

Congressional Closeup by Carl Osgood

Farm Bill Stalls In Conference

House-Senate negotiations on a new farm bill stalled amid disagreements over a number of its provisions and growing costs due to continuing low commodities prices. The impasse prompted Sen. Pat Roberts (R-Kan.) to propose calling off the conference negotiations and passing a one-year agriculture relief bill. He told the Senate on April 17, "It is too late to pass a bill that applies to this year's crop," since none of the assistance in the bill will get out to farmers before the Spring of 2003. Roberts said that, as soon as it is feasible, he will ask unanimous consent to call up the relief bill that he introduced earlier in the year or, if that fails, he will call it up as an amendment to "any bill" being considered by the Senate.

Meanwhile, the House has been wrangling with motions to instruct the House conferees on certain provisions of the bill. At the time Roberts spoke, the House was debating a motion by Nick Smith (R-Mich.) to instruct conferees to agree to a Senate amendment to limit subsidy payments to large producers. He said that large producers, what he called "megafarms," are able to use a loophole in the law to get millions of dollars in price support payments, to the detriment of small farms. David Bonior (D-Mich.) supported Smith's motion on the basis that it was needed to stop the loss of agricultural land to real-estate "developers." Smith's motion passed the House the next day by a vote of 265 to 158.

Two other issues of contention include sales of agricultural products to Cuba, and the provision of food stamp benefits to legal immigrants.

Adding to the farm bill's troubles, the Congressional Budget Office is reportedly estimating that existing farm programs will cost \$9.6 billion more

over the next ten years, because of depressed commodities prices, than had been estimated one year ago. The fear is that the increasing costs could exceed Congressional spending limits set last year, forcing cuts in other programs that House and Senate members want included in the bill.

On April 23, Senate Majority Leader Tom Daschle (D-S.D.) expressed optimism that the difficulties could be solved.

Partisan Warfare Rages Over Judicial Nominations

On April 17, Judiciary Committee Chairman Pat Leahy (D-Vt.) defended the Democrats' record on judicial nominations on the Senate floor. His remarks followed what he said was the 44th nominee to be confirmed since the Democratic takeover of the Senate last June.

Leahy said that the 44 confirmations in nine months are more than the Republicans confirmed in any one year of the six-and-one-half years that they controlled the chamber. He blamed the vacancies crisis that Republicans have been complaining about on the failure of the Republicans themselves to move enough nominations during the last two years of the Clinton Administration. He said that more than 50 of President Clinton's nominees never had a hearing, "which perpetuated long-standing vacancies into this year." In contrast, he said that the committee has held 16 hearings on 55 nominees since July.

The next day, Orrin Hatch (R-Utah) took issue with Leahy's report, claiming that at the end of the 106th Congress there were only 67 vacancies in the court system, but that number shot up to nearly 100 last year. "The current pace of hearings and confir-

mations is simply not keeping up with the increase in vacancies," he said. He added that what is happening in the Judiciary Committee is that extreme-left interest groups are exerting undue influence on the committee, groups "whose political purposes are served by launching invidious attacks on the good people President Bush has nominated to serve."

House Passes GOP Tax Cut Amid Electioneering

The April 18 House debate on a bill to make last year's tax cuts permanent served to do little more than allow both parties to stake out their positions for the November 2002 mid-term elections. The bill passed the House by a near-party-line vote of 229 to 198, but Senate Majority Leader Tom Daschle (D-S.D.) said, even before the House voted, that he would not let it come up in the Senate.

Last year's bill provides for the tax cuts to expire in 2011. This was necessitated by the fact that the then-GOP-controlled Senate could not muster 60 votes to get past a Democratic filibuster, so the GOP used the reconciliation process. But those rules meant that the tax changes could not be permanent. Therefore, the GOP felt an urgency to pass a bill to make the cuts permanent, otherwise, as Rep. Doc Hastings (R-Wash.) put it, "Americans will lose tax relief on Jan. 1, 2011." Republicans denied Democrats the usual courtesies regarding amendments and a motion to recommit. Rules Committee Chairman David Dreier (R-Calif.) said that since the Democrats had a chance last year to bring up amendments and a motion to recommit, there was no reason for them to have an opportunity again this year.

Democrats charged Republicans with one-track thinking, and with looting the Social Security and Medicare trust funds. Bob Matsui (D-Calif.) said that 60% of the benefits go to taxpayers who make \$500,000 or more a year. Gerald Kleczka (D-Wisc.) said that the reason why Republicans were pushing it was because of the November election, where polls show that they are in trouble. Karen Thurman (D-Fla.) said that the bill does nothing about the increasing number of Americans affected by the alternative minimum tax, a number expected to reach 39 million by 2012. "This bill gives a promise with one hand and takes away the promised tax cut with the other," she said.

Alaska Oil Drilling Debated in Senate

The Senate debate and vote on whether to drill in the Alaska National Wildlife Refuge (ANWR) provided yet another example of election-year posturing while the global strategic crisis is ignored. The amendment to the energy bill to open the ANWR to oil exploration failed a cloture vote by 54 to 46 on April 18, despite GOP attempts to offer a deal on steel legacy costs and to tie it to national security.

Even before the vote was taken, Democrats were already declaring victory. On April 17, John Kerry (D-Mass.) accused Republicans of "extraordinary exaggeration and misplaced priority" in pushing for drilling in the ANWR. He noted how "the ground has shifted" underneath them as they offered several rationales in an attempt to gain support. He decried the GOP for their lack of interest in "moving our economy to the alternatives and renewables and other forms of energy that are available." The next day,

Majority Leader Tom Daschle (D-S.D.) said, "We are just not going to allow the Republicans to destroy the environment, and that's exactly what this issue's been all about from the beginning."

Republicans promised that energy will indeed be an issue in November. Kay Bailey Hutchison (R-Tex.) blamed environmentalists for the outcome of the vote, saying, "I think people were swayed by the rhetoric rather than the facts. . . . I think it is significant to mainstream America that we have a ready supply of oil that would depend on our own resources and our people working at the wells rather than Middle Eastern resources that could cut us off for political purposes."

The Senate invoked cloture on the bill by a vote of 86 to 13 on April 23, setting a limit on debate after nine weeks of consideration. Daschle told reporters that he hoped to bring the bill to a conclusion soon, and take it to conference with the House. He did not venture to predict how smoothly a conference would go, however, given that the Senate bill was essentially written on the floor, and the House bill includes provisions rejected by the Senate, such as drilling for oil in the Alaska National Wildlife Refuge.

Border Security Bill Sails Through Senate

The Senate unanimously passed a bill on April 18 to enhance border security. Among its provisions are requirements for enhanced information sharing by law enforcement and intelligence agencies with the Immigration and Naturalization Service and the State Department, an increase in the number of INS investigators and inspectors, tighter control of visas, a re-

quirement that vessels and aircraft coming into or departing from the United States provide passenger and crew lists to immigration authorities, and new monitoring requirements for foreign students, including that schools must notify the INS, if a foreign student fails to enroll.

The Senate was scheduled to take up the bill in December, but Appropriations Committee Chairman Robert Byrd (D-W.V.) placed a hold on it, because he was unhappy with the way the border security issue had been handled. As he said on April 15, he had tried to add \$1.5 billion for border security to a supplemental appropriations bill last November, but was thwarted by an objection from the GOP. He was defeated again in December. He kept asking the bill's sponsors, notably Dianne Feinstein (D-Calif.) and Edward Kennedy (D-Mass.), if the funding authorized by the bill, a total of \$1.2 billion for fiscal year 2003, would actually be appropriated. He noted that the \$28.6 billion supplemental appropriations request sent up by President George Bush in March, included only \$35 million for the INS. He warned that President Bush has already threatened to veto any spending bill that exceeds his budget limitations. "We make a mistake when we pass legislation here that leaves the American people the impression we have done something to surmount the problem . . . but where is the money?"

Feinstein and Kennedy reassured Byrd that the bill would be funded. Feinstein told Byrd that \$743 million of the amount was already in the administration's FY 2003 budget request, leaving about \$440 million not covered. Kennedy told Byrd, "We are strongly committed to making sure this is going to be funded and going to be put into effect." Bush praised the Senate for passing the bill.