

Congressional Closeup by Carl Osgood

House Passes Energy Bill

On April 21, the House voted 249 to 183 to pass the Energy Policy Act of 2005. The bill doles out \$8 billion in tax breaks, most of which go to the oil and gas industry, and it repeals the Public Utility Holding Company Act (PUHCA). The bill was touted by Republicans as reducing U.S. dependence on foreign oil by increasing domestic production, but Democrats repeatedly pointed out that President Bush's own Department of Energy is reporting that the legislation will do little to reduce prices at the gas pump, and may actually increase them.

The origins of the bill were noted by Rep. John Dingell (D-Mich.), the ranking Democrat on the House Energy and Commerce Committee. Instead of working with the Democrats to write a bipartisan bill, Dingell said, the Republicans "chose . . . to push an outdated energy bill which had its origins in the secret Cheney Energy Task Force and was negotiated in secret conference meetings which excluded the Democrats." Rep. Henry Waxman (D-Calif.) told the House, "The bill fails to address the market abuse and manipulation that caused the California energy crisis, costing consumers in California and western states billions of dollars."

The Democrats weighed in strongly against the repeal of the Public Utility Holding Company Act, legislation that provided the foundation for a stable, reliable, regulated supply of electricity for 60 years, until the energy pirates began their assault on it in the mid-1990s. Dingell offered an amendment that, among other things, would have stripped out the repeal and strengthened the regulatory authority of the Federal Electricity Regulatory Commission, including by vastly increasing fines for market ma-

nipulation. Dingell told the House that without PUHCA, Enron "would certainly have purchased more utilities than it did, sunk its tentacles even more deeply into the electric industry, and skinned more consumers and innocent buyers of electricity." Rep. Charles Bass (R-N.H.) complained that the Dingell amendment sought to impose "excessive penalties" and puts under "continuous investigation" utilities charging market-based rates. Dingell's amendment was defeated by a vote of 243 to 188.

GOP Surrenders in House Ethics Fight

On April 28, the House voted 406 to 20 to return the ethics rules back to what they were prior to the beginning of the 109th Congress. The vote followed a battle over the House ethics rules that began when Republicans forced through changes which had the effect of making an investigation of the ethics charges swirling around Majority Leader Tom DeLay (R-Tex.) much more difficult. Speaker Dennis Hastert (R-Ill.) signalled the upcoming GOP surrender in an April 27 letter to Minority Leader Nancy Pelosi (D-Calif.). In the letter, Hastert tried to justify the changes as protecting "fairness" for all members of the House, but the refusal of Rep. Alan Mollohan (D-W.Va.), the ranking Democrat on the House Ethics Committee, to accept compromises offered by the GOP to get the committee functioning, "leads me to fear that we have reached a point where the fairness or the merits of the rules changes seem not to even be the issue."

One of those compromises was offered on April 20, when four of the five GOP members of the Ethics Committee, chairman Doc Hastings (Wash.),

Judy Biggert (Ill.), Melissa Hart (Penn.) and Tom Cole (Okla.), announced that they were willing to begin an investigation of the ethics charges against DeLay, if the Democrats would allow the committee to organize. Hastings said that he had had several discussions with ranking Democrat Mollohan about the Democratic objections to the rules, and that he had offered Mollohan his personal commitment that an ethics complaint would never be dismissed without a vote. He also called "baseless" the claim that the changes made in the House ethics rules at the beginning of the 109th Congress were made to protect one man. The offer to investigate DeLay "should remove any doubt about the intent of these rules," he said.

Mollohan called the bluff, saying that allowing an investigation as a special case, rather than changing the rules back so that the investigation would be automatic, was not enough. The Democrats had refused to allow the committee to proceed unless the rules changes were reversed. Minority Whip Steny Hoyer (D-Md.) called the Republican offer "a charade and an absolute nonstarter. The issue is bigger than the Majority Leader—it is about the integrity of the entire House, now and in the future."

Senate Passes War Supplemental Spending Bill

By a unanimous vote of 99-0, the Senate, on April 21, passed the Fiscal Year 2005 Iraq war supplemental bill. As passed by the Senate, the bill appropriates a total of \$81.26 billion, about \$140 million less than the House-passed bill, and \$740 million less than the White House request. The vast bulk of the bill, \$74.8 billion, goes to the Defense Department to cover the

costs of the wars in Iraq and Afghanistan, as well as increased military benefits, including an increased death gratuity, health benefits, and \$151 million to bolster Army National Guard and Reserve recruiting.

Most of the rest of the bill goes to other costs for the war on terrorism, and also included is \$907 million for Indian Ocean tsunami disaster relief.

In three weeks of floor action, the Senate added numerous amendments to the bill, but notable among them was one by Sen. Richard Durbin (D-Ill.) to prohibit the spending of any funds in the bill “to subject anyone in the custody of the United States to torture or cruel or inhuman or degrading treatment.” “The prohibition of torture and other cruel treatment is deeply rooted in American history,” Durbin said. The Framers of the Constitution, “made clear they intended the Bill of Rights to prohibit torture and other cruel forms of cruel punishment. It was un-American then; it is un-American now.”

Senate Democrats Move on Their Agenda

Senate Democrats took advantage of the Senate rules, on April 25, to put on the calendar nine bills that reflect their agenda. The move is, in part, preparation for the possibility that Senate Majority Leader Bill Frist (R-Tenn.) will pull the trigger on the so-called “nuclear option.” By exploiting the Senate rules to put legislation on the calendar, the Democrats will be able to call on the Senate to take up the bills, thereby giving them another maneuver by which they can slow down business on the Senate floor.

“Across the country, people are worried about things that matter to their families—the health of their

loved ones, their child’s performance in schools, and those sky-high gas prices,” said Senate Minority Leader Harry Reid (D-Nev.). “But what is the number one priority for Senate Republicans? Doing away with the last check on one-party rule in Washington to allow President Bush, Senator Frist, and [House Majority Leader] Tom DeLay to stack the courts with radical judges.” He warned that if Frist pulls the trigger, “Democrats will respond by employing existing Senate rules to push forward our agenda for America.”

The nine pieces of legislation include bills to address reducing the number of abortions, giving qualified disabled veterans both retirement pay and disability pay, budget discipline, reducing gasoline prices, strengthening Head Start and child care programs, guaranteeing overtime pay and raising the minimum wage, preventing Enron-style electricity market manipulation, and helping military families.

Diminishing Industrial Base Becomes a Concern

During debate on the Fiscal 2005 war supplemental appropriations bill, on April 20, Sen. Edward M. Kennedy (D-Mass.) noted the differences between the war mobilization of 1939 to 1943, and the support for the wars in Iraq and Afghanistan today. He reported that the Government Accountability Office recently reported that it took the industrial base one and a half years to increase the production of armored humvees from 51 per month to 400. “Imagine that,” he said. During World War II, as a result of President Franklin Roosevelt’s gearing up of the economy, “we were producing a victory ship a day, over 350,000 planes a year, and it took us a year and a half

to move from 50 to 400 [humvees] a month.” Kennedy blamed the Department of Defense for not making the production of armored humvees a priority, despite the obvious need for them in Iraq. “Obviously,” he said, “the Pentagon was still being influenced by its cakewalk mentality.” The Senate wound up voting 61 to 39 to add \$213 million to the war supplemental bill for additional armored humvees.

The civilian leadership at the Pentagon undoubtedly bears particular responsibility for the armor problems in Iraq. At virtually the same time that Kennedy was making his remarks, the Readiness Subcommittee of the Senate Armed Services Committee was hearing a story about shortages of all kinds of equipment. Lt. Gen. John Sattler, who commanded the III Marine Expeditionary Force (MEF) in Iraq, reported that military equipment is being subjected to about ten years’ worth of wear and tear during one year of operations in Iraq. In response to a question from Sen. Daniel Akaka (D-Hi.) on how that was affecting readiness, Sattler explained that when the III MEF left Iraq, it turned over most of its equipment to the II MEF, which replaced it. That meant that when the III MEF arrived back at its home base at Camp Pendleton, Calif., it had no equipment to train on.

The Marines are now in the process of “cross-levelling” equipment, moving it around among stateside bases in order to give the III MEF enough equipment for it to resume training. Even after that process is complete, there will still be equipment shortages that will have to be made up through procurement, Sattler explained. If there were a new contingency requiring deployment of combat forces, he said, the III MEF wouldn’t be able to go because it doesn’t have the necessary equipment.