

Congressional Closeup by Carl Osgood

Senate Tackles Omnibus Appropriations Bill

The Senate began work on one important piece of leftover business from the 107th Congress, on Jan. 15, when it took up an omnibus bill wrapping together the remaining 11 appropriations bills from last year. The process began when the House, before it departed on Jan. 8, passed two continuing resolutions, one to keep the government open until Jan. 31, and a second identical one to provide a vehicle for the Senate action. The plan, as developed by GOP leaders in both Houses, was for the Senate to pass the omnibus package, limiting spending to \$750 billion, turn it back over to the House for a final confirmation vote, and then, send it to President Bush before the State of the Union speech on Jan. 28.

The Republicans may succeed in getting it done, but since they are depending on holding their 51 votes together, rather than trying to block Democratic amendments, the process is dragging on longer than they had planned. This has led to GOP grumbling that the Democrats are only interested in slowing the process down. Sen. Rick Santorum (R-Penn.) complained on Jan. 22, that the amendments that the Democrats had offered up until that point totalled some \$350 billion over ten years which, in his view, "raises a lot of questions as to whether there's legitimate policy discussions going on here, or whether what we're doing here is playing politics." Santorum's remarks were in contrast with those of the new Majority Leader, Sen. Bill Frist (R-Tenn.), and Appropriations Committee Chairman Ted Stevens (R-Ak.), both of whom expressed satisfaction with the process up to that point.

For their part, the Democrats complained that the \$750 billion limit on

discretionary spending was \$10 billion below the sum total of all 13 spending bills passed by the Senate Appropriations Committee last year, all by unanimous votes. As a result, Democrats have been offering amendments to add funding to everything from homeland security, to law enforcement grants, to education, and have been defeated on near-party-line votes on most of them.

Schumer, Durbin Threaten Filibuster vs. Pickering

Among the first batch of judicial nominations that President Bush sent up to Capitol Hill on the opening of the 108th Congress was that of Judge Charles Pickering of Mississippi, the same Pickering who had been rejected by the then-Democratically controlled Senate Judiciary Committee, last year. Bush's renomination of Pickering prompted Senators Charles Schumer (D-N.Y.) and Richard Durbin (D-Ill.) to issue a filibuster threat to stop his confirmation for a seat on the Fifth Circuit Court of Appeals. The Democrats, as well as civil rights groups, have long been critical of Pickering's stand on civil rights.

Pickering's renomination came on the heels of the controversy surrounding remarks viewed as racist by many, made by former Majority Leader Trent Lott (R-Miss.) at retiring Sen. Strom Thurmond's (R-S.C.) 100th birthday party, a fact which seems to have had the effect of waving a red flag in front of the Democrats. Schumer told reporters, on Jan. 8, "When it comes to civil rights, this administration has been talking a good game, but it's consistently ignored the need to move civil rights and racial issues forward." He added

that the Pickering renomination "shows, unfortunately, that Richard Nixon's Southern Strategy is still alive and well in the White House." Later, Senate Minority Leader Tom Daschle (D-S.D.) endorsed Schumer's comment and Durbin's threat, saying, "I don't think there's any question but that Democrats will take every step available to us to ensure that this Pickering nomination doesn't go forward."

The GOP reacted with threats of their own. Sen. Rick Santorum (R-Penn.) said that a filibuster of a judicial nomination "would set a very dangerous precedent. I think it would be very destructive to the institution [of the Senate] if we went down that road."

Senate Votes More Money for LIHEAP

Members of Congress are apparently feeling the heat from their constituents regarding funding for the Low Income Home Energy Assistance Program, as a bipartisan grouping of members of both the House and the Senate demanded, during a Jan. 8 press conference, that the program be fully funded to a level of \$1.7 billion. Sen. Jack Reed (D-R.I.) noted that President Bush's budget request for LIHEAP was \$300 million short, last year, and "it looks like he's going to stick to those numbers" this year. He called that funding level "inadequate and insufficient to provide adequate heat" for hundreds of thousands of low-income households.

Accompanying Reed were Senators Hilary Rodham Clinton (D-N.Y.) and Jim Jeffords (I-Vt.), and Representatives Jack Quinn (R-N.Y.), Marty Meehan (D-Mass.), Bobby Rush (D-Ill.), and Jesse Jackson, Jr.

(D-Ill.). Clinton reported that LIHEAP applications are up by 9,000 this Winter, in New York State; Meehan noted that Massachusetts may have to cut assistance by 20%; and Rush and Jackson reported that the state of Illinois will have to cut assistance to 20-30,000 households. Sen. Olympia Snowe (R-Me.), in a written statement, reported that Maine has already received 46,000 applications for assistance this Winter, the same number it fulfilled in all of fiscal 2002, about 15% of which are new applicants.

The Senate got its chance to act on Jan. 21, when it passed, by a vote of 88 to 4, an amendment to the omnibus appropriations bill increasing the funding level for the LIHEAP program to \$2 billion. Reed told the Senate, however, that even with \$2 billion, the program will still be underfunded, because it does not recognize “that energy prices are soaring.”

Senators Target DARPA Data-Mining Project

On Jan. 16, Sen. Russell Feingold (D-Wisc.) introduced a bill to suspend the data-mining aspect of the Total Information Awareness project being run by the Defense Advanced Research Projects Agency. Under the bill, the program would remain suspended until Congress conducted a thorough review of it. Speaking at a press conference, Feingold defined data mining as “a broad search of public and non-public databases in the absence of particularized suspicion about a person, place, or thing.” He said that “this untested and controversial procedure is capable of maintaining and accessing extensive files containing both public and private

records on each and every American.” He warned that “when one considers the potential for errors . . . the prospect of ensnaring many innocents is frighteningly real.”

Sen. Ron Wyden (D-Ore.), a co-sponsor, along with Sen. Jon Corzine (D-N.J.), of Feingold’s bill, is also sponsoring an amendment to the omnibus appropriations bill to stop the funding of the program. “The Total Information Awareness Program, which could operate without any accountability to the United States Congress and without clearly defined safeguards, in my view, crosses the line and is unacceptable from the standpoint of the public interest,” he said. He claimed that there was sufficient interest from Republicans to pass the amendment and vowed that he would not let the Senate leave until “there has been an up-or-down vote on whether or not the United States Senate will put the brakes on this, take the time to review it, and force the administration to make its case.”

Kennedy, Byrd Blast Bush Policy on Iraq

Two of the leading opponents to the Bush Administration’s drive for war against Iraq, Senators Robert Byrd (D-W.Va.) and Edward M. Kennedy (D-Mass.), during last Fall’s debate on the Iraq war resolution, have continued to speak out against the policy. Kennedy blasted the Bush Administration on Jan. 21, during a speech at the National Press Club in Washington, telling the assembled journalists that “an assault against Iraq . . . will not advance the defeat of al-Qaeda, but undermine it. It will antagonize critical allies and crack the global consensus that came together after Sept. 11. It will feed a

rising tide of anti-Americanism overseas and swell the ranks of al-Qaeda recruits and sympathizers. It will strain our diplomatic, military, and intelligence resources, and reduce our ability to root out terrorists, abroad and at home. It could quickly spin out of control and engulf other nations in the region, too.”

Earlier, during floor debate on the omnibus appropriations bill on Jan. 17, Byrd called for reopening the debate on the use-of-force resolution. “Congress made a serious mistake,” he said, “in passing an open-ended use-of-force authorization, last year,” and “we only compound that mistake by sitting idly by while the Pentagon draws up war plans, costly war plans, and sends our young men and women abroad.” He also took on the pre-emptive war strategy, warning that it has repercussions well beyond Iraq. “Other nations are watching what we are doing,” Byrd said—including North Korea. “Even Brazil is reported to be contemplating the development of nuclear weapons as an insurance policy against a possible attack.” He warned that “setting the United States up as the ultimate judge of good and evil, with the right to pre-emptively strike any nation which might pose a threat in the future, is the fastest way one can imagine to make us not only feared, but also universally hated.”

On the House side, Rep. Sheila Jackson-Lee (D-Tex.) announced, on Jan. 21, that she had introduced a resolution to repeal the use-of-force resolution on Jan. 7. The use-of-force resolution, she said, “really abdicated the Congress’s role to declare war under the Constitution . . . rejecting the Constitutional role of Congress to debate thoroughly and to decide on behalf of the American people.” She indicated that there has been a great deal of interest expressed in her resolution.