

Congressional Closeup by Carl Osgood

Byrd Denounces Senate Capitulation on Iraq

"The conference report before the Senate today is a flawed agreement that was produced by political imperative, not by reasoned policy considerations," concluded Sen. Robert Byrd (D-W.Va.), during debate on the \$87 billion Iraq War Supplemental on Nov. 3. His conclusion came near the end of a ten-minute speech in which he denounced the capitulation of the Senate on every amendment in the bill that would have held the Bush Administration accountable for its policy in Iraq. Byrd noted that Senate negotiators gave in to the Administration on a number of provisions that had been supported by both parties in the Senate. These included not only the provision turning \$10 billion of the Iraq reconstruction money into loans, but also that requiring the Government Accounting Office to conduct ongoing audits of the money the Administration is spending in Iraq. That amendment had been approved in the Senate by a vote of 97-0, yet was stripped out in conference by a party-line vote of 15-14.

Byrd framed the Senate's capitulation in terms of blind support for the policies of President Bush by members of his party. He reminded the Senate that every member "swears an oath to support and defend the Constitution of the United States," not the President or a political party. "I am here to tell you," he said, "that neither the Constitution nor the American people are well served by a process and a product that are based on blind adherence to the will of the White House and to the will of the President at the expense of Congressional checks and balances." He told the Senate that "victory implies doing what is right; doing what is right implies morality; morality implies standards of conduct"; and

warned that this victory may prove to be pyrrhic for the Bush Administration.

Byrd's warnings fell on deaf ears, however, as the Senate approved the bill on a voice vote, with only five Senators present (the others, evidently fearing that their recorded votes on the bill would come back to haunt them politically, agreed to the voice vote, which does not require that a quorum of the Senate be present). The House had acted at about 1 a.m. on Oct. 31, to pass the bill by a vote of 298-121, despite the GOP's ramming the bill through under a so-called "martial law" rule, meaning that members did not have the once-customary three days to review the conference report before voting on it. The swing issue for many members who had misgivings about the bill, was the \$1.3 billion added to it for veterans' health care, as well as the provision allowing members of the reserves and National Guard to buy into the Pentagon's Tricare health insurance program.

Push To Privatize Air Traffic Control

Republican negotiators on the conference report on a bill to reauthorize the programs of the Federal Aviation Administration, threw opponents of the privatization of air traffic control services for a loop; Republicans removed from the bill, provisions to prohibit the privatization of air traffic control towers. Both the House and Senate versions had included the prohibitions, but the negotiators replaced them with language allowing the privatization of up to 69 towers. House Democrats responded by calling for the report to be recommitted to the

conference committee to restore the original language.

Indeed, the House voted 407-0, on Oct. 28, to recommit the bill to the conference committee, with instructions to the committee to remove the privatization language. The bill reappeared on the House floor two days later, however, with only cosmetic changes and no evidence that the conference committee had actually met in the intervening time, causing Democrats to complain even more loudly. Rep. James McGovern (D-Mass.) told the House that the Republicans had invented a new trick, the invisible conference committee, and that the conference "did not hold a single public meeting, a violation of House rules, and did not give any Democratic members any opportunity for input or amendment." Rep. Steny Hoyer (D-Md.) noted that the original provision barring privatization was passed "because we were concerned about the safety of the American public." He charged that the Republican leadership had "hijacked" the bill and rejected the opinions of both the House and the Senate.

The Republicans prevailed, however, winning a vote of 220-199 on a rule waiving all points of order against the conference report, and thus insulating themselves to charges by the Democrats that the bill was on the floor in violation of House rules. The conference report, itself, narrowly passed by a vote of 211-207.

Democrats Filibuster Pickering Nomination

The fight in the Senate over judicial nominations took another nasty turn on Oct. 30, when the Republicans were unable to break a Democratic filibuster against the nomination of Judge

Charles Pickering to a seat on the Fifth Circuit Court of Appeals. The vote on the filibuster was 54-43, 6 votes short of the required 60. This was the second round for Pickering, whose nomination had been rejected by the Judiciary Committee, then Democrat-controlled, in 2002, but was resubmitted by President Bush in January 2003.

During the debate, Judiciary Committee Chairman Orin Hatch (R-Utah) charged that Senate Democrats “have pushed the notion of injecting ideology into the confirmation process and have taken unprecedented steps to oppose judicial nominees.” He said that opponents of the nominees “distort the record, make unreasonable demands for privileged information, and force multiple cloture votes. This is all part of the strategy of changing the ground rules on judicial nominations that Senate Democrats have implemented.” Patrick Leahy (D-Vt.) charged, in turn, that the Republicans had abandoned work on “very real problems” in education, health care, and national security “to turn the Senate’s attention to wheel-spinning exercises involving the most controversial judicial nominees.”

Whatever Happened To Manufacturing Jobs?

Rep. Don Manzullo (R-Ill.), the chairman of the House Small Business Committee, chaired a round table discussion on Oct. 29, on the collapse of manufacturing in the United States, featuring representatives of 18 industry associations, including the National Association of Manufacturers and the Association of Manufacturing Technology. After noting that 2.8 million manufacturing jobs have disappeared in the last 38 months, he re-

ported that in his district in northern Illinois, two factories shut down in one week recently, laying off 1,200 people. He said that the official unemployment rate was 11.7% before the layoffs, but is probably over 12% now; and the effective unemployment rate is probably 15-17%, because there are so many people who have been unemployed so long they have exhausted their unemployment benefits. Rep. John Peterson (R-Penn.) reported that in his district, he counted 17,376 manufacturing jobs lost in 2001 and 2002, with the rate continuing in 2003. He said his district, which encompasses 17 counties in northern Pennsylvania, is losing a company almost every week.

While there was a great deal of discussion on the difficulties that manufacturers are having due to skyrocketing energy and health care costs, unfair foreign competition, and lack of government support in procurement and in research and development, there were no substantial ideas of what to do about the problem. Rep. Chris Chocola (R-Ind.) said that while everybody has “stated the case very well . . . the question is what do we do about it.” Chocola then went on to tout some of the measures that the GOP has been promoting, such as tort reform, association health plans, tax reform, and reducing government regulations.

Frist: Senate Will Finish by Nov. 21

Senate Majority Leader Bill Frist (R-Tenn.) announced on Nov. 4, that he planned to shoot for Nov. 21 as the adjournment date for the first session of the 108th Congress. This would mean finishing the remaining appropriations bills, as well as legislation on

energy and Medicare. “I hope that we will not see unnecessary obstruction along the way,” he said, “because if there is unnecessary obstruction, we simply are not going to be able to fulfill this agenda.” Sen. Thad Cochran (R-Miss.) charged that the Democrats were objecting to sending the Healthy Forests legislation, which the Senate had passed a few days before, to conference with the House. He indicated that if the Democrats continued to object, he would be filing cloture on the motion to go to conference.

In contrast, a couple of hours before Frist and Cochran spoke, Senate Minority Leader Tom Daschle (D-S.D.) was complaining that it was the Republicans who seemed to be in no hurry. He suggested that they were confused by the unusually warm weather, which “has them thinking this is still Summer and that we have all kinds of time to finish our appropriations bills.” He charged that “it’s irresponsible now that we are well into the new fiscal year . . . and we have yet to accomplish the work that should have been done over a month ago.” Daschle did say, however, that Frist had indicated to him that the GOP intent was to take up the unfinished appropriations bills one at a time, rather than rolling them into an omnibus package.

On the Forest Health bill, Daschle said that the Democrats were going to ask to send it directly over to the House, to let the House accept it or amend it, rather than appointing conferees. “This is something the Senate used to do all the time,” he said.

The two sides are already in a tussle over a bill to promote charitable giving, which Democrats say they support, but are objecting to sending it to conference with the House; whereas the Republicans are objecting to sending it directly to the House—thereby leaving it in limbo.