

Congressional Closeup by Carl Osgood

Army Stress Subject of House Committee Hearing

The stress on the Army was the main topic of discussion at a hearing of the House Armed Services Committee on July 7, with concerns expressed from both sides of the aisle. Ranking Democrat Ike Skelton (Mo.) noting the return of units to Iraq for second tours less than a year after their first, the call up of the Individual Ready Reserves, the use of stop loss orders, and so forth, said, "Each of these measures is a concern . . . but, taken together, they pose for me a serious alarm. We're managing this conflict with stop-gap measures, as if the end is near." He added that "The demand is so high, I think we're taxing our part-time soldier in the Guard and Reserve nearly to the breaking-point."

Lt. General Norton Schwartz, director of operations for the Joint Staff, presented to the committee the Pentagon's plans for the next rotation into Iraq, the bulk of which will occur between November 2004 and March 2005, which, notionally, will be slightly smaller, from the present 140,000 troops to 135,000, but will be heavier, with more tanks and armored vehicles than the present force went in with. It will also include a slightly higher percentage of National Guard and Reserve troops, and will see the return of the 3rd Infantry Division and the 3rd Armored Cavalry Regiment to Iraq for 2nd tours. Second tour troops will make up 55% of the rotation.

Gen. Richard Cody, the Army's new vice chief of staff, agreed with Skelton that the Army is "absolutely" stretched thin. He also reported that there are units in Iraq doing tasks for which they weren't trained, and not just National Guard and Reserve units, either. "Our entire force is doing that," he said. He noted that multiple-launch

rocket battalions are doing ammunition handling missions, and air defense artillery troop are doing cordon-and-searches, and that this is going on across active duty, National Guard, and Reserve units.

Transportation Bill Stalled in Committee

Five weeks after first convening, on June 9, a conference committee has yet to reach an agreement on a new six-year transportation bill, and meetings of the committee appear to be few and far between. An announced meeting of the conference scheduled for July 13 did not occur as planned. While the differences between the House and Senate versions of the bill are substantial, the White House is also a factor in the deadlock. The Bush Administration had proposed a \$256 billion spending program, a substantial increase over the previous six-year bill, of \$218 billion. However, members of Congress sensitive to job losses and infrastructure issues in their states, went for considerably larger programs. The House passed a \$284 billion plan and the Senate a \$318 billion plan, either of which would face a veto threat, in the name of "responsible restraint over Federal spending," according to an administration position paper.

Senate Minority Leader Tom Daschle (D-S.D.), speaking to reporters on July 13, warned that the GOP's chances of passing a bill, this year, "are running out." He said that while President Bush is "willing to borrow money for Iraq, he's not willing to dedicate the kind of commitment to our highways that this country so badly needs." He later added, in reference to

the fact that a six-month extension of the existing program has already been passed, "We don't want to talk about extensions. We want to talk about getting a transportation bill."

House GOP Thug Tactics Defend Patriot Act

When the White House sent word up to Capitol Hill that it would veto any attempt to water down the U.S.A. Patriot Act, the House Republican leadership responded to prevent just that from happening. On July 8, when the House was considering the appropriations bill to fund the Commerce, Justice, State Department, and the Judiciary, Rep. Bernie Sanders (D-Vt.) offered an amendment to prohibit the Justice Department from blanket searches of library and bookstore records, as permitted by the Patriot Act. Sanders' amendment had significant support from a minority of Republicans, enough to pass it, but the GOP leadership went into action, holding the vote open 23 minutes beyond the customary 15 minutes, so that they would have time to twist the arms of enough recalcitrant Republicans to defeat the amendment. It finally went down on a tied 210-210 vote.

Not surprisingly, Democrats were outraged. Even some Republicans were upset. Rep. Marty Meehan (D-Mass.) said afterwards, "The Republican leadership is out of control." The vote, he said, "is just the latest example of a growing trend towards abusive, close-fist partisanship on the part of the Republican House leadership." Rep. Butch Otter (R-Id.) told reporters afterwards "You win some, and some get stolen."

Democratic anger carried over

into the following day, during debate on a rule to consider a water supply bill. Rep. James McGovern (D-Mass.) offered to amend the rule under consideration to prohibit the House from keeping a vote open for the purpose of manipulating the outcome. Rep. Barney Frank (D-Mass.), speaking in support of McGovern's motion, told the House that "we are talking about the integrity of the democratic process, because the sole purpose of that sort of delay—this is a very particular form of delay. It is a 'DeLay' delay, and this kind of "delay squared," carried out at the behest of the majority leader [Tom DeLay (R-Tex.)], is to allow members of the Republican leadership to press members of the Republican Party who have voted one way to now abandon that position, lest the way they voted, prevail." McGovern's motion was defeated by a vote of 216-180.

Class-Action Reform Hits Senate Roadblock

The procedural warfare characterizing proceedings in the House also was reflected in the Senate, when Majority Leader Bill Frist (R-Tenn.) brought a legal reform bill that would result in most class action lawsuits being transferred to Federal courts, to the floor for consideration on July 7. Frist initially tried to bring it up under a unanimous consent request that would have limited each side to 5 relevant amendments. When the Democrats objected (including after he had offered ten relevant amendments and then an unlimited number), he then brought it up under regular order and promptly resorted to a tactic known as "filling the amendment tree"; that is, filing five contentless amendments in a way that

prevents any other Senator from offering amendments to the bill. "We are willing to set aside pending amendments in order to make progress on the bill," he said, afterwards, "However, we are not prepared to have this bill become a magnet for every unrelated issue that is brought to the floor."

Democrats responded by filibustering the bill. Minority Leader Tom Daschle (D-SD.), even before Frist filled the amendment tree, noted that until Frist brought it up, the bill had not been the subject of even a single hearing in committee, and therefore, he found it "very troubling" that Frist wanted to limit amendments by both sides. "It would be our intention," he said, "to work with the majority to complete debate on this bill, with the understanding, of course, that we would have the opportunity to offer amendments." Instead, because of what Frist had done, "I would argue that this is probably an absolute guarantee that it will never get passed, because we will never get cloture on a bill that denies Senators their right to offer amendments, regardless of the subject matter." The following day, a cloture vote failed, 44-43, to close further debate on the bill.

Appropriations Process on a Very Slow Train

The Fiscal 2005 Defense Appropriations bill has slowly been working its way through conference committee and may become the only one of the 13 annual spending bills to be passed by Congress before the Summer recess begins on July 23. Issues still to be resolved in that bill include the addition of emergency funds for fighting forest fires, and getting the bill through the

Senate without a budget resolution. The lack of a budget resolution means that the Senate is operating under a discretionary spending cap of \$814 billion, the cap imposed by last year's budget. Senate Appropriations Committee chairman Ted Stevens (R-Ak.) classified about \$7 billion of the \$416 billion in the defense bill as emergency spending in order to get around the cap.

Meanwhile, the process otherwise remains stalled. The House has passed seven of the 13 bills, but the Senate, besides the defense bill, has only passed the homeland security bill. Senate Minority Leader Tom Daschle (D-S.D.) warned, on July 13, that time is running out on the legislative schedule to get the appropriations process done, aggravated by the fact that Senate Majority Leader Bill Frist (R-Tenn.) brought a constitutional amendment outlawing gay marriages to the Senate floor, instead. "You can only conclude about the Administration's priorities," Daschle said, "that this Constitutional debate is more important than our national security or any other issue that is pending before the Senate right now." Daschle further complained that the Republicans had offered to take up the homeland security bill in such a way that there would be "virtually" no "real legislative consideration" of the bill, an offer the Democrats found "unacceptable."

Daschle's complaint went beyond appropriations bills. Besides failing to take up any legislation dealing with national security, he charged, the Republicans are "shirking" their oversight responsibilities, with scandals circulating around the Bush Administration that Congress ought to be looking into. "So, it's a mixed up, turned-upside-down world that our Republican friends have presented to us."