leader Dick Gephardt (D-Mo.), speaking to reporters on May 9, blamed the situation on the GOP economic program. "They never want to face the consequences of their decisions," he said.

Meanwhile, the Congressional Budget Office released a report showing April 2002 tax collections \$75 billion below expectations and 29% below those of a year ago. The new numbers could mean a fiscal year 2002 budget deficit of greater than \$100 billion. The CBO numbers are adding further motivation to a group of House Republicans who are planning a flood of amendments to appropriations bills, slowing the process almost to a halt.