

Congressional Closeup by Carl Osgood

House Passes Food Labelling Bill 'With DeLay'

When Rep. Tom DeLay (R-Tex.) was still House Majority Leader, House Republicans routinely passed legislation with minimal committee action, restrictive rules for debate, and with Democrats locked out of the process. On March 8, they proved that, despite all the talk and debate about ethics and lobbying reform, in the aftermath of the Jack Abramoff scandal, they can still ride roughshod over every courtesy. The issue in this case, was a bill to provide "uniformity" in food-safety labelling by preempting state laws. The bill is opposed by 39 state attorneys general, the National Association of State Departments of Agriculture, and numerous state officials, and consumer and environmental groups, who all warn that the bill would disrupt states' abilities to protect their citizens from unsafe foods. The measure however is strongly backed by the food-processing industry, whose lobby, House Democrats charged, wrote the legislation. The food industry justifies the bill on the basis that the lack of uniformity of state labelling laws is a burden on interstate commerce.

Rep. Henry Waxman (D-Calif.) ripped that argument to shreds, charging that the bill's proponents never had to make a case for it, because the GOP never had a hearing on the legislation. "They have never shown there is any burden on interstate commerce," he said, yet, "this bill is going to overturn 200 state laws that protect our food supply." The bill would require states to apply with the Food and Drug Administration (FDA) for exceptions to the Federal law. "Why should states be required to go to a bureaucratic agency to have permission to do what the Constitution of the United States permits them to do, which is to [provide] police powers for the safety and

health and well-being of their own citizens?" Waxman asked the House. He also expressed doubt that the FDA is even qualified to make decisions regarding interstate commerce, given that it is a scientific agency.

Even those who supported the bill expressed dismay at the process. Rep. Jim Cooper (D-Tenn.) told the House that he was "outraged that a bill like this would come through the House of Representatives without a single hearing." The bill passed by a vote of 283 to 139, but not before amendments providing state exceptions for cancer-causing substances, substances that may cause birth defects, and mercury in fish were added.

Study Group To Look at Iraq with 'Fresh Eyes'

Growing concerns about Iraq have led a bipartisan group of 30-40 Members of Congress, all of whom have visited Iraq multiple times, to ask an independent group to make its own assessment of the situation there, after three years of U.S. occupation. That group, co-chaired by former Secretary of State James Baker III and former Rep. Lee Hamilton (D-Ind.), will look at Iraq with what Rep. Frank Wolf (R-Va.) described as "fresh eyes." Wolf said that "the request for this really came out of members of Congress from both parties who have been to Iraq who feel 'fresh eyes' is a very good approach."

As described by Baker, the purpose of the Iraq Study Group is to make "a bipartisan, forward-looking assessment of the situation on the ground in Iraq," with the objective of making "an honest assessment of where we are, and how to move forward." Hamilton added that the group will not be revisiting past debates on Iraq policy. "We have to understand

where we are," he said, "but our effort will be to look forward." Aside from the ten members who were announced on March 15, the group will also have an advisory panel of retired senior military officers, and four working groups focussing on the strategic environment in Iraq and the region, the military and security situation in Iraq, political development, and economic reconstruction. Neither Baker nor Hamilton would offer an opinion on just how dire the present situation in Iraq is, however. Hamilton would only say "we see a formidable challenge for the country."

Senate Begins FY 2007 Budget Resolution Debate

As the Senate began debate on the Fiscal 2007 budget resolution on March 13, Budget Committee chairman Judd Gregg (R-N.H.) announced that the resolution follows the Bush Administration's budget blueprint fairly closely, including capping discretionary spending at \$873 billion, with one major exception: It does not include reconciliation instructions for generating the \$65 billion in entitlement cuts that the Bush Administration is calling for. Gregg explained that the reason for that is that he could find little support in the Senate, including among Republicans, for such cuts in an election year. He reported that the chairmen of the relevant authorizing committees all told him that there was at least one Republican member of each committee opposed to the cuts, meaning that they could not be passed. Gregg also complained that the war supplemental spending, which, he said, has averaged about \$90 billion a year for the last four years, has become a "shadow budget" which essentially has no controls on it at all, something

which, he said, should be changed.

Democrats countered by launching an assault on the Bush Administration for running the total Federal indebtedness to record levels over the last five years. Sen. Kent Conrad (D-N.D.), the ranking Democrat on the Budget Committee, argued that under the budget proposal, the national debt actually increases more than \$600 billion a year for the next five years. To address this debt increase, Conrad offered an amendment to re-institute the "pay-as-you-go" rule, which would require any measure that would increase the budget deficit to be offset by spending reductions elsewhere in the budget to include tax cuts. Gregg denounced the amendment as "a stalking horse for a tax increase," and it was narrowly defeated on a 50-50 vote.

Amendments still to be considered include increasing spending for health programs, as well as striking a provision allowing oil drilling in the Alaska National Wildlife Refuge.

Senate Begins Debate On Ethics Reform

The Senate began debate March 7 on ethics-reform legislation, which had been reported out a week earlier by the Rules and Administration Committee, chaired by Sen. Trent Lott (R-Miss.). The bill would create a point of order against any provision in a conference report that was not in either version of the bill, and would prohibit the Senate from considering any conference report until it had been publicly available for at least 24 hours. It also includes a number of lobby reform provisions, including one aimed at the so-called "K Street Project," run by former House Majority Leader Tom DeLay (R-Tex.), that would increase over-

sight of the relationship between Washington lobbying firms and the Congressional Republican leadership.

Democrats expressed support for the bill, but argued that it did not go far enough. Senate Minority Leader Harry Reid (D-Nev.) offered an amendment that would have tightened up the private-sector employment restrictions already in the bill, and impose criminal penalties on Members of Congress seeking to influence the hiring decisions of lobbying firms. It also included a provision to require that conference committee meetings be open to the public. The Reid amendment was defeated on a 55-44 vote, partly because the gift ban in the amendment includes meals, whereas the ban in the Lott bill does not.

On the House side, Speaker Dennis Hastert (R-Ill.) announced, on March 15, draft legislation that would tighten the rules on lobbying, including imposing a responsibility on registered lobbyists to themselves follow the rules. The package also includes a suspension, until Dec. 15, of all privately funded travel, until the House Ethics Committee reports back with suggestions on how to regulate such travel.

House Takes Up War Supplemental

On March 15, the House began debate on the \$91 billion Bush Administration supplemental appropriations request for the wars in Iraq and Afghanistan, as well as additional money for Gulf Coast hurricane-recovery efforts. Of the total, \$67.6 billion goes to cover war costs, including \$890 million for armored humvees, which was \$480 million more than the Pentagon requested, and nearly \$2 billion to develop countermeasures against the im-

proved explosive devices (IEDs) that have proven so deadly in Iraq. Before the bill went to the House floor, the Rules Committee turned back an effort by the Republican Study Committee, led by Rep. Mike Pence (R-Ind.), to allow an amendment to offset the entire package with spending reductions elsewhere in the budget. Pence had also demanded that the hurricane relief be considered separately, so that it could be more easily targeted.

The focus of the debate on the bill in both the Appropriations Committee and on the floor was not on funding levels in the bill, however, but rather on port security. In a strong repudiation of the Bush Administration, the committee voted 62-2 for an amendment sponsored by committee chairman Jerry Lewis (R-Calif.) that kills the deal that would have allowed Dubai Ports World to take over operations at six U.S. ports. Democrats went even further, supporting an amendment by Rep. Martin Sabo (D-Minn.) that would have required notification of Congress of all such proposed takeovers, and giving Congress the right to overturn Presidential approval of such deals.

While that amendment was rejected on a 35-30 vote, Democrats have declared they will continue to make an issue of port security. On March 15, Rep. Jerrold Nadler (D-N.Y.), backed by House Minority Leader Nancy Pelosi (D-Calif.), announced he would introduce legislation to require that 100% of shipping containers sent to the United States be scanned before they leave their port of origin. He noted that of the 11 million containers that come to the U.S. each year, only about 5% are actually inspected. The Democrats argue that the lack of security at U.S. ports is a large gap that needs to be addressed.