

## Congressional Closeup by Carl Osgood

### **E**lection Results Bring Leadership Changes

Election defeats and retirements at the end of the 107th Congress will be bringing many new faces into the leadership of both parties in both chambers. The most dramatic change came in the House Democratic Caucus, with the election of Rep. Nancy Pelosi (D-Calif.) to the position of House Minority Leader by a vote of 177 to 29 on Nov. 15. Pelosi replaces Rep. Dick Gephardt (D-Mo.), who stepped down after the Democrats failed to regain control of the House in the Nov. 5 elections. Pelosi indicated that her job would be to "build consensus" within the caucus, especially on economic issues. At the same time, as Gephardt had done, Pelosi declared her full support for President Bush on his Iraq policy, even if he decides to go to war unilaterally.

On the Republican side, the retirement of Majority Leader Dick Armey (R-Tex.) opened the door for Majority Whip Tom Delay (R-Tex.) to take over Armey's spot, and a number of Delay's protégés moved up the leadership ladder with him. Chief Deputy Whip Roy Blunt (R-Mo.) will become the Majority Whip, and Deborah Price (R-Ohio) will become Conference Chairman. All were elected without opposition on Nov. 14.

On the Senate side, Sen. Trent Lott (R-Miss.) will become the Majority Leader when the GOP retakes control of the chamber. He was re-elected without opposition, while his closest rival, Sen. Don Nickles (R-Okla.), was bumped from the number-two position of assistant floor leader by a GOP caucus term limits rule. Mitch McConnell (R-Ky.) will take over the number-two spot, while Nickles will move over to chair the Budget Committee. One possible indication of the behind-the-scenes machinations in these moves, was the fact that Lott had an-

nounced that Sen. Pete Domenici (R-N.M.) would become chairman of the Energy and Natural Resources Committee, before Domenici had even indicated that he had made a decision about leaving the Budget Committee, which he had chaired until control of the Senate shifted to the Democrats in May 2001.

Senate Democrats will continue to be led by Tom Daschle (D-S.D.) and Harry Reid (D-Nev.). Sen. Robert Byrd (D-W.Va.) moved, at the Democratic Caucus meeting on Nov. 15, that the present leadership be reaffirmed by acclamation, and that was done.

### **A**bstortion Politics Kills Bankruptcy Reform Bill

Senate Majority Leader Tom Daschle (D-S.D.) on Nov. 15 declared the bankruptcy reform bill dead for the year, after the House sent it back to the Senate without an abortion provision that had been voted up in the Senate. Daschle blamed the House GOP for the failure and said that "it's another indication of how the far right controls the House Republican Caucus."

The bill had been stalled for months over a provision that would prevent anti-abortion protestors from filing for bankruptcy if they were subject to court-ordered fines for abortion protests under the 1994 Freedom of Access to Clinic Entrances Act. A group of conservative Republicans, led by Rep. Chris Smith (R-N.J.), refused to accept a compromise worked out with the Senate by Rep. Henry Hyde (R-Ill.). House Majority Leader Dick Armey (R-Tex.) urged the House not to take up the abortion issue on the bankruptcy bill, and instead, save their energy for the 1994 law. Smith ignored Armey's plea, however, and the bill failed a procedural vote, 243 to

172. The bill was later brought back to the House floor without the abortion provision and passed 244 to 116.

It was left to a handful of liberal Democrats to bring up the issue that should have been the one to kill the bill. Rep. Jerrold Nadler (D-N.Y.) told the House, "At a time when many businesses large and small are in bankruptcy, trying to stay alive and reorganize and preserve jobs, it is shocking that we would even be considering this kind of a special interest bill that will enrich lenders at the expense of families, jobs and small business. . . ."

Without the abortion language, Daschle said that he would not even bother to bring up the bill in the Senate. "It would never pass. It would be subject to a filibuster," he said.

### **B**udget Bills Put Off Until January

While the lame duck session may prove to be more productive than predicted, one area where no progress was made was in the Fiscal 2003 budget. Rather than actually trying to look at some of the remaining 11 appropriations bills, the House leadership simply rammed through yet another continuing resolution on Nov. 13, this one running until January 11, 2003. The resolution included provisions to extend the 1996 welfare reform law, and to provide transfer authority of \$500 million to set up the Department of Homeland security once it becomes law.

Not surprisingly, the Democrats blasted the entire effort. Rep. David Obey (D-Wisc.), the ranking Democrat on the House Appropriations Committee, noted that the GOP leadership is continuing the pattern established early in the year of a light weekly schedule that excluded consid-

eration of spending bills. "I would simply say," he told the House, "that this is a pitiful performance by a pitiful Congress walking away from its major responsibility."

The problem with the long-term continuing resolution is reflected in the fact that many of the spending initiatives promoted by President Bush's 2003 budget proposal are not being funded. These include \$3.5 billion to help state and local emergency services buy additional equipment, including chemical detection gear and the training to use it; \$4.3 billion for Department of Health and Human Services bioterrorism research and vaccines; and \$5.3 billion for the Transportation Security Administration. Critics of the Bush Administration argue that these and related funding initiatives are more important than creating an entire new department for security programs.

## **Other Bills Pass in House-Senate Blitz**

A number of pieces of legislation did manage to break through the logjam that has characterized much of the 107th Congress in just a couple of days of the lame duck session. These included the terrorism insurance bill, port security bill, defense authorization bill, and a bill to stop automatic budget cuts from hitting Medicare and other entitlements.

The defense authorization bill had been held up by a Presidential veto threat over a provision that would have provided both retirement pay and disability benefits to disabled veterans. However, House and Senate negotiators scaled back the provision so that it would only apply to veterans who are 60% or more disabled and became disabled under specified conditions.

According to Sen. John Warner (R-Va.), there are about 33,000 veterans who will be eligible, under the bill, as opposed to over 500,000 who would have been, under the provision as it was originally written.

The bill on the automatic budget cuts, passed on Nov. 14, was motivated by the fact that allowing such cuts to occur would be political suicide. It was necessitated by the fact that Federal tax revenue has fallen significantly since the Republican budget cut was passed into law, early in 2001. Rep. Jim McDermott (D-Wash.) told his fellow Democrats not to get so agitated about the impact on the budget deficit. "We're going to have two years of this stuff where [the GOP] can do anything they want. This bill is simply giving them the keys to the hen house."

There were other bills, however, on which negotiators never found agreement. The most important of these was the energy bill. The issues that killed the bill included oil drilling in the Alaska National Wildlife Refuge, electricity deregulation and the banning of the gasoline additive MTBE. A spokesman for House Energy and Commerce Committee Chairman Bill Tauzin told the Associated Press that, next year, the Republicans "intend to revive it, breathe new life into it and ultimately approve an even bigger and better bill."

## **P**resident Finally Gets Homeland Security Bill

President Bush's post-election application of pressure on Capitol Hill broke loose the bill to create the Department of Homeland Security, but not without some controversy. The House took up the bill on Nov. 13, but added a number of pro-business pro-

visions that had little to do with homeland security. These provisions, among them one to protect vaccine manufacturers from liability in the event of injuries from the vaccines they produce, and another to give immunity to companies that supply faulty bomb detectors, gas masks, and related equipment, angered Democrats, but there was little they could do to take them out. The bill passed the House by a vote of 299 to 121.

Senate Democrats made an effort to strike those provisions that they labelled "special interest," and initially some moderate Republicans tended to agree with them. However, the GOP leadership was intent on passing the bill with no changes, in order to avoid calling the House back into session to consider a revised bill. Senate Minority Leader Trent Lott (R-Miss.) promised Senators Susan Collins (R-Me.), Olympia Snowe (R-Me.) and Lincoln Chafee (R-R.I.) that there would be votes on three of the provisions that troubled them, in the 108th Congress, if they voted against the Democratic amendment. They did, and the amendment fell by a vote of 52-47. Later on Nov. 19, the Senate voted 90-9 for final passage.

One provision that was dropped from the revised bill, which had been supported in the Senate, was the one to create a commission to investigate the terrorist attacks of Sept. 11, 2001. Instead, that legislation was added to the fiscal 2003 intelligence authorization bill, which passed the House by a vote of 366-3, on Nov. 15. The bill provides for a ten-member commission—five Republicans and five Democrats—with the chairman to be appointed by the President. President Bush originally opposed the idea of a commission, but apparently gave in to pressure from the families of victims of the attacks, as well as to the bipartisan support for it in the Congress.