

Congressional Closeup by Carl Osgood

House Passes Line-Item Veto

In a vote of 247 to 172, on June 22, the House passed what the Republicans term a “legislative line-item veto.” It follows up a proposal in President Bush’s Fiscal 2007 budget request, and is supposed to avoid the pitfalls that led the Supreme Court, in 1998, to strike down the last line-item veto that the Republican-led Congress passed. Unlike the earlier version, this bill requires that the Congress act on any line-item cancellations that the President proposes, but it must do so within ten days.

The line-item veto authority applies not only to appropriations bills but also to any bill that provides budget authority outside of appropriations bills, including changes in entitlements, or other non-discretionary programs.

House Budget Committee chairman Jim Nussle (R-Ia.) argued that the bill is just an “effective tool for reducing wasteful spending.” Paul Ryan (R-Wisc.) claimed that the bill, unlike the earlier line-item veto, protects the prerogatives of Congress, because the Congress decides whether or not the rescissions become law. “This is consistent with the bicameralism and presentment clause in the Constitution,” Ryan claimed, “and maintains the separation of powers.” He also argued that the bill will act as a deterrent to wasteful spending.

Opponents’ concerns about the Constitutionality of the measure were not assuaged, however. Rep. John Spratt (D-S.C.), the ranking Democrat on the House Budget Committee, charged that the bill simply passes off to the President, responsibility that the Congress should be taking on budget matters. Rep. David Obey (D-Wisc.), the ranking Democrat on the House Appropriations Committee, noted that the Republican-controlled Congress

has done “a pitiful amount of oversight” over the last five years and that the only remaining power that Congress has left is the power of the purse. “If members of this body want to diminish that power and further weaken the ability of the legislative body to do its job, then, by all means, vote for this bill.”

House Appropriations Committee chairman Jerry Lewis (R-Calif.), one of 15 Republicans to vote against the bill, warned the House that the bill would transfer a great deal of budgetary power to the Executive Branch. “The President, or even bureaucrats within the agencies or the Office of Management and Budget, would set the legislative agenda by deciding what rescissions to include in a bill,” he said.

Call To Look Into Abuses Of Power by Administration

Last December, Rep. John Conyers (D-Mich.), the ranking Democrat on the House Judiciary Committee, released a report detailing the Bush Administration’s abuses of power in relation to its decision to go to war in Iraq. The study, entitled, “The Constitution in Crisis: The Downing Street Minutes and Deception, Manipulation, Torture, Retribution, and Cover-ups in the Iraq War,” found “substantial evidence the President, the Vice President . . . misled Congress and the American people. . . ; misstated and manipulated intelligence. . . ; countenanced torture and cruel, inhumane, and degrading treatment . . . and permitted inappropriate retaliation against critics. There is a *prima facie* case that these actions . . . violated a number of federal laws.”

The study goes on to note that “While these charges clearly rise to the level of impeachable misconduct,” the Administration and Republican-con-

trolled Congress have blocked action, therefore, “more investigatory authority is needed before recommendations can be made regarding specific Articles of Impeachment.” It urges Congress to, among other things: 1) form a bipartisan select committee with subpoena authority to investigate and report to the Judiciary Committee on possible impeachable offenses; 2) pass Resolutions of Censure against Bush and Cheney; 3) refer potential violations of Federal criminal law to the Justice Department.

On June 30, Conyers, in a letter to Judiciary Committee chairman James Sensenbrenner (R-Wisc.), asked for specific committee action following the Supreme Court decision in the Hamdan case, which struck down the Bush Administration’s planned military commissions for terrorist suspects held in the U.S. military prison at Guantanamo Bay, Cuba. Conyers noted that “For several years,” the Democrats have requested hearings on Guantanamo detainees and have offered legislation to provide them with due process, but the committee has yet to act on the issue. “The Supreme Court has now called on Congress to act in this area,” Conyers wrote. “We believe that we must heed this invitation for Congressional action, and act to establish clear standards and procedures to deal with terrorist detainees.”

House Panel Subpoenas Pentagon

On June 30, the House Government Reform Committee issued a subpoena to Secretary of Defense Donald Rumsfeld for documents relating to abuses at the Abu Ghraib prison in Iraq. The subpoena was agreed to by committee chairman Tom Davis (R-Va.), National Security subcommittee chairman Christopher Shays (R-Conn.) and Henry Waxman (D-Ca-

lif.), the ranking Democrat on the full committee, after the Pentagon failed to respond to a March 7 letter the committee had sent to the Defense Department regarding the Testimony of Army Specialist Samuel Provance. Provance had alleged, in testimony, last February, that the military had ignored his efforts to bring attention to the abuses, then retaliated against him when he released unclassified materials on the abuses to the press.

Chairman Davis wrote that he tried to be reasonable in the request from the DOD, "but if the Department won't even return a call, after three months, and begin that dialogue, we really have no choice but to subpoena the material and compel their attention to our request."

The subpoena sets a July 14 deadline for the Pentagon to produce documents relating to: the unredacted testimony of Provance (redacted by the DOD before his testimony before the Congress); specific material on interrogation involving family members; all drafts of the investigation of Abu Ghraib; and all communication in regard to Provance. According to a Pentagon spokesman, the Defense Department has already provided much of the documentation that it says is appropriate to provide, relating to Provance and Abu Ghraib.

House-Senate Discord Stalls Immigration Bill

One month after the Senate passed its version of immigration reform, the two Houses still have not agreed to have a conference committee. While each side blames the other for the impasse, the House GOP leadership has decided to spend the August recess holding field hearings around the country on the issue. Supporters of the Senate bill see the House action as both a repudiation of President Bush,

who supports the Senate bill (with its guest-worker program and its path towards legalization for undocumented immigrants), and as an election year maneuver to stall the bill until November.

House Judiciary Committee chairman James Sensenbrenner (R-Wisc.) angrily lashed out at the Senate and the press, at a GOP leadership press conference on June 22. He claimed that the plan for hearings is an attempt to slow down the process. The problem, he said, is that "The Senate hasn't even sent a message [announcing that they had passed the bill] to the House." Therefore, he said, "there's nothing we can do to set a conference."

Sensenbrenner also noted that because the Senate bill has a tax provision in it, it will be blue-slipped anyway; that is, sent back to the Senate because tax provisions must originate in the House. "It's a Senate problem," he said. "They have to fix it."

The authors of the Senate bill, on the other hand, see the House as deliberately delaying the process. John McCain (R-Ariz.), speaking on June 27, declared his willingness to negotiate with "those who have specific disagreements . . . as long as there is agreement on a comprehensive approach. . . ." That approach has to include some sort of guest-worker program and a path towards legalization and eventual citizenship for those undocumented immigrants currently in the country.

Meanwhile, the field hearings are going ahead. Rep. Ed Royce (R-Calif.), the chairman of the International Terrorism and Nonproliferation Subcommittee of the House International Relations Committee, held the first hearing in San Diego on "Border Vulnerabilities and International Terror" on July 5. Democrats, who had initially said they would boycott the field hearings, changed their minds and de-

ecided to participate. However, neither side has so far brought up the issue of free trade and the destruction of the Mexican economy by the North American Free Trade Agreement, the clear cause of mass immigration from Mexico over the past decade.

GOP Mutiny Blocks Voting Rights Act Renewal

A revolt by a group of Republican House members led to the cancellation of a planned vote on June 21 to reauthorize key provisions of the 1965 Voting Rights Act. It had been expected that the bill would pass with strong bipartisan support, because many key Republicans, including House Judiciary Committee chairman James Sensenbrenner (R-Wisc.), support it, as does the Bush Administration. The key promoter of the renewal is John Conyers (D-Mich.), the ranking Democrat on the House Judiciary Committee.

The Voting Rights Act itself does not expire; what is at issue is the reauthorization of certain key provisions which do expire in 2007. The most important of these are the requirement for certain states with a history of voter discrimination to receive "pre-clearance" before making any changes in their voting procedures; and the minority-language provisions, requiring multilingual ballots and special assistance for voters for whom English is a second language.

A group of Republicans from Georgia and Texas objected to the renewal of the pre-clearance provisions, and those members, plus some from Northern states, objected to the multilingual requirements, leading House Speaker Dennis Hastert (R-Ill.) to pull the bill, under the informal rule that no bill will come to a vote without the support of a majority of Republicans.