

Congressional Closeup by Carl Osgood

River Dispute Blocks Energy and Water Bill

A dispute over how to manage the Missouri River, between the upper plains states of North and South Dakota, on the one side, and Missouri and states south of it, on the other, has stalled the Energy and Water Development Appropriations bill.

The \$22 billion bill, which provides funding for nuclear weapons labs and waterways management, normally gets through the appropriations process with little controversy. This year, however, Senate Minority Leader Tom Daschle (D-S.D.) is blocking the bill, because of his displeasure over a provision that would prohibit the expenditure of funds to implement a new water-control manual being developed by the Army Corps of Engineers. The new manual would allow for spring flooding, known as a "spring rise" of the river, in order to satisfy the demands of the Fish and Wildlife Service for protecting endangered species.

On July 25, Kit Bond (R-Mo.) explained to the Senate, that the provision is intended to prevent changes to Missouri River management that would increase the risk of spring flooding. He attacked the Fish and Wildlife Service for trying to take action on flow management while pretending "that dams don't exist." "Dams were built," he explained, "to stop the natural flow, because the natural flow was flooding many hundreds and thousands of acres. It was killing people and damaging millions of dollars of property." He warned that the lower Missouri River already has a spring rise, due to many other tributaries that flow into it. "We don't need another source of flooding," he said, "to carry out some experiment that the Fish and Wildlife Service is trying to conduct at the peril of our citizens."

The Democratic leadership remained obstinate, however, despite warnings by Energy and Water Appropriations Subcommittee Chairman Pete Domenici (R-N.M.) as to the consequences if the bill is not completed by Oct. 1. Domenici told the Senate on July 27, that the bill funds hundreds of important projects employing more than 140,000 workers. He said that underlying the dispute, are water supply shortages suffered both by farmers and cities.

Daschle later complained that the current Corps of Engineers manual, which dates back to the 1960s, favors the barge industry at the expense of the upper Missouri River tourist industry. In other words, dry reservoirs in the late summer are a problem, because the boat ramps are left high and dry.

China Trade Bill Debate Set To Begin in Senate

The first item on the agenda when the Senate returns from its four-week August recess will be a full debate on the House-passed bill to grant China permanent normal trade relations (PNTR) with the United States. The bill passed a procedural hurdle on July 27, when the Senate voted 86-12 to proceed with debate.

President Clinton, however, is not sanguine that passage of the bill will come easily. During a visit to Florida on July 31, Clinton urged the Senate to pass it quickly when it returns in September. "The longer they take to vote on it," he said, "the more likely it could be caught up in procedural wrangling in the Senate."

One issue that remains unresolved is the disposition of legislation sponsored by Fred Thompson (R-Tenn.) and Robert Toricelli (D-N.J.) that

would impose sanctions on China for weapons proliferation. Thompson had introduced the bill as free standing legislation on May 25, and had indicated his intention to attach it to the China PNTR legislation as an amendment, something that the White House vigorously opposes. Majority Leader Trent Lott (R-Miss.) told reporters on July 25 that the Thompson-Toricelli bill might be attached to the Intelligence Authorization bill, which will also be taken up in September.

House GOP Rams Through One More Tax Cut Bill

In one of its final actions before adjourning for the summer, the House passed by a vote of 265-159 on July 27, a bill to repeal the 1993 withholding increase on Social Security earnings. The bill also includes a provision replacing the funds lost to the Medicare trust fund as a result of the tax cut. Ways and Means Committee Chairman Bill Archer (R-Tex.) argued that the 1993 tax increase is no longer needed because the deficit this year is expected to be \$233 billion, whereas in 1993 there was a \$255 billion deficit. He also argued that the tax should be repealed altogether, because it simply doesn't make good sense to tax people on the Social Security benefits that they worked all their lives to earn.

The bill is the latest of several tax cut bills passed by the House as part of the GOP's strategy to pass its tax cut agenda salami-style, instead of in one big package, as they tried to do in 1999. Whereas in 1999 the package passed with Republican votes only, this year the individual bills are gaining 40 to 60 Democratic votes each, and a proportional number in the Senate. House and Senate Democratic

leaders Richard Gephardt (D-Mo.) and Tom Daschle (D-S.D.), respectively, downplay this fact by arguing that the Democratic alternative bills get good support from the caucuses in both Houses. Otherwise, they argue that the GOP's strategy is "fiscally irresponsible," because it is wasting away the budget surplus, now projected at \$2.17 trillion over the next ten years (but in fact nonexistent).

Partisan Feuds Bog Down Appropriations Process

After several weeks of unusually rapid progress on the 13 annual spending bills, the process bogged down in the Senate amid a partisan dispute over judicial nominations. Senate Democrats essentially vowed not to allow any appropriations bills to come to the floor unless the Judiciary Committee moved expeditiously on pending nominations. The Senate voted 97-0 on July 26 to move forward on the Treasury-Postal Service and General Government Appropriations bill, but overnight, the GOP adopted a strategy that brought the House into the dispute.

After an all-night session, what emerged was a conference report on the legislative appropriations bill with the Treasury bill attached to it, even though the Senate has yet to act on the Treasury bill. House Democrats were outraged at the unusual procedure, asking the House GOP leadership if they had decided that their colleagues in the Senate were incapable of moving legislation. Martin Frost (D-Tex.), a member of the House Rules Committee, complained that the conference report also contained a tax bill that Democrats had not been consulted on, and provisions that Democrats were promised would be in the bill were cut from it.

Joe Moakley (D-Mass.), the ranking member on the House Rules Committee, noted that two other provisions, which had been approved by large majorities in the House, were dropped from the Treasury bill. Both provisions related to Cuba, one exempting food and medicines from the trade embargo, and the other easing travel restrictions. However, Majority Whip Tom DeLay (R-Tex.) admitted that the size of the votes on both provisions gives backers of easing such trade restrictions leverage "to go and negotiate" in the conference committee on the Agriculture Appropriations bill "to get what they want." The close 214-210 vote on the rule for debate on the legislative appropriations bill, however, persuaded the House GOP leadership to wait until the Congress reconvenes in September to decide what to do next.

Missile Defense Backed by Cohen, Despite Test Failure

Secretary of Defense William Cohen, testifying for the first time since the July 7 National Missile Defense program test failure, played down the implications of that failure before the Senate Armed Services Committee on July 25. While admitting that it is a high-risk program, he said that the system is designed to use mature technology and that, despite the failure of the interceptor to separate from the kill vehicle, "it demonstrated that the sensor and the battle management systems could and did work together as an integrated system." Therefore, he said, "we derived significant benefit to see that other parts of the program did in fact work."

Committee Chairman John Warner (R-Va.) opened the hearing with

remarks that, with respect to the 1999 National Missile Defense Act, a deployment decision has already been made. "It's just a question of timing," he said. As for the 1972 ABM Treaty, he said, "It would be in everyone's interests for Russia to join the United States in developing an appropriate set of amendments" to the treaty, "to allow that treaty to remain in place with what value it has." He did not address what the United States should do if Russia does not agree to amend the treaty.

Ranking member Carl Levin (D-Mich.), on the other hand, joined the growing chorus calling for delaying any decisions leading to deployment of a missile defense. Given the most recent failure and other development delays, he said, "I believe the time has arrived to live up to the repeated assurance that the national missile defense development program would be event driven and not calendar driven." If the 2005 deployment target is no longer realistic, he said, "President Clinton does not need to, and should not, make the determination this year that the currently proposed NMD will be deployed."

Showing that perhaps some things don't change that should, Warner asked Cohen if he thought that North Korea's recent diplomatic exchanges with South Korea and Russia signalled any reduction of the supposed threat that NMD is ostensibly designed to counter. Cohen replied, "It's a positive sign," but "one summit doesn't change the tiger into a domestic cat. We have to, in fact, see whether or not the North Koreans are going to continue to follow through with their relationship with the South. Whether they are in fact serious about some of the statements that were made . . . about their desire to possibly give up their missile capability."