

## Congressional Closeup by Carl Osgood

### Senate leaders agree on nuclear test ban treaty

Senate GOP and Democratic leaders came to an agreement on Oct. 1 to bring the Comprehensive Test Ban Treaty (CTBT) to the Senate floor by Oct. 8, with a view that a final vote on ratification might take place on Oct. 12. Majority Leader Trent Lott's (R-Miss.) unanimous consent request included 14 hours for debate on the treaty plus one amendment by each side. However, despite Democrats' demands that the Senate take up the treaty as soon as possible, Lott's request and the process leading to it left Democrats fuming.

The fireworks began the day before, when Lott's first request was to bring the treaty up on Oct. 6 with only ten hours of debate and one amendment on each side. Minority Leader Tom Daschle (D-S.D.) immediately objected, and said that not only was ten hours insufficient, but also, because there had yet to be any hearings on the treaty, "I don't think people are fully cognizant of the ramifications of this treaty and the importance of it."

The objection of Daschle and other Democrats that there had not been any hearings on the treaty led Jesse Helms (R-N.C.), chairman of the Senate Foreign Relations Committee, to launch a diatribe against all those who support the treaty. He inserted into the record a list of 14 hearings over the last two years in which the CTBT was discussed, and he said that the record shows that "the Foreign Relations Committee has thoroughly examined this matter." Joseph Biden (D-Del.), the ranking member on Helms's committee, responded that while the CTBT may have been discussed at many hearings, "we have never had a hearing" on the treaty "conducted in the traditional way."

Daschle described Lott's request,

which the Democrats grudgingly accepted, as "progress from the first request," but still an "unfair" and "dangerous" procedure. While not part of the agreement, Democrats did extract a commitment from Armed Services Committee Chairman John Warner (R-Va.) that his committee would have as many as three hearings on the treaty by Oct. 12. Warner's committee is not the primary committee of jurisdiction, but it does have purview over many issues affected by the CTBT.

### Agriculture gets a few carrots

The crisis in the U.S. farm economy received some attention recently, but the tug-of-war between those who say that market forces must be allowed to work and those who say that Congress is obligated to act to prevent farmers from going under, continues unabated. One example of this is the House passage of the Department of Agriculture Appropriations bill conference report on Oct. 1.

The bill provides \$8.7 billion for emergency assistance, including \$1.2 billion for losses caused by natural disasters in the eastern part of the United States. The remaining \$7.5 billion, to be paid out through the agriculture market transition program established by the so-called Freedom to Farm legislation of 1996, is for assistance to farmers suffering losses as a result of low prices. The conference report also stripped Senate-supported language from the bill that would have lifted embargoes of food and medicine against certain countries, including Iraq and Cuba.

The provisions caused many in both parties to vote against the bill, and even its supporters admitted that it was insufficient. Colin Peterson (D-Minn.)

told the House, "We have got a price problem in this country. . . . Some of us who oppose Freedom to Farm said that we thought this was going to happen eventually and it is here, right now." George Nethercutt (R-Wash.), who otherwise supported the bill, declared, "It is nonsense that we should not sell food and medicine to countries that others can sell to around the world. It hurts our farmers. . . . And we can open up dictatorships and open up terrorist regimes, for that matter, if we can engage them and engage the people."

On Sept. 29, the House passed a bill to strengthen the safety net for farmers by providing "affordable risk management tools" and making changes to the crop insurance program. During the debate, Agriculture Committee Chairman Larry Combest (R-Tex.) announced that he would hold hearings next year, "to evaluate current and future farm policy."

Days later, both Houses passed a bill to extend chapter 12 of the bankruptcy code, which applies to farmers, until July 2000. This action was made necessary by the fact that the Senate still has not come to an agreement to take up comprehensive bankruptcy reform, which includes a provision addressing chapter 12.

### Two more spending bills make it into law

President Clinton signed the Treasury-Postal Service bill on Sept. 29 and the Energy and Water Development bill on Sept. 30, making 4 out of 13 spending bills that have now been completed. The Transportation Appropriations bill conference report was passed by the House on Oct. 1 and the Senate on Oct. 4, and the President is expected to sign it. Most of the remaining bills

still face veto threats over a variety of issues, only some of which deal with funding levels.

The GOP's attempts to find any gimmicks to pass the bills, including pushing some spending into fiscal 2001 and designating otherwise routine spending, such as on the year 2000 census, as "emergency" measures, stems from the party's pledge not to spend Social Security revenues. Democrats, however, have been circulating a Sept. 30 letter from Congressional Budget Office director Dan Crippen, a GOP appointee, stating that the Republicans have already spent not only the fiscal 2000 non-Social Security surplus of \$14 billion, but also \$18 billion beyond that, which comes from Social Security funds. Republicans have responded by accusing President Clinton and the Democrats of wanting to spend the Social Security surplus on "big government."

## House GOP wants to slow down tax credit payout

The earned income tax credit has become the latest target in the House GOP's efforts to find any way to pass appropriations bills. On Sept. 30, the House Appropriations Committee passed the Labor, Health and Human Services, and Education Departments Appropriations bill with a provision requiring the paying out of the earned income tax credit (EITC) for the poor in monthly installments instead of in one lump-sum payment. This trick pushes about \$8 billion of the EITC payments into fiscal year 2001, thereby bringing the fiscal 2000 bill closer to the budget caps.

House Majority Whip Tom DeLay (R-Tex.), the author of the plan, reportedly said, "It is my opinion that

the working poor don't need help with their annual budget. What they need help with is their monthly budget."

Not surprisingly, the EITC slowdown drew a veto threat from President Clinton and ridicule from Congressional Democrats. However, Republican Presidential candidate George W. Bush caused the most consternation in House GOP ranks when, on a campaign stop, he said, "I don't think they ought to balance their budget on the backs of the poor." Senate Republicans, including Majority Leader Trent Lott (R-Miss.) and Budget Committee Chairman Pete Domenici (R-N.M.), also came out against the EITC slowdown.

Despite the opposition, the House GOP leadership is determined to go ahead with it. DeLay told Republicans uncomfortable with the provision that they will be free to offer amendments on the floor, if they can come up with a better way to save \$8 billion. Majority Leader Dick Armey (R-Tex.), in an Oct. 2 appearance on John McLaughlin's "One on One" program, said, "We've got an historic opportunity to end the raid on Social Security. We can only do that if we're willing to make hard choices." However, he doesn't see slowing down EITC payments as a hard choice. "I think it's a better way to distribute the money," he said.

## Dispute over judicial nominations boils over

The long-simmering tensions between the White House and Senate Democrats, on the one side, and Senate Republicans, especially Judiciary Committee Chairman Orrin Hatch (R-Utah), on the other, over the slow pace of confirming judicial nominations, boiled over on Oct. 6 when the Senate,

for the first time in 12 years, rejected a nominee for the Federal bench. Missouri Supreme Court Justice Ronnie L. White was turned down on a party-line vote of 54-45.

The stated reason for opposing White stemmed from his less-than-enthusiastic support for the death penalty. John Ashcroft (R-Mo.) said during debate a day earlier that Judge White, who is African-American, "will use his lifetime appointment to push law in a pro-criminal direction, consistent with his own personal political agenda." Ashcroft complained that White "has dissented in more death penalty cases than any other judge" during his tenure on the Missouri Supreme Court.

Democrats reacted angrily to the vote. Pat Leahy (D-Vt.) said, "I am hoping the United States Senate has not reverted to a time in its history when there was a color test on nominations." Minority Leader Tom Daschle (D-S.D.) said that the vote was not about the death penalty or law and order, but rather "about the unfair treatment of minority judicial nominees." White's nomination had been languishing since July 1997, and Daschle referred to two others that have been waiting 20 months and 44 months and are still subject to holds. President Clinton called the vote "a disgraceful act of partisan politics," and said that it "creates real doubt on the ability of the Senate to fairly perform its constitutional duty to advise and consent."

Democrats and the White House have been complaining for years about the slow pace of confirmation of nominees. Recent movement came only after Hatch was placated by the nomination of one of his picks for the Federal bench in Utah (a nomination that was moved quickly by comparison to many of Clinton's choices).