

## Congressional Closeup by Carl Osgood

### House Sets Up Homeland Security Bill Panel

On June 19, the House passed a resolution creating a nine-member panel to handle the proposed Department of Homeland Security legislation which the Bush Administration had sent up to Capitol Hill the day before. The resolution, passed by voice vote, provides that the bill will be referred to the relevant committees of jurisdiction, and those committees will forward their recommendations to the new panel, which will hold hearings and mark up the legislation. House Rules Committee Chairman David Dreier (R-Calif.) told the House, "The resolution provides a clearinghouse for ideas, an ad hoc body with the expertise to resolve jurisdictional disputes, and the authority to compile a final package."

House Majority Leader Dick Armey (R-Tex.), who will chair the select committee, emphasized that the bill should be rammed through at lightning speed. He told the House that the standing committees with jurisdictional claim will have until July 12 to make their recommendations to the select committee, and that he plans to bring the legislation to the floor by July 21. This is in keeping with the stated goal of having the final bill on the President's desk by Sept. 11, 2002.

Rep. Steny Hoyer (D-Md.) expressed some concern about the schedule. With the House planning to be out of session for about ten days during the July Fourth recess, that leaves only nine legislative days to consider a bill that consolidates agencies that have a combined budget of almost \$39 billion, and 170,000 employees. "I have great reservations," he said, "about what I perceive to be a rush to judgment on this issue." He does not disagree with the need to reorganize Fed-

eral agencies "to confront those who would undermine our country," adding that "reinventing and reassessing" operations of government may be necessary. "Do I believe, however, that in the face of threats, that we ought to do something that we might not otherwise have done? The answer to that is an emphatic no."

### Defense Authorization Bill Headed for Cloture

Senate consideration of the fiscal 2003 defense authorization bill began on June 18, but was proceeding much too slowly for Senate Majority Leader Tom Daschle (D-S.D.). One week later, he filed a cloture motion to bring debate to a close before the July Fourth recess. He complained that, in spite of a bipartisan agreement on amendments, the Senate had reached a "legislative impasse" with cloture the only way out. Minority Leader Trent Lott (R-Miss.) agreed.

The bone of contention is missile defense. The bill passed out of the Armed Services Committee with \$814 million less for missile defense than the Bush Administration had asked for. That money, instead, was transferred to "more immediate and pressing needs," in the words of Sen. Jack Reed (R-R.I.), including shipbuilding, which gets \$690 million. Sen. John Warner (R-Va.) proposed an amendment to restore the cut to missile defense, but to use assumptions about inflation as an offset, rather than taking the money away from the programs that it was transferred to. Warner told the Senate that he hoped his amendment would address a problem in the bill that was causing many Republicans to consider voting it down.

Democrats responded as much on

the implications of Warner's offset provision, as they did on missile defense itself. Mary Landrieu (D-La.) warned that the amendment "basically taps into revenues that do not exist." She said that while there is a "claim of an offset" in the amendment, "it is going to be very difficult, if not impossible, to materialize that offset." In addition, she noted that even without Warner's amendment, the amount in the bill for missile defense is 25% more than two years ago. Rather than weakening the program, as the GOP claimed, Landrieu argued that the bill actually strengthens it. The Senate had not, as of this writing, come to a resolution on the Warner amendment, however, because he had only read it into the record from the floor.

### Trade Bill Conference Delayed by House GOP

An unusual procedure to put the trade promotion authority (TPA) bill back through the House Rules Committee faltered on June 20, when Republican leaders decided they did not have the votes to go to conference. Under the procedure, the committee adopted a rule, the day before, combining the TPA bill, with the Andean Trade Preference Act plus other legislation, and adding provisions on U.S.-made fabrics made shipped to Caribbean countries to be cut and sewn into clothing, and slight increases in trade adjustment assistance provisions. The original underlying bill had passed by a 215-214 margin in December, compared to the 66-30 margin that trade legislation passed the Senate in May. House Ways and Means Committee Chairman Bill Thomas (R-Calif.) reportedly claimed that he needed the changes in order to strengthen his hand

with the Senate negotiators.

However, the GOP leadership pulled back when it became clear that they not only lacked the support of the handful of Democrats who previously supported the bill, but had also managed to anger some Republicans from textile-producing states. The textile provision is similar to one incorporated in the supplemental appropriations bill, and is designed to ensure that fabric cut and sewn into clothing in the Caribbean, is woven, dyed, printed and finished in the United States before getting preferential trade treatment. Rep. Jim Demint (R-S.C.) complained that Thomas' language is full of loopholes.

Democrats, not surprisingly, were livid at the GOP procedure, which would have denied them the rights they normally have in offering motions when conferees are appointed. House Minority Leader Dick Gephardt (D-Mo.) called it "the end of democracy in the House." He complained that the GOP was trying to ram through a new bill that nobody had seen, using a rule that would only leave one hour for debate. House Speaker Dennis Hastert (R-Ill.), during a June 22 appearance on CNN, said that Gephardt was "a little over-agitated." He said that he will not bring a bill to the floor "unless I know we have the votes to pass it," and that the trade bill was not "ready to move, yet."

## **Budget Amendment Fails in Senate**

Yet another attempt to add a budget enforcement mechanism to legislation on the floor of the Senate failed on June 20. Budget Committee Chairman Kent Conrad (D-N.D.) and Sen. Russell Feingold (D-Wisc.) proposed an

amendment to the fiscal 2003 defense authorization bill that would have set spending caps for 2003 and 2004 and retained a 60-vote point of order to enforce those caps. It would also have set a limit of \$768.1 billion in discretionary spending for 2003. The current caps and enforcement mechanisms expire on Sept. 30, which has become an issue because Senate Majority Leader Tom Daschle (D-S.D.) has still not brought to the floor the fiscal 2003 budget resolution passed on a party-line vote in the Budget Committee last April.

The Democrats, rather than bring their resolution to the floor, have continued to blame Republicans for the impasse. Conrad told the Senate that the Bush Administration's 2003 budget "needs to be adjusted in a number of ways." He complained that the budget proposal cuts highway spending by \$9 billion, law enforcement by \$1 billion, and that it proposes less money for education than Bush supported in his education bill. Furthermore, it continues the deficits that began as a result of the 2002 budget being hit by what Conrad described as the "triple whammy": the tax cut, Sept. 11, and the so-called economic slowdown. He called on the Senate to commit itself to "getting back on track towards a course of reducing the debt of the United States."

Instead, the Conrad-Feingold amendment was defeated on a point of order, falling one vote short of the required 60. Phil Gramm (R-Tex.), who made the point of order, argued that it was out of order, because "we are going outside the budget process and dealing with an amendment that was not reported by the Budget Committee." He also complained that the discretionary limit set in Conrad's amendment was \$9 billion higher than Bush requested, and done in such a

way, that it would actually allow spending \$25 billion above the budget request.

## **Tauzin, Bingaman Agree On Energy Conference**

On June 19, House Energy and Commerce Committee Chairman Billy Tauzin (R-La.) and Senate Energy and Natural Resources Committee Chairman Jeff Bingaman (D-N.M.) announced that they had come to an agreement that Tauzin would chair the conference committee on the energy bill. Tauzin told reporters that he intends "to consult very closely" with Bingaman in "scheduling and strategies of the conference." Bingaman expressed optimism that the two sides could reach an agreement before the Congress adjourns in October.

However, deciding who would chair the conference is so far the only issue on which the two sides agree. There are significant differences between the House and Senate bills. Tauzin admitted, "It's going to take us quite a few weeks to get it all done," and neither he nor Bingaman would guess what would happen with issues such as drilling in the Alaska National Wildlife Refuge or with automobile fuel economy standards. They did both agree, however, that electricity, which is only addressed in the Senate bill, would figure in the conference. They also both agreed that the bill had to address the broad range of energy policy, despite the differences.

Senate Majority Leader Tom Daschle (D-S.D.) was less optimistic. On June 20, he suggested there will likely not be agreement on the Alaska Refuge and on fuel economy standards "so we might as well . . . deal with those issues for which there is real possibility for compromise."