

Appropriations Reorganization Close To Fruition



This week, senior Republicans in both chambers of Congress are expected to make decisions on the jurisdictional reorganization chairmen of the subcommittees of the Appropriations Committees.

New House Appropriations Chairman Jerry Lewis (R-CA) has proposed reducing the number of appropriations subcommittees from thirteen to ten, as follows:

- The District of Columbia subcommittee would be abolished and D.C. funding issues would be handled by the Interior subcommittee.
- The Legislative Branch subcommittee would be abolished, with its issues being handled at the full committee level.
- The VA-HUD subcommittee would be abolished, with veterans funding being shifted to the Military Construction subcommittee (which would also take defense health and housing issues from the Defense subcommittee and be renamed Military Quality of Life), HUD funding going to the Transportation-Treasury subcommittee, and NASA (and possibly EPA) going to Energy and Water Development.

House chairs. While the formal decision by the House GOP leadership to go ahead with the Lewis proposal has not yet been made, there are signs that the process is moving forward. Lewis was scheduled to present his proposed slate of ten subcommittee chairmen today to the House Republican Steering Committee (an arm of the leadership) so that Steering can interview the ten nominees tomorrow. (Unlike most subcommittee chairs, which are appointed by the full committee chair with the approval of the committee in question, the leadership reserves a veto over appropriations subcommittee chairs, known as "cardinals," because of the extraordinary power they possess.

Current Transportation-Treasury chairman Ernest Istook (R-OK) has been informed that he will not be a subcommittee chairman in this Congress. He will be replaced by either Joe Knollenberg (R-MI) or Jim Walsh (R-NY), and late afternoon rumor has it that Knollenberg is the favorite.

Walsh, the current chair of VA-HUD, is term-limited out of that position, making its abolition easier.

It is not known if Lewis will seek to shake up any of the other established subcommittee chairmen, but it is expected that Bill Young (R-FL) will take Defense and that Ralph Regula (R-OH) and Hal Rogers (R-KY) will keep their Labor-HHS-Education and Homeland Security chairs (respectively).

On the Democratic side of the aisle, things are more seniority-oriented. However, there is one big problem: House Republicans generally bid for subcommittee chairs based on their seniority as measured by length of service on the full committee. House Democrats bid for subcommittee chairs based on their seniority *on the subcommittee*. Eliminating a subcommittee makes this problematic.

The ranking member on the VA-HUD subcommittee is Alan Mollohan (D-WV). Unless the Democratic Caucus changes its rules, if VA-HUD is abolished, Mollohan would have to go to Commerce-Justice-State where he is also the most senior Democrat, thus bumping Jose Serrano (D-NY), who might be left without a subcommittee.

At the low end of the totem pole, going from thirteen subcommittees to ten means that several members would have to lose their coveted "cardinal" status as a subcommittee chairman or similar status as a ranking member. On the GOP side, assuming Istook is bypassed, Jack Kingston (R-GA) and Rodney Frelinghuysen (R-NJ) would also stand to lost out with the abolition

of the D.C. and Legislative Branch subcommittees (traditionally, those panels go to the most junior members eligible for chairmanships). On the Democratic side, Chaka Fattah (D-PA) and Jim Moran (D-VA) also stand to lose out.

A House reorganization of the Appropriations subcommittees would force the Senate into a difficult spot. Unlike the subcommittees of other panels, each Appropriations subcommittee produces a single spending bill each year funding the agencies under its jurisdiction, and there are specific provisions in House and Senate rules and in the Budget Act making special arrangements for the handling of those bills. The jurisdiction of each subcommittee equals the composition of each spending bill.

Senate choices. The Senate has two choices: to go along with the House plan (as they did two years ago when House created a new Homeland Security subcommittee on its own and combined Transportation with Treasury-Postal to keep the overall number at thirteen), or to keep the current subcommittee structure. Senate GOP met earlier this afternoon to discuss the House proposal, and they were reportedly unanimous in their opposition (but could always change their minds later).

If the Senate decides to plow on ahead and keep the existing subcommittee structure, there will be frightening logistical difficulties involved in getting bills through House-Senate conference. Say that the House passes a Transportation-Treasury-HUD appropriations bill. The Senate has already passed a Transportation-Treasury bill and a separate VA-HUD bill. Does the Senate switch out either of those incomplete match bills for the House-passed bill and request a conference, or cut and paste parts from each bill? Or does the Senate disregard 216 years of precedent and try to originate its own general appropriations bills? (The Constitu-

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tion says that "all bills for raising Revenue" must originate in the House, i.e. have a House bill number. In the First Congress, the House, led by James Madison, insisted that this privilege also extend to general appropriations bills, or "money bills" as they were then called, and the House has not backed off since, despite periodic Senate attempts to change things. See *Hinds' Precedents*, vol. III, sec. 1500-1501.)

Even if conferenceable legislative vehicles are agreed to, the composition of the conference would get interesting. Currently, all the members of an appropriations subcommittee are appointed as conferees on their bill. If the House and Senate don't have parallel subcommittee structures, the appointment of conferees on each bill would have to be worked out on a case-by-case basis.

(Ed. Note: Worse, it would be flatly impossible to reconcile House and Senate 302(b) budget allocations if the chambers have different subcommittee structures, which would represent a further erosion of budgetary controls. It is not coincidental that the current deficit crisis started at about the time that the pay-as-you-go and discretionary spending cap sections of budget law expired. Procedure is power.)

If the House and Senate produce mismatched bills, a more likely scenario is that the individual bills would not be conferenced. Instead, they would be packaged into one omnibus bill or several discrete mini-bus bills for final delivery to the President. But even doing mini-buses would be contingent on the Senate appropriators making a few, less significant changes (like moving defense health and housing out of the Defense subpanel) or else it would be impossible to arrange the bills into mini-buses.

While members of both parties publicly bemoan omnibus appropria-

tions bills, they are advantageous for political leaders (it makes it easier for the Administration and Congress to stay under the overall discretionary spending ceiling if you only have one negotiation instead of thirteen separate negotiations) and for appropriators (the last-minute nature of an omnibus, its voluminous length, and its must-pass nature allow the appropriators to get away with procedural murder and tremendous pork-barrel excess in an omnibus appropriations package).

So, the end result of the Senate's refusal to acquiesce to a House shift in subcommittee change would be procedural chaos. However, going along with the House plan would result in political chaos.

Senate chairs. The going assumption is that the top four GOP appropriators would all keep the subcommittees they currently chair — Thad Cochran (R-MS) at Homeland Security, Ted Stevens (R-AK) at Defense (minus the defense health system), Arlen Specter (R-PA) at Labor-HHS-Education, and Pete Domenici (R-NM) at Energy & Water Development. After that, the key decisionmaker is Kit Bond (R-MO), who currently chairs VA-HUD. If VA-HUD is abolished, Bond would either take the new Transportation-Treasury-HUD subcommittee or the new Military Construction-VA subcommittee. Given Bond's interest in transportation (he chairs the Environment and Public Works highway subcommittee), Transpo-Treasury-HUD is a better bet.

Whichever subcommittee Bond chooses, a lengthy round of musical chairs would be set off. Richard Shelby (R-AL) would be bumped from Transportation-Treasury and then could bump Judd Gregg (R-VT) from his chair of Commerce-Justice-State, and Gregg would then be eligible to bump Robert Bennett (R-UT) from Agriculture. Current cardinal Kay Bailey Hutchison (R-TX) would likely be left without a chairmanship.

(The above assumes that Mitch McConnell (R-KY) and Conrad Burns (R-MT) would choose to keep their current panels (Foreign Operations and Interior, respectively), but, the way that MilCon is getting beefed up, it would now be a more attractive chairmanship).

(Ed. Note: The possibility that Shelby will be bumped out of Transportation-Treasury is a Really Big Deal. Many holdups in the highway bill negotiations were caused by Shelby holding out for more transit spending, based on his position as its cardinal. Switching to Bond would change a lot of things.)

House staff. Lewis has announced some front office staff changes as well. Gone are Jim Dyer, the committee's staff director, who retired, and John Blazey, Dyer's understudy (who was a familiar face from his days as the clerk of the Transportation subcommittee).

Frank Cushing, who served as clerk of the VA-HUD subcommittee from 1995-2003, will be the new staff director, returning to the Hill after a two-year lobbying stint. Cushing also served as clerk of the Senate Interior Appropriations subcommittee and as staff director of the Senate Energy and Natural Resources Committee.

Two veterans of Lewis's personal office will assist Cushing as deputy staff directors: Jeff Shockey will assist Cushing with the Committee's day-to-day operations including maintaining a close working relationship between the Committee, the elected leadership, the Budget Committee, and various authorizing committees. And Dave LesStrang will manage the Committee's external communications and Member services operation and serve as the Committee liaison to the California congressional delegation and California Governor's office.

Jennifer Miller, a professional staff member on the Committee since 1996, joins the front office staff as the primary person responsible for Committee and House rules and floor procedure.