

Congressional Closeup by Carl Osgood

Senate Reorganization Stalls over Nominations

Negotiations on Senate reorganization, between Senate Majority Leader Tom Daschle (D-S.D.) and the Republican leadership, have bogged down over procedures for the handling of judicial nominations. Initially, the GOP had been demanding that all Supreme Court and appellate court nominees be guaranteed floor votes. When the Democrats refused, they instead called for the full Senate to decide whether Supreme Court nominees should be guaranteed a floor vote.

Also at issue, is the ability of a senator to put a secret hold on a nomination. Republicans are concerned that the tactics they used to kill numerous Clinton nominees—secret holds, not giving nominees hearings, etc.—will be used against President Bush's nominees.

On Fox News Sunday, on June 17, Daschle said, "We're not going to do what we think, in many cases, was done to our nominees in the last eight years." Instead, "What we want to do is move forward, assure that there are votes, but we don't want to abrogate the constitutional process of advice and consent."

Daschle said that he has promised the Republicans that every nominee will have a "fair hearing," but that he wouldn't go beyond that. "I'm not going to engage or commit to an extra-legal process that says, in some cases, regardless of what the Judiciary Committee does, we're going to bypass the committee and go straight to the floor," he said.

Even though there's no longer disagreement on the makeup of committees, Daschle is holding up committee action on almost everything, as long as this tug-of-war continues. When control of the Senate changed hands, committee membership reverted to that of the 106th Congress, meaning

that freshman senators currently have no committee assignments. "Clearly," Daschle told reporters on June 15, "this has to be resolved before we can officially do business."

House Republican Leaders Introduce Fast Track Bill

On June 13, members of the House GOP leadership, including Majority Leader Dick Armey (R-Tex.), Majority Whip Tom DeLay (R-Tex.), Ways and Means Committee Chairman Bill Thomas (R-Calif.), and Trade Subcommittee Chairman Phil Crane (R-Ill.), announced before reporters the introduction of legislation to give President Bush trade promotion (what used to be called "fast track") authority (TPA). Agreements negotiated under TPA cannot be amended by Congress, which can only give an up or down vote. The President has been without such authority since 1994, and its backers argue that other countries will much more readily enter into trade agreements with the United States if they know that the agreement can't be amended by Congress.

The fact that the Senate is not moving with the same speed as the House on TPA isn't discouraging the House GOP. Rules Committee Chairman David Dreier (R-Calif.) said, "The important thing for us to do is to have this vote in the House, and I think that'll be a great springboard for what I assume will be very positive movement in the Senate."

While Sens. Frank Murkowski (R-Ak.) and Bob Graham (D-Fla.) are working on a bipartisan bill, Senate Finance Committee Chairman Max Baucus (D-Mont.) has indicated that he is in no hurry to move a TPA bill. Sen. Charles Grassley (R-Iowa), the ranking member on the Finance Commit-

tee, said on June 18 that he doesn't know where it will be on the agenda, and he warned that if it isn't passed this year, it will be very difficult to move in an election year.

The primary issue of contention is not the danger of free trade, but labor and environmental standards. The House TPA bill prohibits including such standards in the negotiations unless they are "trade related." However, some parts of the business community are worried that a bill that doesn't include labor and environmental standards won't gather enough votes to pass, because the Democrats won't support it.

Education Debate Shifts to Funding

On June 14, the Senate voted 91-8 in favor of the Bush education plan, passing a heavily amended bill that authorizes approximately \$33 billion in spending for fiscal year 2002. The bill also requires annual testing for every child in grades three through eight, and provides Federal aid to schools with low average test scores. If scores don't improve, it allows for children to transfer to other public schools. It also provides more money for charter schools and for programs to improve science and mathematics education, as well as for programs aimed at improving reading skills.

The heavy support for the bill, however, doesn't indicate agreement on funding for its programs. The House bill provides for a lower level of funding, around \$24 billion, and Education Secretary Rodney Paige said on June 15 that the level in the Senate bill is "too high." He repeated the Republican mantra that spending has to be tied to results. "It depends on how the money is used and what

its purpose is," he said.

Democrats say that the GOP is calling for reforms and accountability without providing the resources required. House Minority Leader Richard Gephardt (D-Mo.) told reporters, "I am very concerned that we have dug ourselves into a new hole, and that this education bill, while it has a lot of good standards and testing and good things in it, is going to be a hoax." Gephardt's concern stems from the fear that the tax cut, recently signed into law, and the slowing economy, will be claiming money that might otherwise go into programs like education.

The next step for the bill is conference committee negotiations between the House and the Senate, negotiations that will likely include the White House. Then the argument over funding will continue in the appropriations process. The Senate attempted to address the funding issue with sense of the Senate resolutions. A Democratic resolution called for full funding of the authorizations in the bill, while a GOP resolution called for funding "to the maximum extent possible." Both amendments fell by 50-49 votes.

BMDO Warns, Don't Rush Missile Defense Deployment

Director of the Ballistic Missile Defense Office Lt. Gen. Ronald Kadish warned against rushing to deploy a ballistic missile defense system, and stressed the importance of the testing process, in a June 14 hearing of the House Armed Services Committee Subcommittee on Military Research and Development. "If we rush development imprudently, I will guarantee that we will get less than satisfactory results," he said. President Bush has announced his intent to field a limited

system by 2004.

Kadish said that a development program can be rushed, if it is done "prudently," and not "on the cheap." However, he said, the question is, "Can we articulate and structure a program that could have those prudent ways of reducing risks and be able to afford them properly and then march through as rapidly as we can?"

Democrats focussed on the viability of the technology involved, and on the policy behind the program. Marty Meehan (D-Mass.) said that the Bush Administration "has not so much changed direction as velocity. . . . It doesn't take a skeptic to understand that the point of deploying a small fraction of an unproven system might not be to shoot down missiles; it might be to shoot down a treaty."

Thomas Allen (D-Me.) said that the justification for a more rapid deployment just isn't there. He noted that North Korea, which was used to justify the original 2005 deployment date, "voluntarily extended their moratorium on their missile testing program," and the Bush Administration has decided to resume "conversations about conversations with the North Koreans."

Vieques Decision Pleases Nobody

The June 14 announcement by President Bush that the Navy will stop using its training ground on Vieques, a small island off the coast of Puerto Rico, for live-fire training by May 2003, caused a firestorm of protest from both sides in the dispute.

The confrontation between the Navy and the island's 9,300 residents and their supporters, has escalated since the death of a security guard in a bombing accident over two years ago.

An agreement reached last year between President Clinton, and then-Puerto Rico Gov. Pedro Rossello called for a referendum whereby the island's residents would choose between the Navy leaving Vieques within two years or increased Federal aid in return for the Navy staying. That agreement was ratified by an act of Congress last year.

Bush's announcement was widely viewed as a political ploy to gain the favor of Hispanic voters, and was attributed to White House political director Karl Rove. It was almost universally condemned by Congressional Republicans, who are in the embarrassing position of opposing their own President. Senate Minority Leader Trent Lott (R-Miss.) said, "I've had basically no contact with the Administration over it, and at this point I disagree very strongly with the decision." Sen. James Inhofe (R-Okla.) said, "As much as I love George W. Bush, he was ill-advised by political advisers who thought this was a way to win some votes." House Armed Services Committee Chairman Bob Stump (R-Ariz.) announced that he would be holding hearings on the decision before the July 4 recess.

Democrats, who generally support withdrawal of the Navy from Vieques, were no happier. Those of Puerto Rican extraction, including José Serrano (D-N.Y.) and Luis Gutierrez (D-Ill.), want the Navy out right away. In a June 14 statement, Serrano said, "All the Navy has done is remove what they consider an embarrassment," because the decision obviates the need for the referendum, which many believe the Navy would have lost. Senate Majority Leader Tom Daschle (D-S.D.) said, on Fox News Sunday on June 17, "It was a decision that obviously ought to have been vetted a lot more with the Puerto Rican community and with the military."