Knollenberg Media Clips
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CQ TODAY - APPROPRIATIONS: LABOR-HHS-EDUCATION
Dec. 12, 2005 - 9:17 p.m.

Labor-HHS Appropriations: Health Funds Increased, Coverage of Erectile Dysfunction Drugs Restored

By Bill Swindell, CQ Staff

Appropriators approved a revised conference report on the fiscal 2006 Labor, Health and Human Services and Education spending bill Monday evening after agreeing to boost rural health spending by $90 million and deleting a provision that would bar Medicare coverage of erectile dysfunction drugs.

The changes in rural health care programs were designed to placate House Republican lawmakers from rural states who had been upset about spending levels for health programs in the bill (HR 3010).

The overall cost of the measure, $602 billion, did not change. It would provide $142.5 billion in discretionary spending.

The money added to the bill was offset by cuts to the HHS vaccine pandemic preparedness fund. Under the revised conference report, the fund would receive $64 million in fiscal 2006. The vaccine program is not expected to suffer because appropriators are expected to attach as much as $4 billion for a flu preparedness effort to the fiscal 2006 Defense spending bill (HR 2863). That money will be considered emergency spending and thus will not count against any spending cap.

Both chambers are expected to vote on the revised conference report later this week. The House might vote as early as Wednesday.

Monday's night's session was made necessary after the House rejected the first conference agreement Nov. 17 by a 209-224 vote.

Twenty-two Republicans voted against the original conference report (H Rept 109-300) for various reasons. At least seven House GOP members cited cuts to rural health programs as a reason for their opposition.

To assuage their concerns, the new deal will provide more funding to a few rural health programs. The revised bill would provide $9 million for a rural health research and policy program that funds eight regional centers and produces policy papers on rural health care issues, which was the same amount as allocated in fiscal 2005. The original conference report would have eliminated the program.

The revised measure also would provide $39 million for a rural health grant outreach program that provides three-year flexible grants to communities, the same amount as provided in fiscal 2005. The earlier conference report would have reduced the program by 73 percent.

Area health education centers would receive $29 million under the revised bill. Appropriators had initially agreed to provide $2 million for the program, which helps recruit

and retain health professionals to underserved areas.

Viagra Coverage Restored

Negotiators removed a provision from the original conference report that would bar Medicare coverage of erectile dysfunction drugs, such as Viagra. The provision would have generated $90 million in savings for fiscal 2006.

Bill Thomas, R-Calif., the chairman of the House Ways and Means Committee, opposed the conference report because of the provision, arguing the federal government has signed contracts with Medicare providers to offer drugs to beneficiaries starting Jan. 1 and the companies have already set their formularies and begun marketing their plans.

Appropriators offset the erectile dysfunction provision in part by reducing funding for implementation of the new Medicare prescription drug plan by $60 million. Appropriators also provided HHS more flexibility on how they can use such funds, said John Scofield, spokesman for House Appropriations Chairman Jerry Lewis, R-Calif. The other $30 million would be offset by cuts in flu preparedness.

The measure would provide $2.2 billion for the Low Income Home Energy Assistance Program (LIHEAP) to provide subsidies to the poor to pay their utility bills. David R. Obey of Wisconsin, the ranking Democrat on the House Labor-HHS-Education Appropriations Subcommittee, offered an amendment that would have provided an additional $2 billion for the LIHEAP program and designate the funds as emergency spending. The proposal failed on a 7-7 vote.

Republican leaders are likely to use additional LIHEAP funding as a bargaining chip to attract votes for a conference agreement on the budget savings package (S 1932). The House version of that legislation included $1 billion for a program to help poor residents pay their utility bills this winter. The Senate budget savings bill does not contain any additional LIHEAP money.

Obey also offered an amendment that would have extended the deadline to sign up for the new Medicare prescription drug program by six months, to Dec. 31, 2006. Obey complained many seniors are still confused about rules on how to sign up for the program. His amendment also would have given seniors the opportunity to switch programs once during 2006 as they analyzed the differences in providers. The amendment failed on a 7-7 vote.

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CQ TODAY - GOVERNMENT OPERATIONS
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House Likely to Pass Bill Giving District of Columbia Expanded Financial Autonomy

By Isaiah J. Poole, CQ Staff

A bill that would give the District of Columbia government some additional financial autonomy is expected to easily pass the House Tuesday.

The bill (HR 3508) is sponsored by Rep. Thomas M. Davis III, R-Va., and cosponsored by Del. Eleanor Holmes Norton, D-D.C. It will be considered under suspension of the rules, which bars amendments and requires a two-thirds vote to pass.

No significant opposition is expected.

Norton has called the bill "a precursor to budget autonomy," a longtime goal that slipped further from they city's grasp during its flirtation with bankruptcy in the early 1990s. Since then, the city has gradually won a larger measure of latitude from Congress in managing its financial affairs.

The bill would codify the position of chief financial officer, which at one time was filled by current Mayor Anthony A. Williams; give the mayor authority to appoint that officer; and make the appointment official after approval by the City Council and a 30-day congressional review period.

It also would authorize the District, in the event of an unanticipated circumstance, to spend up to 6 percent of unappropriated local funds during the 2006, 2007 and 2008 fiscal years without having to make a midyear report to Congress.

The District would be able to draw down its emergency and contingency reserve funds, on the condition that the city reimburse those funds.

A provision in the bill would allow the District of Columbia court system to operate outside the city in the event of an emergency.

Another would require the chief financial officer in fiscal years 2006 to 2008 to review contracts that were not competitively bid.

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Detroit Free Press
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Far-reaching pact protects water supply

First step is approval from 8 governors

BY HUGH McDIARMID JR.
FREE PRESS STAFF WRITER

December 13, 2005

Chicago River water flowed into Lake Michigan until clever engineers reversed it in 1900, creating the biggest and most notable giveaway of Great Lakes water.

Other ideas to remove water have been ambitious: A failed bid in 1998 to ship a tanker full of Lake Superior water to Asia. Or talk of building giant pipelines to carry Great Lakes water to arid Western states.

Only a single sentence in a federal law that soon may be declared unconstitutional stands in the way.

That's why Gov. Jennifer Granholm and seven other Great Lakes governors are in Wisconsin today, expected to sign the most far-reaching pact aimed at protecting the water supply.

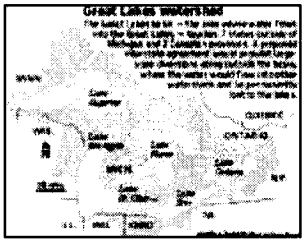
Proponents say it would be the first true legal firewall prohibiting large-scale siphoning of water -- Michigan's most defining feature and the region's biggest advantage in the age of global decision-making.

June Rusten, 77, a retired schoolteacher from Ann Arbor, said she worries about water "when I hear people saying it's a commodity."

"I really agree with the people who say the next war will be about water," said Rusten, 77, who camped and canoed all over Michigan and the Great Lakes in her younger years.

The water pact -- saddled with the uberbureaucratic title "Great Lakes-St. Lawrence River Basin Water Resources Compact Annex 2001 Implementing Agreements" -- is important because of the unprecedented barrier it would erect to block attempts to siphon off water.

"It's pretty exciting stuff. It recognizes that the Great Lakes are one system, and they don't belong to any one state," said Cheryl Mendoza, water conservation program manager with the Chicago-based nonprofit Alliance for the Great Lakes.



Key points in the Great Lakes deal

- No new large-scale water diversions.
- Large users must report water use.
- States allowed to create tougher rules.
- States must create water conservation plans.
- Bottled water in containers less than 5.7 gallons is not considered a diversion; states may regulate bottled water on their own.
- Temporary water diversion for crises -- like hurricane relief -- would be allowed.

And its urgency, say its supporters, is a Michigan lawsuit challenging the fragile sentence in 1986's federal Water Resources Development Act. That sentence allows diversions, but only if all eight Great Lakes governors agree. That provision is widely considered unconstitutional.

Nestle Waters Inc., which bottles Ice Mountain brand water from springs in western Michigan, has challenged the provision as part of its lawsuit against the state.

"The courts may be stepping up" to strike down the existing diversion law, acknowledged David Naftzger, director of the Council of Great Lakes Governors, the group that worked to get the governors' agreement during the last four years. "So, it's critical."

The new deal, which needs approval by all eight state legislatures, Congress and the president to take effect, would do more than block big water-sucking projects.

It would require the states to develop water conservation plans; force industry to report water use, and establish review of new projects that would permanently siphon large volumes of water for use in -- for instance -- consumer products.

It will become law when and if:

- All eight Great Lakes governors sign it (as they are expected to today).
- All eight state legislatures approve it.
- Congress and the president approve it.
- For information, go to www.cglg.org and look under "water management initiative"

In one controversial area it backs off -- leaving the rules, and the controversy, to the states.

Water bottled in containers of less than 5.7 gallons aren't subject to the "no diversion" rules -- essentially an exemption for the bottled water industry.

The pact allows bottled water and potentially other types of withdrawals to be considered a product and not a diversion, contends a written response by Michigan environmental attorney Jim Olson.

That would be a precedent to allow future exports, and "a gaping loophole in favor of those who want to profit off these public resources," wrote Olson, in an objection to the plan.

Nevertheless, Naftzger said Monday, all eight governors are onboard. Granholm said Monday she intended to sign.

Naftzger said he didn't expect significant congressional opposition if the agreement makes it that far, even from parched Western states.

In fact, the public perception that Westerners are coming for our water is wrong, say experts: The biggest threats are from just outside the basin where transporting water would be cheap.

Waukesha, Wis., for example, is seeking Great Lakes water after burgeoning growth has made its drinkable groundwater scarce. But the city lies just outside the basin -- meaning its wastewater flows west, into the Mississippi River system.

Akron, Ohio, which straddles the watershed boundary, earned approval to pipe in Lake Erie water in 1998 -- but only on the condition that the city send back an equivalent amount of treated wastewater.

Those are the regional struggles likely to threaten the lakes long before it becomes cost-effective to move water to the desert, said Robert Glennon, a professor of law and public policy at the University of Arizona.

Furor over Great Lakes protection is largely inaudible in Arizona, said Glennon, who added that Western states are looking at water conservation, desalinization plants, reallocation among water users, cloud seeding and diversions from regional waterways.

Transporting water from the Great Lakes would be enormously expensive, he said.

Yet time and technology could change that.

"Although, when I do presentations in the Midwest, I do tell them that the idea that we are coming to take the Great Lakes is nonsense," he said. "We'll just be happy with Lake Superior."

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Great Lakes

New master plan creates important to-do list

December 13, 2005

The Great Lakes came out ahead Monday after yearlong efforts to set priorities and encourage cooperation among all the agencies and groups that guard them. The U.S. Environmental Protection Agency even threw in a few promises, softening a previous pronouncement that the lakes didn't need any more money.

The EPA will go to bat to keep Asian carp out of Lake Michigan and to get Congress to pump more money into the Great Lakes Legacy Act, which funds cleanup of toxic hotspots. The agency promised a three-year attempt to figure out why bacteria levels get so high that beaches must be closed. Another goal is restoring 200,000 acres of wetlands, in conjunction with the states.

Governors in the eight Great Lakes states are applying even more pressure. Today, they are to sign a pact to prevent major diversions from lakes, a measure Congress will also have to approve. That pairs nicely with their campaign to get Washington to improve water quality. In a letter the governors and the region's mayors

sent Monday to President George W. Bush, they pressed for about $300 million more in water-related projects next year. They hope

the Great Lakes congressional

delegation can pry the money out

of their Capitol Hill colleagues if

the administration doesn't budget

it.

The burden really should stay on the administration, though. It was the president, after all, who kicked off the program in May 2004 with an executive order that created a federal task force. The next step formally became known as the Great Lakes Regional Collaboration, and drew in hundreds of people to map out restoration priorities. The final result, unveiled Monday, becomes an official Great Lakes strategy (available at www.glrc.us).

For the first time, a series of check-offs is rooted in the broadest possible agreement. That's a vast improvement over wish lists of the past -- and now everyone who loves the lakes can start keeping score.

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Back

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$20B in doubt for Great Lakes fix

'Initiative of the decade' to clean water lacks fed cash

December 13, 2005

WASHINGTON-- A presidential task force Monday released a historic $20 billion, 15-year blueprint to restore the ailing Great Lakes -- but without promises from the White House or Congress to fund it.

If implemented, it would be among the most ambitious environmental projects in U.S. history. And it was to be followed today by another historic measure to protect the world's largest freshwater resource. Great Lakes political leaders were ready to sign an agreement banning diversion of Great Lakes water.

After representatives of the Great Lakes basin -- eight U.S. governors and two Canadian premiers -- sign the compact, it must be approved by the eight state legislatures and the U.S. Congress.

"Either one of these two would be the initiative of the decade and an incredible accomplishment," said Andy Buchsbaum, director of the Great Lakes office at the National Wildlife Federation. "This is an incredible time for the Great Lakes."

While the $20 billion plan spells out in minute detail what it would take to protect the lakes, there was great skepticism that it could be funded at anywhere near that level in an era of massive federal budget deficits requiring widespread cuts in federal spending.

The sum of $20 billion would be a huge increase in what Congress has so far been willing to commit: Between 1992 and 2004, the federal government pumped just $1.7 billion into Great Lakes restoration efforts, according to a congressional report.

At a news conference in Chicago unveiling the restoration plan, Great Lakes state and local officials vowed to come up with $140 million in state and local money to launch the project if the federal government agrees to $300 million in additional funding in fiscal year 2007.

The federal government says the dozens of programs it operates that have an impact, such as cleaning up highly contaminated sites, amount to about $500 million a year. But the task force report calls mostly for new funding initiatives.

U.S. Rep. Vern Ehlers, R-Grand Rapids, said he would author legislation to implement the plan and hold hearings to try to build support for boosting the federal commitment to cleaning up the lakes. But he acknowledged there will be funding challenges.

"Before Katrina and the other hurricanes, I think there was real hope that we could finally tackle this," said Ehlers, who chairs a House Science subcommittee. "There are a lot of demands on the budget. But there is a substantial part of the Congress that wants to get this project going."

About two-thirds of the $20 billion proposal would go to fix and upgrade old sewer systems in the Great Lakes region, which in wet weather sometimes dump inadequately treated sewage into the waterways, leading to fish kills and beach closings. In addition, the plan calls for combatting invasive species, restoring wetlands and other wildlife habitats and accelerating the cleanup of highly contaminated areas.

The plan proposes fighting invasive species by building barriers at several points of entry to the lakes, as well as by passing the National Aquatic Invasive Species Act to prohibit releasing untreated ballast water from oceangoing ships.

The plan also calls for restoring and increasing the amount of wetlands around the lakes by 550,000 acres by 2010, at a cost of $188 million annually. Those provide crucial habitat for waterfowl and fish, as well as filter out contaminants. The document also calls for $20 million to research dwindling fish populations and to boost stock of native fish populations.

It also urges the $2.25 billion over 15 years to clean up 31 toxic sites in the United States. Nearly half of the 31 areas of concerns are in Michigan waters, including in the Detroit, Clinton, Rouge and St. Clair rivers.

The Great Lakes hold 95 percent of the nation's fresh surface water and are a huge economic engine, supporting 250,000 jobs in the region. Boating alone is a $35 billion-a-year industry, while hunting, fishing and wildlife account for about $18 billion in revenue.

"We pledge to work with Congress on legislative efforts to restore and protect the lakes," Stephen Johnson, the administrator of the Environmental Protection Agency, said at the news conference. "Today's blueprint is the next step in ensuring the Great Lakes remain an international treasure."

Johnson, while not committing to any funding levels, said the EPA is committed to reducing sewage overflows by 2020, making permanent a barrier to keep Asian carp from entering the Great Lakes, and speeding up cleanup of toxic areas.

But already Congress, responding to requests by the president, is trying to cut spending by as much as $50 billion over the next five years for food stamps, Medicaid and other safety-net programs. That, added to anticipated increases in the cost of Social Security and Medicare as the baby boom generation ages, raises concern that the Congress and White House won't commit to a large-scale environmental project.

U.S. Rep. John Dingell, D-Dearborn, after meeting with Johnson last week, said he believes there "won't be any new funds" for a massive Great Lakes cleanup project.

U.S. Rep. Bart Stupak, D-Menominee, called the report "just a big hype about nothing."

Stupak charges that President Bush created the task force during the 2004 presidential campaign to try to win Michigan and other swing Great Lakes states. He expects Bush in his State of the Union address to say he has to control spending, and that means additional funding won't be coming to back up the task force's recommendations.

"We've been through this a million times," said Stupak. "Nothing is going to happen with the Great Lakes until there is a commitment of money. I don't see that happening until we have a new president."

Environmentalists say they will push Congress to increase spending, warning that delay will simply add to the cost of restoration.

"The next steps are of paramount importance," said Tom Kiernan, president of the National Parks Conservation Association. "The follow-through and the funding will be the key tests."

The National Wildlife Federation's Buchsbaum added: "Tomorrow we roll up our sleeves and turn this excellent plan into action."

Tim Shelson, owner of Ausable Marina in Oscoda, said he is hopeful the plan will be enacted to boost fish populations.

"(Lake Huron) really needs some help," Shelson said.

John Rohe, an attorney in Petoskey who boats on the Great Lakes often, said he is worried about eating fish caught in the lakes.

"We live our life around the Great Lakes, not to mention it is the water we drink and bathe with and use," Rohe said in explaining why he hopes the plan goes forward. "If you want to rank my concern on a scale of 1 to 10, it is about an 8 or 9. That is a tremendous insult to generations to come."

Signaling one of the ways environmentalists hope to sell the plan to a Congress faced with competing big-ticket items, Emily Green, director of the Great Lakes program for the Sierra Club, said the rush of construction jobs in the short term and increased tourism and recreation in the long

term will create "prosperity and growth" and turn the region from being known as the rust belt states to the water belt economy.

"The sooner we make the investment, the better," Green said. "Every day we wait means that this problem will only get bigger."

Chicago Mayor Richard Daley and the governors of the Great Lakes states have asked Bush to support the new funding.

"I am well aware that there are competing priorities and tight budgets," Daley said. "However, investments we make now will prevent the need for far larger expenditures in the future."

Ohio Gov. Bob Taft said states are prepared to contribute financially. "If we hesitate to spend money, we will lose time, and we do not have time to lose."

Detroit News Washington Bureau Chief Alison Bethel and the Associated Press contributed to this report. You can reach Deb Price at (202) 662-8736 or dprice@ detnews.com.

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Back

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Editorial

Michigan needs leadership, not more excuse-making

Granholm again chooses not to boost jobs climate

December 13, 2005

Presented with a chance to help lead Michigan out of its economic darkness, Gov. Jennifer Granholm is again making excuses for why she can't do anything to address this state's escalating jobs crisis.

This time, the governor says that although she likes much of the $500 million economic stimulus package passed by the state Legislature, she may not be able to sign it because Congress -- in a rare stab at fiscal responsibility -- is proposing trimming the growth of the Medicaid program.

Slowing Medicaid spending hikes to 7 percent annually from 7.3 percent could cost Michigan $1 billion over five years. Granholm says the federal Medicaid cuts may deep-six the possibility of reducing Michigan's job-killing business tax burden because the state will need the money to expand welfare.

The tax-relief package Granholm is threatening to snuff is the product of months of negotiations between the Republican-led Legislature and the Democratic governor. The governor has found reason to reject most legislative economic stimulus proposals, but this one she said she could support.

The bill falls far short of being the bold, innovative statement Michigan needs to show the rest of the nation that it is truly serious about improving the climate for business, but at least it's something.

Michigan is the fifth most costly state in which to do business, according to the New York State Public Policy Institute. That helps explain why Michigan leads the nation in unemployment and is the only state that hasn't created jobs the last three years.

This crisis demands action. But Granholm is choosing instead to position Michigan as the place with the best welfare benefits, rather than the place with the best environment for creating jobs.

Michigan's economy needs priming. The state has to be willing to sacrifice for the short-term and take the risk that making business taxes more competitive will attract jobs, and that will ultimately mean higher tax revenue and less need for welfare.

The governor insists that state taxes are not a significant factor in the decision by employers to bring jobs to a state. And yet the few times she's been able to announce that a business is bringing new jobs to Michigan, it has always come with tax abatements.

That should be a clue that business taxes are not competitive.

Granholm blames this single-state recession on a number of things beyond her control, including the failing auto industry, Bush administration trade policies and a lack of cooperation from Republican lawmakers.

Good leaders overcome obstacles; Granholm finds comfort in them, because they give her an excuse for avoiding action.

Michigan needs leadership, and it needs it now. If Granholm is unwilling to steer this ship, she should step aside and let someone else take the helm.

BUDGET

Negotiators Might Ax Budget Provisions Cutting Food Stamps, Changing Welfare

Negotiators seeking about $45 billion in five-year budget savings appear likely to drop proposed reductions in the federal food stamp program, with GOP opposition firming up as the Agriculture committees work to meet a $3 billion savings target.

They are also likely to drop House-passed welfare overhaul legislation, sources said. Senate GOP moderates and the National Governors Association are bucking House leaders' plan to include the bill, which the full Senate has not debated, in the filibuster-proof reconciliation package.

GOP leaders would instead pass a three-month extension of current law, giving negotiators more time to work out a broader bill next year.

Key decisions must also be made on language allowing oil and gas drilling in the Arctic National Wildlife Refuge and funding to stave off a scheduled 4.3 percent reduction in Medicare physician payments.

"I'm still working ANWR,"**Senate Majority Leader Frist** told reporters. He added, "I do believe physicians should be compensated fully, but I don't want to get into that because I'm [in] the middle of those discussions."

Physicians are lobbying for a two-year fix, but **Ways and Means Chairman Thomas**, **Energy and Commerce Chairman Barton** and others want to tie physician payments to quality of care. Simply freezing current Medicare payments for one year would cost $7 billion; the Senate bill would provide a 1 percent increase next year, at a cost of $10.8 billion.

Frist declined to comment on other provisions, and final decisions will not be made until House-Senate negotiators meet this week. But sources said GOP leaders are leaning toward dropping House language trimming almost $700 million from food stamps.

Senate Agriculture Chairman Chambliss did not include food stamp cuts in the Senate bill and has been adamant none be included in the final version.

His position was backed in a letter last week from 12 Senate Republicans urging him to hold fast.

"Thanks to your leadership, the Senate Agriculture Committee was able to meet its reconciliation instruction from the Budget Committee with savings that do not adversely affect the millions of children, working parents, people with disabilities, the elderly, and others who rely on food stamps to help them secure an adequate diet," the letter states.

Spearheading the letter were GOP Sens. **Gordon Smith** of Oregon and **Mike DeWine** of Ohio, two generally moderate votes and outspoken critics of the budget cuts. But joining Smith and DeWine were a number of other Republicans whose support leaders will need on any conference agreement.

Senate Republican Conference Chairman **Rick Santorum** of Pennsylvania, who faces a tough re-election fight, was among the

signatories, as was National Republican Senatorial Committee Chairwoman **Elizabeth Dole** of North Carolina. Three committee chairmen -- **Judiciary Chairman Specter**, **Foreign Relations Chairman Lugar** and **Homeland Security and Governmental Affairs Chairwoman Collins** -- also signed.

Rounding out the list were Sens. **Olympia Snowe** of Maine, **Lincoln Chafee** of Rhode Island, **Jim Talent** of Missouri, **Chuck Hagel** of Nebraska and **Norm Coleman** of Minnesota.

As part of the House's $49.9 billion reconciliation bill, **House Agriculture Chairman Goodlatte** included two significant changes to the food stamp program.

The first would restrict eligibility to recipients of cash assistance under the Temporary Assistance for Needy Families program and other specific non-cash benefits like child care, shelter and transportation, while preserving free school lunches for children in families who would otherwise lose food stamp benefits. According to CBO, about 185,000 people would lose food stamp eligibility under the proposal.

The House bill would also extend the residency requirement for legal immigrants from five to seven years, exempting those who are at least 60 years old on the date of enactment or have applied for citizenship. That would remove about 50,000 people from food stamp rolls, rising to 70,000 after two years, CBO estimates. *By Peter Cohn*

ROLL CALL

Leadership Sets 'Low' Bar for Work This Week

December 13, 2005
By Emily Pierce,
Roll Call Staff

Congressional Republican leaders are keeping their fingers crossed this week that the stars will magically align to give them a respectable number of legislative deals and allow them to proclaim a "successful" end to the first session of the 109th Congress by Sunday at the latest.

Still, leadership aides are warning people inside and outside Congress not to expect too many legislative miracles this week as they work to send everyone home for the holidays.



Indeed, the new target for adjournment, if it's met, would keep Congress in town a few days less than Senate Majority Leader Bill Frist (R-Tenn.) had indicated a week and a half ago. At that time, he estimated that Congress could pass a major budget reconciliation bill by Dec. 19 or 20 — that is, next Monday or Tuesday.

Frist's pronouncement floored House GOP aides who had been telling Members, staffers and reporters that they hoped to call an end to the session by Friday, using the threat of a weekend session to potentially speed action on a number of issues.

It turns out that it was just a big misunderstanding. Frist had been "confused" at his press conference on Dec. 2, according to spokeswoman Amy Call.

"We are trying to get out this weekend," she said, explaining that Frist mixed up the target December adjournment date — sometime this weekend — with the date he hopes to have a floor vote on the Supreme Court nomination of Samuel Alito, namely Jan. 20.

Regardless of what day the session ends, one Senate Republican leadership aide said people should "set the bar low" for legislative accomplishments.

"Too many reporters are over-predicting what will happen, thereby setting up our bosses as 'failing' at year's end," explained the aide.

But setting the bar low on legislative accomplishments may be difficult. Given that so much of Congress' agenda this week appears linked, it's easy to envision how one deal, or the failure thereof, might beget another.

Take, for example, the recent push by Senate Appropriations Chairman Thad Cochran (R-Miss.) to double President Bush's request for aide to Gulf Coast victims of Hurricane Katrina. The fate of both the Defense Department appropriations bill as well as preparedness funding for a potential bird flu outbreak are intertwined with Cochran's request, given that both the Katrina funds and avian flu money are slated to hitch a ride on the Defense measure.

Bush has asked Congress to reallocate $17 billion in already appropriated, but unspent, funds to aid Katrina victims in Mississippi and Louisiana, but Cochran wants to increase the amount to $35 billion, a substantial portion of which he has said may need to be designated as "emergency" spending, thereby adding to the federal deficit.

Cochran has implicitly threatened to use his powerful position to get what residents of his home state are demanding, and not surprisingly, there has been some movement in his favor.

The Bush administration told Congressional Republicans on Monday that it might be willing to part with about $7.2 billion more in unspent Katrina funds, giving Cochran a reallocation aid package close to $25 billion, according to a Senate GOP source. Under that scenario, the administration said the remaining appropriated Katrina funds for the Federal Emergency Management Agency would last until the end of March 2006, the source said.

But those actions could have consequences. If Cochran continues to press for more off-budget, emergency funds, he may have to pay a higher price in the form of a larger across-the-board discretionary spending cut — a provision that House Republicans have been demanding, one senior Senate budget aide said. As Appropriations chairman, Cochran would be charged with helping to devise such a cut as part of the Defense appropriations bill.

Of course, Cochran could have his cake and eat it too if House and Senate budget writers fail to find agreement on a budget reconciliation bill, which is expected to include as much as $45 billion in cuts to mandatory spending programs. Senate Republican leaders have made it clear that they will not push a discretionary cut without a deal on mandatory cuts.

On the budget reconciliation bill, however, a potential revenue raiser is causing all the problems. Indeed, serious doubts remain over whether any compromise can be forged on whether to open Alaska's Arctic National Wildlife Refuge to oil and natural gas drilling.

Drilling in ANWR, estimated by backers to bring in as much as $2.5 billion in leasing revenues, is opposed by a critical mass of House GOP centrists, who have the voting power to scuttle the bill if ANWR provisions are included in the conference report. However, Senate backers of ANWR drilling may not even let a conference report emerge from the back rooms of Congress if ANWR is not included.

"You don't even get to a vote unless ANWR's in there," predicted the senior Senate budget aide, noting that key ANWR drilling backers — Sens. Ted Stevens (R-Alaska) and Pete Domenici (R-N.M.) — are likely to be on the official budget reconciliation conference committee but are unlikely to sign any conference report without the inclusion of ANWR.

In order to file a conference report, a majority of conferees must sign the report. Because Democratic conferees are expected to unanimously oppose it, Republicans need all of their Conference members' signatures to move a final budget reconciliation package to a vote.

Still, one House Republican aide said the current plan is for the House to appoint conferees to the budget reconciliation bill on Thursday, while having the official, public conference meeting that evening. Under that scenario, said the aide, the bill could be up for a final vote on the House floor by Saturday.

Of course, Senate Democrats are not going to let any budget reconciliation bill skirt by without a good deal of debate, which is why they expect the Senate to consider as many as five motions to instruct conferees today and Wednesday. Motions to instruct are non-binding procedural motions that put the Senate on record as supporting a specific position.

Jim Manley, spokesman for Senate Minority Leader Harry Reid (D-Nev.), said Democrats would be pressing the Senate to go on record opposing funding cuts to food stamps and child support enforcement, among other issues. If House and Senate Republicans reach agreement on the tax reconciliation bill this week, as they hope to, Senate Democrats also have a few motions to press their position on tax policy as well, Manley said.

Meanwhile, conferees on the Labor, Health and Human Services, and Education spending bill are set to send a new conference report to both the House and Senate, but there is no guarantee that the newer version will garner any more support in the House or Senate than the first one did, according to House and Senate aides.

Indeed, last month, House GOP leaders suffered a rare and surprising floor defeat when all Democrats and 22 Republicans banded together to oppose passage of the conference report. Even Sen. Arlen Specter (R-Pa.), the chairman of the Senate Appropriations subcommittee with jurisdiction over the measure, called the first conference report "totally insufficient."

Appropriators also are still negotiating over the Defense spending bill, but most of the issues relevant to funding the Pentagon have been resolved, aides say. Still, the bill's fate hinges not just on decisions on Hurricane Katrina and avian flu funding but also a deal on whether to bar inhumane treatment of terrorism detainees.

Sen. John McCain (R-Ariz.), the author of the language, hoped to include it either on the defense spending bill or a related defense authorization bill, but an agreement on detainee treatment with Bush — who has threatened to veto any bill with the language — was not forthcoming as of press time.

As for funding for bird flu, Frist and Bush have urged House conservatives to agree to the president's request for $7.1 billion in preparedness funding, with no agreement so far. However, it's likely that at least $3.3 billion in avian flu funding will be included to fund operations slated for fiscal 2006.

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Tuesday, December 13, 2005

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Bill would allow deadbeat parents to avoid payments

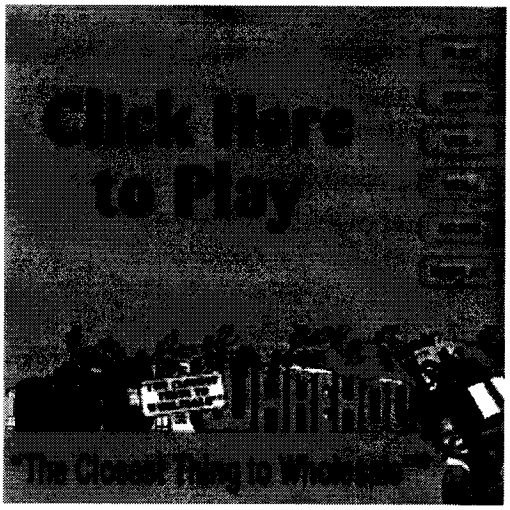
Web-posted Dec 13, 2005

EDITORIAL

A spending bill being debated in Washington could end up pushing 40 percent of Michigan youngsters receiving child support off the rolls.

There are about 50,000 cases in Oakland County and 1 million children involved statewide.

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This could happen because, as part of its Deficit Reduction Act of 2005, the U.S. House of Representatives passed a bill that would reduce the amount the federal government pays toward the salaries of child care workers from 66 percent to 50 percent.

Those who support the change say it would bring the percentage in line with other federal programs and hint that such states as Michigan simply are wasteful and unwilling to pay their fair share.

But protesters in the county and Lansing child support offices - as well as Michigan Supreme Court Justice Maura Corrigan - claim it would cripple enforcement of child support payments by divorced parents and force the welfare system to begin funding nearly half the families involved.

As anyone who has been involved in the child support system knows, it takes a lot of time-consuming oversight by Friend of the Court workers, among others, to keep support payments coming from many of the parents involved.

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The U.S. Senate did not include such a reduction in its version of the deficit bill. So, a joint House-Senate conference committee is supposed to be reconciling the difference right now.

As written, the reduction would be phased in over five years and cost Michigan and the child support program nearly $250 million. Of that, $60 million would be lost next year alone, according to Corrigan.

Those who oppose the reduction claim it would force layoffs and redirect worker efforts that would, in turn, allow so-called deadbeat parents to more easily avoid supporting their children.

Instead, the taxpayers would pay the support bills under the welfare system. An estimated $400 million less would be collected from reluctant parents during the five years.

That would be an especially unhappy outcome because Michigan now ranks fourth best in the nation among the states in the amount collected and paid to families. The total in 2004 was $1.4 billion and $200 million came from Oakland County.

The people who persuade the parents to pay what they owe are bill collectors, basically, whose clients are children. These children otherwise would be on welfare - and assuredly will be in many cases if and when local Friend of the Court agencies have to lay off employees.

There are, of course, two sides to every story. The National Family Justice Association, which represents parents who pay child support, says a cutback would be appropriate because the child support system now "is not held accountable for inadequate performance."

The association's board chairman is Murray Davis of Southfi eld.

It is no secret that children can be shortchanged by the parent who has custody, even when the payments ordered in the divorce are made in full and on time.

Nonetheless, an arbitrary and sizable reduction in the effort to at least get the payments made is not a good idea.

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GOOD MORNING

Let's hope the Iraqis voting locally this week will have a better turnout than the rest of us.

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The Stakes in Hong Kong

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Tuesday, December 13, 2005; A26

FOR A BRIEF moment after the 2001 terrorist attacks, the world's leading nations wanted to extend a ladder of opportunity to poor and potentially resentful nations. They launched a new round of global trade talks, calling it a "development round" because it was supposed to cut farm tariffs and other obstacles to poor countries' progress. The good intentions didn't last. A follow-up summit of trade ministers in Cancun, Mexico, in 2003 broke down chaotically when the European Union and the United States tried to impose an unsatisfactory pseudo-deal on developing countries. Now, after another two-year interval, trade ministers are convening in Hong Kong. Progress has been shamefully slow, and the chances that the round will realize its development potential are almost nil. Still, it's important that the next few days yield at least a modest deal. A collapse could destabilize the global trading system.

The stakes are high because the effective negotiating deadline is nearing. Congress has granted President Bush "trade promotion authority," the power to negotiate trade deals and get an up-or-down vote in Congress without having the document picked apart in a series of amendments. But this authority expires in the summer of 2007 and is unlikely to be renewed; it was granted in 2001 in that anomalous moment of post-Sept. 11 lucidity. Negotiators therefore have about a year to put together a hugely complex deal, but their efforts so far have been confined mainly to agriculture. Even there they have stalled, largely because the European Union has offered a loophole-ridden proposal that would barely reduce its farm protectionism.

If this trade round collapses, it would fuel the disturbing trend toward regional and bilateral trade pacts, which boost prosperity less effectively. These smaller deals tend to come with burdensome red tape: For example, the United States has granted preferential market access to African exporters, but it insists that African goods be laboriously certified as genuinely African to screen out products that might be shipped from another region to take advantage of the special access. Regional deals also tend to divert trade as much as they create it, shifting prosperity from one region to another rather than actually generating it.

The collapse of the trade talks would also threaten a dangerous burst of litigation. Earlier this year, the World Trade Organization's appellate tribunal upheld a Brazilian complaint against U.S. cotton subsidies, with the result that those subsidies are supposed to be cut back. A new paper from the Cato Institute argues that, under the logic of that ruling, U.S. subsidies on corn, wheat and rice may also violate world trade rules. So long as trade talks limp on, there's little incentive for other countries to bring expensive legal challenges to U.S. farm programs. But if the prospect of a negotiated reform of U.S. policies fades, the United States might face a series of WTO rulings against agricultural subsidies. If it bowed to these, it would be putting its own house in order without getting reform from others in return. If it refused to bow, it would fuel anti-Americanism and undermine support for the rules-based

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December 13, 2005

Supreme Court to Hear Dispute on Texas Redistricting

By LINDA GREENHOUSE

WASHINGTON, Dec. 12 - The Supreme Court announced on Monday that it would decide the validity of the much-disputed Congressional map that Texas Republicans pushed through the State Legislature two years ago in a highly unusual mid-decade redistricting that led to the loss of five Democratic Congressional seats.

The court agreed to hear appeals brought by four groups of plaintiffs representing Democratic, Hispanic and black voters as well as the city of Austin and its surrounding county. The justices will hear the cases on an expedited basis on March 1, in time to issue a decision by the end of the current term in late June, but not in time to avoid the prospect of turmoil in Texas politics should any aspect of the 2003 plan be overturned. The state's Congressional primaries are March 7.

Not since Bush v. Gore, the decision that resolved the 2000 presidential election, has the Supreme Court ventured so deeply into a legal dispute at the core of partisan politics.

In the 2004 Congressional election, with the new plan in place, the Texas delegation went from an even division of 16 Republicans and 16 Democrats to 21 Republicans and 11 Democrats. The plan was engineered by Representative Tom DeLay, the Texas Republican and former House majority leader.

"Tom DeLay and his corrupt cronies were willing to sacrifice the voting rights of millions of Texans to carry out a corrupt, partisan, mid-decade redistricting scheme," said Charles Soechting, chairman of the Texas Democratic Party in a statement expressing his hope that the court would overturn the plan.

The House Democratic leader, Nancy Pelosi of California, echoed the sentiment, saying she saw the court's action as "a hopeful sign" that it will "restore the Voting Rights Act to its historic role in furthering justice for all Americans."

Gov. Rick Perry, a Republican, said "the Texas remap is constitutional" and expressed his confidence "that the Supreme Court will find that every Texas voter has a voice at the ballot box."

The question of whether the Texas redistricting violated either the Voting Rights Act or the Constitution has ramifications well beyond the boundaries of that state. The mid-decade redistricting was so successful for the Texas Republicans that if it is upheld, it could well become the norm any time a single party gains control of a state legislature and wants to entrench its power in the state's Congressional delegation.

A special three-judge Federal District Court in Austin upheld the Texas redistricting in a decision issued in June of this year.

The four separate appeals present a variety of questions for the Supreme Court, and it is not clear how broadly the justices might rule. One of the cases, for example, concerns the dismantling of a single majority-Hispanic district in South Texas, undertaken to shore up the re-election chances of a Republican incumbent, Henry Bonilla, who was losing favor with Hispanic voters in his district.

In an appeal called GI Forum of Texas v. Perry, No. 05-439, the Mexican American Legal Defense and Educational Fund is challenging that action as a dilution of the Hispanic vote in violation of the Voting Rights Act. While Mr. Bonilla's 23rd District became more Anglo and Republican, the Legislature created a new 25th District, with a majority of Hispanic voters, that stretches from the Mexican border up to Austin along a 300-mile-long land bridge, only 10 miles wide in some places, that connects two Hispanic population centers. It is being challenged in an appeal entitled Jackson v. Perry, No. 05-276, as a violation of the Supreme Court's recent precedents that limited legislative discretion to draw wildly non-compact districts in order to guarantee minority representation.

The Jackson v. Perry appeal also includes a broad challenge to the entire redistricting plan as an unconstitutional partisan gerrymander, arguing that in a state with a lawful plan in place, as it was in Texas, the legislature may not redraw districts in the middle of a decade "for the sole purpose of maximizing partisan advantage."

Another of the cases, Travis County v. Perry, No. 05-254, raises a separate broad challenge to the overall plan. This appeal argues that if the Legislature chose to redistrict the state in the middle of the decade, it could not use the population figures from the 2000 census, on which the existing plan was based, without violating the constitutional requirement of one person, one vote.

Between 2000 and 2003, when the new plan was put in place, the state's population grew by 1.3 million people, a 6 percent increase, with the greatest increase among the Hispanic population. If the Supreme Court accepts this argument, any mid-decade redistricting would have to be based on current population figures.

It is the role of partisanship in redistricting that presents the greatest challenge for the court and the most far-reaching potential impact of its eventual ruling.

In a case from Pennsylvania in 2004, the court was unable to agree on the standard for evaluating a partisan gerrymander, or even on whether such a case was one that federal courts should decide. Four justices, Antonin Scalia, Sandra Day O'Connor, Clarence Thomas and William H. Rehnquist, then the chief justice, said in an opinion by Justice Scalia that claims of political gerrymandering were not the business of the federal courts because the Constitution provides no "judicially enforceable limit on the political considerations that the states and Congress may take into account when districting."

Another four justices, John Paul Stevens, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer, would have permitted the Pennsylvania Democrats' lawsuit to proceed under several alternative theories.

The outcome of that case, Vieth v. Jubelirer, was determined by the equivocal opinion of Justice Anthony M. Kennedy, who voted with the Scalia group to reject the Pennsylvania Democrats' case but said that he "would not foreclose all possibility of judicial relief if some limited and precise rationale were found to correct an established violation of the Constitution."

So the most obvious question now is whether any of the Texas plaintiffs have articulated a sufficiently precise and manageable standard to attract Justice Kennedy. The plaintiffs in the Jackson v. Perry appeal describe what happened in Texas in 2003 in just such terms. A redistricting plan should be found

unconstitutional, they say, "when it is enacted solely to skew future election results in favor of one political party and against another, at a time when a perfectly lawful map is already in place and there is no other legitimate justification for changing the district lines."

As the court prepares to hear the appeals, another question is whether its changed membership will make any difference. Clearly, Chief Justice John G. Roberts Jr. has it within his power to shift the balance on the court on the basic question of whether even to consider a partisan gerrymander claim. So would a successor to Justice O'Connor, who may be seated by the time the case is argued.

The fact that the Texas case is pending is likely to increase the already substantial interest in the views of Judge Samuel A. Alito Jr., the nominee to succeed Justice O'Connor, on election law in general and the court's one person, one vote precedents in particular. In a 1985 application for a promotion in the Reagan administration, which came to light last month, Judge Alito described himself as a critic of the reapportionment precedents established by the Supreme Court under Chief Justice Earl Warren.

The court's handling of the Texas appeals was unusual, suggestive of a lively debate within the justices' closed-door conference. The court's Web site, which tracks the procedural course of every case, indicates that the justices took up the Texas cases on six separate occasions before issuing the order on Monday that set four of them for argument. Three other appeals, which duplicate questions posed by the four, remain pending.

The Texas attorney general's office waived its right to respond to each of the appeals. It is highly unusual for the court to act in a case without first hearing from the other side, but no order to respond was ever issued.

Greg Abbott, the Texas attorney general, a Republican, said on Monday that the court's decision to hear the cases was "entirely appropriate" and "not surprising."

Earlier this month, the Justice Department acknowledged the accuracy of a report in The Washington Post that in 2003, top political officials had overruled a determination by career lawyers in the department's voting rights section that the Texas plan did not meet the requirements of the Voting Rights Act and should not be allowed to take effect.

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December 13, 2005

Thursday's Election Won't Stop Violence in Iraq, Bush Says

By ELISABETH BUMILLER

PHILADELPHIA, Dec. 12 - President Bush hailed Iraq's coming parliamentary election as a "remarkable event in the Arab world" in a speech here on Monday. But he said that the voting would not bring an end to violence and that Iraq was still threatened by Iran, Syria and its own religious and ethnic tensions.

For the first time, the president also put a number on the approximate numbers of Iraqis killed - 30,000 he said - since the beginning of the American-led invasion in March 2003. Mr. Bush gave out the number during a rare question-and-answer session after the speech.

"How many Iraqi citizens have died in this war?" the president said in response to the first question from members of the World Affairs Council, the host of the event. "I would say 30,000, more or less, have died as a result of the initial incursion and the ongoing violence against Iraqis. We've lost about 2,140 of our own troops in Iraq."

White House officials said that Mr. Bush based the number on public estimates of the death toll, not on an internal government accounting, and was not breaking down the numbers into civilian and military deaths. Iraq Body Count, a group that tracks Iraqi civilian deaths, listed them as being between 27,383 and 30,892 on its Web site today.

Military officials say they have kept only partial statistics on the numbers of Iraqis killed.

Mr. Bush's speech, delivered at the Park Hyatt hotel in downtown Philadelphia, was his third of four in recent weeks aimed at trying to build up sagging public support for the war in Iraq.

This speech, which the president said was delivered in the birthplace of American democracy, was focused on American efforts to foster democracy in Iraq. Like the others, it was meant to offer a more realistic assessment of the troubles ahead, and offered no timetable for the withdrawal of American troops.

"No nation in history has made the transition to a free society without facing challenges, setbacks and false starts," Mr. Bush said. But the parliamentary elections set in Iraq for Thursday, he said, represent "a remarkable transformation for a country that has virtually no experience with democracy, and which is struggling to overcome the legacy of one of the worst tyrannies the world has known."

Representative John P. Murtha, the Pennsylvania Democrat and Vietnam veteran whose call last month for a speedy withdrawal of American troops set off a new debate about Iraq, denounced Mr. Bush's speech as more rhetoric and said the war cannot be won militarily.

Speaking just a few blocks from Mr. Bush at the Ritz-Carlton hotel, Mr. Murtha said that if the French had remained in the United States after the Revolutionary War, "we'd have thrown them the hell out of here."

The Iraqis, he said, "are not against democracy, they are against our occupation."

Senator Edward M. Kennedy, Democrat of Massachusetts, echoed Mr. Murtha, and said that the redeployment of American troops must begin after the Iraqi election. "Our overwhelming military presence has inflamed the insurgency," Mr. Kennedy said in a statement.

In his remarks, Mr. Bush effectively said that the administration had made mistakes in Iraq. The president recalled, for example, that in the summer of 2003, the United States proposed that the Coalition Provisional Authority, the American administration that governed Iraq after the war, should continue in office while appointed Iraqi leaders drafted a constitution and then held elections to choose a new government. As proposed by the Americans, Iraq would have been sovereign only when the elected government took office.

"This plan met with the disapproval of the Iraqis," Mr. Bush said. "They made it clear that they wanted a constitution that was written by elected leaders of a free Iraq, and they wanted sovereignty placed in Iraqi hands sooner. We listened, and we adjusted our approach."

Iraq was formally declared sovereign in June 2004.

Mr. Bush said that the parliamentary election set for Thursday "won't be perfect," and that Iraq still faced problems from inside and outside its boundaries. Internally, he said, Iraq had to establish "the culture of reconciliation" among Shiites, Sunni Arabs and Kurds, who have feuded and warred for centuries.

"Oh, I know some fear the possibility that Iraq could break apart and fall into a civil war," Mr. Bush said. "I don't believe those fears are justified."

The final challenge, the president said, was Iraq's position in a "tough neighborhood" with Syria and Iran. "The vast majority of Iraqis do not want to live under an Iranian-style theocracy, and they don't want Syria to allow the transit of bombers and killers into Iraq," Mr. Bush said, vowing that the "United States of America will stand with the Iraqi people against the threats from these neighbors."

Mr. Bush, who does not often take questions after his prepared speeches, was asked by one member of the audience why he invoked the attacks of Sept. 11 as a justification for the invasion of Iraq when "no respected journalist or other Middle Eastern experts confirm that such a link existed."

The president responded that "there was a serious international effort to say to Saddam Hussein, 'You're a threat,' and the Sept. 11 attacks extenuated that threat." Mr. Bush added that "knowing what I know today, I'd make the decision again."

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