

## Congressional Closeup by Carl Osgood

### Homeland Security Bill Remains Stalled

The bill to create a Department of Homeland security by merging 22 Federal agencies scattered throughout a number of departments, remains stalled on the issue of labor rights for the department's employees, much to the dismay of Senate Republicans. Senate Minority Leader Trent Lott (R-Miss.) told reporters on Oct. 16, "There's no question that the Homeland Security Department is being blocked by Senate Democrats who are determined to protect the interests of their union bosses and the bureaucracy." He complained that Sen. Joe Lieberman (D-Conn.), the key architect of the Senate bill, and Sen. John Breaux (D-La.), who has authored compromise language on the labor rights issue, "don't have the latitude," from Majority Leader Tom Daschle (D-S.D.), "to work out an agreement that we could get passed."

A couple of hours after Lott's remarks, Sen. Phil Gramm (R-Tex.) and Sen. Fred Thompson (R-Tenn.) appeared before reporters to complain even more loudly. Gramm said that "we have one of the most powerful special interest groups in America, the public employee labor unions, who are adamantly opposed to giving the President the power to hire the right person to and put them in the right place at the right time to protect the lives of our people." Thompson charged that the "Senate leadership strategy was to kill this bill softly, in effect, and that's what we're still seeing played out."

Daschle responded with equally partisan language. "They want to make homeland security an issue in the election," he said. "They don't want to get this done."

Offers of compromise language have done little to bring the bill closer to resolution. One amendment, spon-

sored by Gramm and Sen. Zell Miller (D-Ga.), would substitute the language President Bush supports, for the Lieberman bill. Another is sponsored by Breaux, Ben Nelson (D-Neb.), and Lincoln Chaffee (R-R.I.), and would allow the President to strip employees in the new department of their labor rights, only if their jobs change significantly as a result of the reorganization. Bush has threatened to veto that language should it come to his desk.

### Defense Bill Hangs Up Over Veterans Benefits

With only weeks to go before the Nov. 5 mid-term elections, the Bush Administration has managed to anger another military constituency group, the veterans. The dispute revolves around a provision in the fiscal 2003 defense authorization bill that would allow veterans with service-connected disabilities to receive both their disability benefits and their retirement pay. Under current law, they have to choose one or the other. The Senate version of the bill, which is currently in conference committee, would give disabled veterans their full benefits, at a cost of \$58 billion over ten years. The House version would phase in full benefits over ten years, at a cost of \$18.5 billion.

The White House budget-hawks have recommended a veto, if the bill goes to President Bush's desk with the Senate provision. They say that it is too expensive when budget discipline must be maintained, and, it would allow "double dipping." The result is that the bill is stalled for the first time in recent memory, as the House and Senate negotiators grapple with trying to find an agreement. The House already voted, 391 to 0, on Oct. 10, to

accept the Senate provisions, in a non-binding resolution, but that apparently has done little to clear the logjam.

On Oct. 17, Sen. John D. Rockefeller IV (D-W.Va.) blasted the White House on the Senate floor. He said that the Administration's position "wholly disregards the enormous dedication and sacrifice of our men and women in uniform, and it labels their claim to compensation, earned in service to this nation, as 'double dipping,' which is a slam and a putdown." The issue is likely to be a factor in the elections, given the political strength that veterans organizations have always had in the Congress.

### Jackson-Lee: Only Congress Can Declare War

After the Oct. 10 vote in the House in favor of the Iraq war resolution, Rep. Sheila Jackson-Lee (D-Tex.) wrote, in a letter that a Houston, Texas newspaper refused to print, that she has a "special appreciation" for and knowledge of the U.S. Constitution, because of her membership on the House Judiciary Committee. She noted that Article 1, Sec 8 (II) of the U.S. Constitution states: "Congress shall have the power . . . to declare war."

The letter continues: "The President is commander-in-chief, but he must fulfill these responsibilities of war subject to the role of the U.S. Congress. The system of checks and balances cannot be effective if one individual is impermissibly vested with the sole discretionary authority to carry out what 535 members of Congress have been duly elected by the people to do.

"Granting any one individual, even the President of the United States, the unbridled authority to use the Armed Forces of the United States

as he may determine to be necessary is not only unconstitutional, but violates international law if it is a first strike. Of course we all agree that force must be used to defend the United States against any imminent attack.

"I also voted no on the resolution because the unchecked power to wage war that it would unconstitutionally cede to the President, including the right to strike first and not just in self-defense, represents an alarming detour from a long-held American principle of not being an aggressor nation. . . . Our country should use our military might only in defense of ourselves or in defense of others where warranted.

"Granting the President the authority to use our armed forces preemptively will set a dangerous precedent both here and abroad and will send the message that any country fearing attack sometime in the future may strike first at its suspected enemies in the name of self-defense. Such a policy will do nothing short of destabilizing the entire world, as China might see fit to move preemptively against Taiwan, India against Pakistan, or North Korea against South Korea. The possibilities are endless in a world where tensions between many nations could swiftly escalate into all-out warfare. . . .

"It is imperative that we do not simultaneously weaken the United Nations by violating its charter through a first strike military action. Pursuant to Article 51 of the United Nations Charter, a military strike against Iraq, unless in response to an immediate threat thereof, will violate international law. In order to arguably claim that action is taken in self-defense, and is thus permissible under international law, the alleged threat must be one that is immediate and which offers no other options for resolution. . . .

"America should not live in fear,

but a show of aggressive strength by a unilateral first attack by the United States . . . may simply send us down a devastating and deadly road of no return."

## House Votes for Lame Duck Session

It's reasonable question, if the Congress was unable to resolve the impasse on annual appropriations bills in the time normally allotted for that process, what chance is there that the logjam can be broken in a lame duck session? Without answering it, the House voted 228 to 172 on Oct. 16, for a continuing resolution that keeps the government operating at fiscal 2002 spending levels until Nov. 22—guaranteeing a lame duck session.

House Democrats spared no effort, however, to provide their own answer for why the House GOP leadership has only moved 5 of 13 spending bills, and none since the August recess. Rep. David Obey (D-Wisc.) declared, "There is an internal war in the Republican caucus. They have lost their ability to govern. They have lost their ability to do things." He called the resolution "a spectacular abdication of responsibility not worthy of this body." Rep. Alcee Hastings (D-Fla.) told the House that the Republicans "are pulling out all the stops" in order to "cut and run before the public realizes that they really have done nothing to address the economic mess they have created."

The situation looks only marginally better in the Senate, which acted, within hours of the House, to renew a few of its own budget enforcement mechanisms. The resolution adopted by the Senate, by a voice vote, would require 60 votes on any legislation that

would decrease the Social Security surplus, increase spending, or cut taxes beyond levels specified in the most recent budget resolution; and on any spending or tax cut legislation that would increase the deficit. The resolution did not include a cap on discretionary spending because, as Budget Committee Chairman Kent Conrad (D-N.D.) explained, there were not the votes in the Senate to pass the \$768 billion level desired by the Democrats.

## Adjournment Leaves Much Legislation in Limbo

The Oct. 17 departure of the House and Senate left unresolved the fate of many pieces of legislation that have been hung up in conference committee for many weeks. There is no indication that any of the disagreements will be successfully addressed in the lame duck session, scheduled to open on Nov. 12. Besides 11 of 13 fiscal 2003 appropriations bills, other issues that remain unresolved include the energy bill, the terrorism insurance bill, and bankruptcy reform. The House GOP shelved plans to bring out a late-session bill giving tax breaks to investors, and also hung up in the budget impasse is relief for farmers suffering from drought.

Neither party is expressing optimism that much can be done during the lame duck session. Senate Minority Leader Trent Lott (R-Miss.) told reporters on Oct. 16 that the "track record" for lame duck sessions has been that "quite often, more bad happens than good." Senate Majority Leader Tom Daschle (D-S.D.) indicated that he was uncertain about the schedule for the lame duck session, because "we don't know how much obstructionism we're going to be facing from Republicans."