

Congressional Closeup by Carl Osgood

Fight Over Earmarks Dominates Debate

The conservative Republican Study Committee, chaired by Rep. Jeff Flake (R-Ariz.), has found little support so far in its campaign against earmarks, but has been able to create a lot of noise about the issue. The fireworks reached a high point on May 19, when RSC member Rep. Jeb Hensarling (R-Tex.) successfully struck out a number of provisions from the Military Quality of Life-Veterans Affairs appropriations bill on the basis that they were in violation of the House rules, a maneuver that did not require a roll call vote to sustain it.

But Hensarling's maneuver angered Republican members of the House Appropriations Committee, highlighting the split that has developed within the Republican caucus in recent months. Rep. James Walsh (R-N.Y.), the chairman of the Military Quality of Life-Veterans Affairs Appropriations Subcommittee, told Hensarling, "We are a nation at war," and the projects struck from the bill are vital to the war on terrorism.

Rep. Jerry Lewis (R-Calif.), the chairman of the full Appropriations Committee, said, "What we would appear to have before us are members unilaterally identifying paragraphs that they are not particularly pleased with . . . that specifically affect our military effort in the Middle East." He added, "To exercise themselves in a way that undermines our efforts . . . is an affront to the work that we are all about. . . ."

The next week, Flake tried to strike more earmark provisions by amendment, from the Agriculture and the Energy and Water Development appropriations bills, but none of his amendments was able to garner more than 92 votes, and about half of them were defeated on voice votes. Rep. David Obey (D-Wisc.) agreed that ear-

marks were out of control, but, he said, if the conservatives were serious about fiscal responsibility "they would not pick and choose a few random earmarks to go after on the floor." Instead, he argued, they would go after authorization bills and tax bills, both of which are often full of earmarks and special privileges.

Senate Passes Mine Safety Legislation

On May 24, the Senate unanimously passed legislation to improve safety in coal mines. The bill is in response to the string of accidents that have killed 31 miners already this year. (Twenty-two died in all of 2005.) The legislation, as described by Senate Health, Education, Labor, and Pensions Committee chairman Mike Enzi (R-Wyo.), would require mine operators to develop and update emergency response plans designed to make mining accidents more survivable. The plans would be required to incorporate improved systems for communicating underground, for locating miners underground, and to provide extra oxygen for miners trapped underground.

The legislation also includes requirements for mine rescue teams and enhanced penalties for operators who fail to comply with the new requirements. Sen. Edward M. Kennedy (D-Mass.), the ranking Democrat on the HELP Committee, said that the passage of the bill "is a very clear indication that this Senate gives the highest possible priority to the workers and their families and safety and security."

The Senate action increases the pressure on the House, coming as it has only days after an explosion in a mine in Harlan County, Ky. killed five miners. Rep. George Miller (D-Calif.), in a May 25 letter, called on

House Education and the Workforce Committee chairman Buck McKeon (R-Ohio) to take up the Senate bill, with three amendments to strengthen the Senate provisions on communications, underground location devices for trapped miners, and supplementary oxygen. "With these additions to the Senate bill," Miller wrote, "Congress will have taken a vital first step to providing miners with the protections they deserve."

Immigration Bill Faces Tough Conference

After weeks of debate and delays caused by fights over amendments, the Senate finally completed action on its immigration reform bill, on May 25, by a vote of 62 to 36, but with a majority of Senate Republicans opposing the bill. The Senate effort was lauded by both Majority Leader Bill Frist (R-Tenn.) and Minority Leader Harry Reid (D-Nev.). Frist said that the Senate had demonstrated "what is the very best" about it; that is, a bipartisan effort working through the legislative process, and Reid declared, "This is the way that we should legislate; on a bipartisan basis."

It remains to be seen whether the spirit of bipartisan compromise which is credited with passage of the Senate bill will carry through to the conference with the House.

Senate backers of the bill expressed optimism that a compromise bill will result that everyone can support. Senate Judiciary Committee chairman Arlen Specter (R-Pa.) noted that there was a history of tough conferences with the House, but agreement on bills such as the Patriot Act reauthorization and the Real ID Act resulted in agreements. House Majority Leader John Boehner (R-Ohio) was

less sanguine, however. "I don't underestimate the difficulty in the House and Senate trying to come together in an agreement," he told reporters before the Senate's final vote.

The House bill, passed last November, focusses on border enforcement (including authorizing 700 miles of new fencing on the U.S.-Mexico border) and employer sanctions. The House bill also makes undocumented presence in the United States a felony, a provision strongly opposed by Senate Democrats, in particular. In contrast, the Senate bill would allow most undocumented immigrants, estimated to number about 12 million, to stay in the United States and eventually earn U.S. citizenship, a provision denounced as amnesty by most conservatives.

Haditha Massacre Draws Attention of Congress

Members of Congress who have been briefed by military investigators on the alleged massacre of civilians in Haditha, Iraq, by U.S. Marines have come out agreeing that it is a very serious matter. Rep. John Murtha (D-Pa.) made headlines on May 17, after making the Haditha massacre central to his call to withdraw from Iraq. "There was no firefight," he said. "Our troops overreacted because of the pressure on them, and they killed innocent civilians in cold blood."

Murtha said that this incident "shows the tremendous pressure that these guys are under every day when they're out in combat," part of which comes from there not being enough troops on the ground in the first place.

Murtha was even more forceful during an appearance on ABC's "This Week" on May 28, arguing that there

was a coverup that emanated from somewhere up the chain of command. Murtha pointed out that there was an initial investigation, but no one heard anything about the incident until *Time* magazine broke the story in March. "It goes right up the chain of command," he said, "right up to [Chairman of the Joint Chiefs of Staff] General Pace. When did he know about it? Did he order the coverup? Who ordered the coverup? I'm sure he didn't, but . . . who said, we're not going to publicize this thing?"

Although Murtha did not name Secretary of Defense Rumsfeld, the fact that he said he is sure that Pace did not order the coverup points to Rumsfeld as the person most likely responsible. "This investigation should have been over two or three weeks afterwards, and it should have been made public, and people should have been held responsible for it," Murtha said.

Senate Armed Services Committee chairman John Warner (R-Va.), appearing on the same program, was not as forceful as Murtha, averring that the military justice system had to be allowed to work. He agreed, however, that "This is very serious," and promised to hold hearings, as he did after the Abu Ghraib scandal broke in May of 2004. House Armed Services Committee chairman Duncan Hunter (R-Calif.) has also agreed to hold hearings on the Haditha incident.

War Supplemental Misses Memorial Day Deadline

House and Senate negotiators failed to come to an agreement on the fiscal 2006 supplemental appropriations bill covering the Iraq and Afghanistan wars, as well as additional hurricane relief for the Gulf Coast before Con-

gress adjourned for its Memorial Day recess. The House bill hews very closely to the \$92.5 billion requested by the Bush Administration, but the Senate added a number of unrelated provisions, including \$700 million to relocate a railway line in Mississippi away from the Gulf Coast, bringing the bill to more than \$108 billion. Conservatives in the House are balking at the extra Senate funding, which also goes for agriculture disaster relief, fisheries, the Federal Emergency Management Agency disaster relief fund, and other earmarks. President Bush has also threatened to veto the bill if it exceeds \$94.5 billion.

House and Senate negotiators downplayed the significance of the delay, even though on May 18, the Office of Management and Budget had sent a letter to both Houses warning that the money had to be available by May 31. "We are going to take the necessary time to develop the right product that is narrowly focussed on the war on terrorism and hurricane recovery," said House Appropriations Committee chairman Jerry Lewis (R-Calif.). He added that the military services had indicated that they could make it through June by reprogramming funds.

President Bush contributed to the complexity of the negotiations by asking that the \$1.9 billion he had requested on May 18 for border security be taken from the Pentagon funds in the bill.

House Majority Leader John Boehner (R-Ohio), speaking to reporters on May 25, said he thought that negotiations were very close, but even if they had succeeded in reaching agreement, he would not have necessarily brought the bill to the floor right away. "I feel pretty strongly," he said, "that members ought to have a chance to comb through these bills to make sure they know what's there" before voting on them.