

Congressional Closeup by Carl Osgood

Bush Sends Line-Item Veto Plan to Capitol Hill

President Bush finally sent his line-item veto proposal up to Capitol Hill on March 6, after initially proposing it in his State of the Union speech, and in his Fiscal 2007 budget submission. In remarks at the White House that morning, Bush claimed that his specific proposal will meet "Supreme Court standards," because it will send the President's proposed item vetoes back to the Congress for an up-or-down vote. "By passing this version of the line item veto," he said, "the Administration will work with the Congress to reduce wasteful spending, reduce the budget deficit, and ensure that taxpayer dollars are spent wisely."

The last line-item veto, passed by Congress in 1996, was declared unconstitutional by the Supreme Court in 1998, on the grounds that it violated the "presentment" clause of the Constitution. That clause, in Article I, requires that the President can only accept or reject a bill in whole, whereas the line item veto allows him to cancel a part of a bill after it becomes law. Office of Management and Budget director Josh Bolton explained to reporters, after Bush's remarks, that, under the new proposal, Congress "still needs to adopt legislation that would rescind the previously enacted spending."

Republicans generally welcomed the proposal, putting it into the context of the current environment for reform. "We realize that we reform or perish as a majority," Rep. Paul Ryan (R-Wisc.) reportedly said. Others see it as a way of addressing the problem of "earmarks," a hot topic in the debate over ethics reform. On the Democratic side, Sen. John Kerry (D-Mass.) endorsed it as being nearly identical to one he proposed during the 2004 Presidential campaign, but the two caucus leaders

both denounced it. House Minority Leader Nancy Pelosi (D-Calif.) demanded, instead, that the Bush Administration should submit balanced budgets, and return to the pay-as-you-go rule. Pelosi's counterpart in the Senate, Sen. Harry Reid (D-Nev.), called it "old hat," and expressed skepticism that it would meet Constitutional muster.

Republicans Ganging Up Against Bush Ports Deal

In what the Associated Press called "an election year repudiation of Bush" by his own party, the House Appropriations Committee voted, on March 8, 62 to 2, to block Dubai Ports World from taking control of some U.S. port operations. Republican House leaders moved to block the Dubai Ports deal through an amendment inserted into a supplemental spending bill for the Iraq War and hurricane recovery. Bush has said he would veto any legislation to derail the deal.

At the same time, Congressmen and Senators are introducing legislation to permanently cure the insanity that led to the sale of port operations to Dubai. Most significant is that by Duncan Hunter (R-Calif.).

Hunter's HR 4881, the National Defense Critical Infrastructure Protection Act of 2006, is the only bill that extends restrictions on foreign ownership to more than ports. It has been referred to the Committees on Financial Services, Armed Services, Energy and Commerce, International Relations, and Homeland Security.

It requires the Secretary of Defense, in consultation with the Secretary of Homeland Security, to prepare a list of infrastructure critical to national defense. (Hunter has mentioned ports, highways, and power plants.)

The law would require that for a company to own, manage, or operate critical infrastructure, the majority of its board of directors must be U.S. citizens; a majority of the voting and non-voting shares must be owned by U.S. citizens; more than half of the board members must be approved by the Secretary of Defense; and the board must have a government security committee, all of whose members are approved. The Secretary of Defense must be notified of acquisition of ownership of 5% or more by a foreign person, and acquisition of corporate ownership of 10% or more by any foreign interest. The bill also amends sections of the 1950 Defense Production Act.

Senate Republicans Split on LIHEAP

On March 7, the Senate passed, on a voice vote, a bill to make available \$1 billion for the Low Income Home Energy Assistance Program that had originally been authorized for Fiscal Year 2007. However, that easy passage was preceded by an acrimonious debate among Republicans over allocation formulas and budget issues. The bill had been sponsored by Sen. Olympia Snowe (R-Me.), and six others from cold-weather, northern and northeast states, all Republicans. Snowe overcame obstruction by conservatives opposed to the extra spending by blocking action on a flood insurance reform bill, but her bill was also criticized for allegedly favoring cold weather states over southern states.

Snowe aggressively fought back on the floor of the Senate, charging that her critics were circulating misleading information about the bill. She noted that the budget reconciliation bill, passed one month earlier, mandated that \$250 million would be allocated

through formula funding, and the remainder as contingency funding, and her bill made no change to that. Sen. Jon Kyl (R-Ariz.) offered an amendment to make all \$1 billion subject to formula distribution, but Snowe countered with a second degree amendment splitting the money 50-50, which passed on a 68 to 31 roll call vote. Before all that could happen, however, the bill had to secure cloture, which it did by a vote of 75 to 25.

Senate Democrats Propose Contractor Oversight Law

On March 2, Senate Democrats announced they would be introducing legislation to curb contractor abuses, such as those associated with Halliburton and the Iraq War, which follows a lobbying and ethics reform bill the Democrats introduced in January. Senate Minority Leader Harry Reid (D-Nev.) reported that investigations led by Senate Democratic Policy Committee chairman Byron Dorgan (D-N.D.) have shown that the cost to the taxpayer of such abuses is significant, but “there are costs other than those and that’s costs to our national security. . . .” He said, “We’re less safe when no-bid contracts for Halliburton come before body armor for our troops. We’re less safe when Federal officials are more interested in landing top lobbying jobs than working on their current responsibilities.” The new bill, Reid said, “puts an end to these abuses.”

According to Dorgan’s description, the bill authored by Sen. Patrick Leahy (D-Vt.) would punish war profiteers. It would also prohibit awarding federal contracts to companies that exhibited a pattern of overcharging, and would prohibit the awarding of large, sole-source, no-bid

contracts. It also bars the outsourcing of contract oversight. Finally, it would require that nominees be qualified for the jobs they have been picked for, and it would strengthen whistleblower protections. The bill, Dorgan said, “deals with accountability in contracting” and “will shut down this waste, fraud, and abuse.”

House Democrats Call for Probe of Katrina Spending

The leadership of the House Democratic Caucus emerged from its weekly caucus meeting on March 8, demanding accountability for the billions of dollars that have been spent in the name of Hurricane Katrina relief, with little apparent benefit for the storm’s victims. The leadership has sent a letter to Comptroller General David Walker, the head of the Government Accountability Office, requesting that the GAO conduct an investigation of the efficiency of government contracting for the recovery effort and to examine how the Bush Administration made the same mistakes in Katrina contracting as those uncovered in Iraq contracting. The letter follows on the heels of a 34-member Congressional delegation, led by House Speaker Dennis Hastert (R-Ill.) and Minority Leader Nancy Pelosi (D-Calif.), to the Gulf Coast region devastated by last August’s hurricane.

Pelosi told reporters after the caucus meeting that what the delegation saw in Louisiana and Mississippi “challenges the conscience of our nation, and challenges the conscience of Congress to meet that challenge.” She noted that “We’re talking about a huge part of our country where we haven’t met the needs of the people.” She added that “There has to be a federal

intervention so that people are protected before the next hurricane hits . . . so that people have confidence that they can do what they want to do which is go home.”

Patriot Act Renewal Sent To Bush for His Signature

The Senate voted 95 to 4 on March 1 in favor of legislation making changes to the Patriot Act renewal legislation. A day earlier, the Senate overcame a filibuster by Sen. Russ Feingold (D-Wisc.) by a vote of 84 to 15. Feingold, along with Senators Robert Byrd (D-W.Va.), Tom Harkin (D-Ia.) and Jim Jeffords (I-Vt.), voted against passage. The House followed suit on March 7, voting 280 to 138 to pass the bill under suspension of the rules.

The final House and Senate action was necessitated by a filibuster, last December, in which four Republicans joined with almost all of the Democrats in blocking the bill in the Senate. The four Republicans, Larry Craig (Id.), John Sununu (N.H.), Lisa Murkowski (Ak.), and Chuck Hagel (Neb.) made a deal with the White House in February on changes allowing individuals who receive orders under the Foreign Intelligence Surveillance Act to challenge nondisclosure requirements, not requiring individuals who receive national security letters to disclose the name of their attorney, and exempting libraries from blanket information demands. Feingold declared these changes “cosmetic,” at best. Byrd warned that even with these changes “the law has given the government too much power to pry. . . . This new proposal would erase too many of our freedoms guaranteed to the American people. . . . In essence, this legislation says the Bill of Rights is no more.”