



April 12, 2002

Senator Daschle's Respect for the Committee Process **Which Committee?**

During the Judiciary Committee's consideration and defeat of Judge Charles Pickering's nomination to the 5th Circuit Court of Appeals, Majority Leader Daschle defended his denial of a full Senate vote on the nomination by arguing process. The Judiciary Committee had acted, and he was not one to circumvent Senate Committees:

- ▶ "Committees are there for a reason, and I think we have to respect the committee jurisdiction, responsibility, and leadership, and that's what I intend to do" (March 14, 2002).
- ▶ "Well, but that wasn't my choice. That was the choice of the Judiciary Committee. So, I guess I still fail to see why it's my responsibility here. I mean, that's the choice that they made and I respect that choice and I respect the decision they made and I have to adhere to it" (March, 20, 2002).
- ▶ "If we respect the committee process at all, I think you have to respect the decision of every committee. I will respect the wishes and the decisions made by that committee, as I would with any other committee" (March 6, 2002).

Senator Daschle's recent track record with committees does not always reflect the above-stated concerns. Over the past year, Senator Daschle has repeatedly circumvented Senate Committees with jurisdiction over major pieces of legislation, including:

Energy

- ▶ *The Boston Globe* reported that "by circumventing the committee process, Daschle ensures that any energy legislation that is considered will start without the drilling provision" (October 12, 2001).
- ▶ *Insight on the News* reported Senator Daschle's actions on the Energy Bill as "refusing to allow movement of energy legislation through the committee process. . ." (December 24,

2001).

- ▶ *Inside Energy* relayed that Energy Committee Chairman Bingaman said that “at Daschle’s request, he would abandon his plans to mark up a bill in committee” and that he had “discussed the matter with Daschle at a Democratic luncheon. . . , after which Daschle asked Bingaman to cancel the committee markups” (October 15, 2001).
- ▶ A *Washington Times* article entitled “Daschle Takes Control of Energy Bill” reported that “in an unusual legislative action,” Chairman Bingaman “has canceled further deliberations over the [Energy] bill at the request of Mr. Daschle, who will now have sole authority to shape the bill to his own specifications” (October 11, 2001).
- ▶ Last month, *The Albuquerque Journal* wrote that “when Bingaman introduced his legislation late last year, Daschle quickly announced that the Senate Energy and Natural Resources Committee, which Bingaman chairs, would not hold hearings on the bill” (March 10, 2002).
- ▶ *Electric Utility Week* wrote, “Tom Daschle says he will bring that [Energy] package up before the President’s Day recess, but last year he pulled the bill out of the committee process. . .” (January 28, 2002).
- ▶ *Greenwire* reported, “Daschle effectively shut down the energy debate toward the end of the year. Through a number of procedural motions and stall tactics, Daschle was able to scuttle Senate progress. . .” (January 2, 2002).
- ▶ *Oil & Gas Journal* reported that “Daschle invoked a seldom-used Senate rule. . .to require. . .Chairman Bingaman to offer a proposed energy bill, one that his committee will not be allowed to vote on” (October 15, 2001).
- ▶ In Baton Rouge, Louisiana, *The Advocate* stated, “Daschle shut down the Energy Committee process when he became aware that [Senator] Landrieu and another cross-over Democrat would give Republicans enough votes to prevail at the committee level” (November 9, 2001).

Farm Bill

- ▶ SEN. ALLARD: “Everyone needs to have the opportunity to review the legislation to understand how it effects them. This is not the bill that was reported out of committee, however, nor the one which was introduced on November 27. So it has been a little difficult to determine what is exactly contained in this particular bill” (*Congressional Record*, December 5, 2001, S12423).
- ▶ SEN. LUGAR: “It was announced yesterday with a great deal of certainty that after three rollcall votes this morning, we would be on the farm bill, we would be offering amendments presumably to the text that came out of the Senate Agriculture Committee. As of this moment,

we are not offering amendments because we are awaiting a new bill” (*Congressional Record*, December 11, 2001, S12827).

Economic Stimulus

- ▶ SEN. REID: “. . .under this unique situation that has developed here, we are not going through the ordinary process. We are not going through the ordinary process where you would take a bill to the Finance Committee and report a bill out of the Finance Committee” (*Congressional Record*, December 10, 2001, S12756).

Reinsurance

- ▶ *The Washington Post* reported, “Daschle is working with the White House and Senate Banking Committee Chairman Paul S. Sarbanes to come up with a single proposal, which congressional aides said would likely bypass the committee and go straight to the floor” (December 1, 2001).

Railroad Retirement

- ▶ SEN. NICKLES: “This bill wasn’t written by the Finance Committee. . . . This bill had no input by the Finance Committee. Not one member of the Finance Committee has had any input on this bill. This is a bill written by and for special interests. . .” (*Congressional Record*, November 27, 2001, S12038).
- ▶ In a CNN interview, Senator Lott stated, “Senator Daschle is trying to turn the Senate away from the stimulus package to take up a railroad retirement bill . . ., but the Finance Committee has had it before it all year, and has not even had a hearing” (*Mornings with Paula Zahn*, November 28, 2001).
- ▶ SEN. GRAMM: “Let’s take this bill, let’s go to the Finance Committee—we have never held a hearing on it; we have never had a markup on it—let’s go to the Finance Committee. . .” (*Congressional Record*, November 28, 2001).

Patients’ Bill of Rights

- ▶ “[A Kennedy spokesman] said, ‘Democrats plan to bring up the patients’ rights legislation, with or without a committee’s stamp of approval’” (*Roll Call*, June 4, 2001).
- ▶ SEN. HUTCHISON: “Rather than rushing a bill through Congress—and this bill has not even had a committee markup—it is important that we examine this bill carefully. We are going to have to do that in this Chamber because the committee process was bypassed” (*Congressional Record*, June 20, 2001, S6486).
- ▶ SEN. BROWNBACK: “I strongly believe . . . that this should have gone through a committee

process. . . . I think that it did not is regrettable, particularly on such a large piece of legislation that affects so many people. But that wasn't the choice of the majority that is running the floor. They decided not to go through that process, and so we are here as we are today"

(Congressional Record, June 21, 2001, S6540).

- ▶ SEN. GRASSLEY: "I am troubled that the Kennedy-McCain bill has bypassed [the] relevant committees and has been brought directly to the floor without one hearing, without one markup, and, most importantly, without the public input into this particular bill that every bill ought to have. [...] The very fact that our leadership brought the Kennedy-McCain legislation directly to the floor, without proper committee action, violates the core of the Senate process"
(Congressional Record, June 25, 2001, S6849).

- ▶ In a press conference, Senator Frist stated, "We have not had full debate. The bill that came to the floor of the United States Senate has never been addressed by a committee of the United States Senate. It is a bill that will drive over 1.2 million people to the ranks of the uninsured"
(June 29, 2001).

In light of the foregoing, Senator Daschle's "respect" for the committee process is, to say the least, selective. Perhaps what he means is that he respects committee prerogatives when the committee is the Judiciary Committee sinking a pro-life judicial nominee. When it is a question of crafting major legislation, that is another matter.

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