

Democrats Controlling Congress: A Six-Month Assessment

By John Isaacs | July 19, 2007

When they took control of both houses of Congress in November 2006, Democrats were determined to shake things up and advance an agenda that Republicans had ignored for the past six years.

After a little more than six months in office, there have been some important gains on national security issues. Thin Democratic majorities in Congress and President George W. Bush's veto pen, however, have limited how much the Democrats have been able to accomplish.

In the House of Representatives, Democrats maintain a 30-vote majority, including a substantial segment of more conservative "blue dog" Democrats. In the Senate, the majority is even slimmer, 51 Democrats to 49 Republicans, with Sen. Tim Johnson (D-SD) absent due to illness and Sen. Joseph Lieberman (I-CT) voting Republican on most national security issues.

While working for a quick end to the Iraq War has consumed a great deal of Democrats' time, the greatest early national security successes came on nuclear weapons issues, particularly in the House.

When the full House considered the Fiscal Year 2008 Energy and Water Appropriations Bill, it followed the lead of its Energy and Water Appropriations Subcommittee and eliminated the entire administration request for \$88.8 million to fund a new generation of nuclear weapons (the so-called Reliable Replacement Warhead program).

The Bush administration argues that the Reliable Replacement Warhead (RRW) will provide a more reliable and modern nuclear warhead that would facilitate reductions in the U.S. nuclear arsenal. It also suggests, but does not promise, that the new weapons would make a resumption of nuclear explosives testing less likely, although there are many skeptics who doubt that the Pentagon would deploy a weapon that has never been tested.

Opponents respond that the RRW is a provocative, unnecessary move to modernize the U.S. nuclear arsenal that would undermine U.S. commitments to the Non-Proliferation Treaty. They also point to studies concluding

that the existing U.S. nuclear weapons will remain reliable for at least another 50 years.

In making its case, the administration ran into a formidable buzz saw: Energy and Water Subcommittee Chairman Rep. Pete Visclosky (D-IN) and former chair of the same subcommittee Rep. David Hobson (R-OH). In previous years, the duo had helped to kill the Reliable Replacement Warhead's predecessor, the nuclear "bunker buster" (the Robust Nuclear Earth Penetrator).

In hearings this year, the two representatives were scathing in their criticism of the Department of Energy's handling of nuclear programs. When his subcommittee considered the bill on May 23, Visclosky said in a prepared statement:

"Given the serious international and domestic consequences of the U.S. initiating a new nuclear weapons production activity, it is critical that the administration lay out a comprehensive course of action before funding is appropriated. Given the track record of mismanagement at the agency for projects that have a plan, I don't think it is asking too much for a comprehensive nuclear strategy before we build a new nuclear weapon."

The Senate Appropriations Committee went partly in the Visclosky-Hobson direction by cutting the RRW program by \$23 million and resolving to keep the program in the research and design stage. In the committee report, Chairman of the Energy and Water Development Subcommittee Sen. Byron Dorgan (D-ND), made it clear that he was skeptical about proceeding beyond the design stage with these new warheads: "Congress should have a more vigorous analysis and debate of our national strategic defense policy prior to deciding whether to continue or terminate RRW development. ... We should also consider what impact the RRW program would have on international nonproliferation efforts." The full Senate

will not consider its version of the energy and water appropriations bill until after the August recess.

Nuclear hawks were up in arms over threatened cuts to the new nuclear weapons program. The right-leaning Heritage Foundation's Baker Spring wrote in a May 11, 2007 position paper: "This smaller U.S. nuclear arsenal makes it more important that the arsenal is fully modernized and tailored to meeting the demands of the damage-limitation strategy."

Sen. Jon Kyl (R-AZ), a member of the Senate Armed Services Committee, complained about the reductions in a July 10 Senate floor speech: "This leaves the U.S. nuclear deterrent absolutely reliant on weapons designed and built in the 1980s. ... What signal does this send not only to our enemies but to our allies, allies who for over 60 years have relied on the umbrella of protection of our nuclear deterrent?"

The House took a number of other positive steps on nuclear weapons issues. It cut all \$24.9 million for a new plant to build plutonium pits and added almost \$900 million for nuclear nonproliferation programs, bringing the total to \$2 billion, and cut funding from the requested \$405 million to \$120 million for the plutonium reprocessing program (the Global Nuclear Energy Partnership) that would extract nuclear weapons-usable material from nuclear waste.

Visclosky and Hobson were easily able to turn back a House challenge to their program reductions. When the full House considered the Fiscal Year 2008 Energy and Water Appropriations Bill on June 20, it rejected by a substantial 121–312 margin a Rep. Tom Udall (D-NM) amendment to transfer \$192 million to the Los Alamos National Laboratory for nuclear weapons work.

While the Senate Appropriations Committee also eliminated the plutonium pit production money and added \$200 million for nonproliferation programs, it cut the funding request for the plutonium reprocessing program from \$405 million to \$243 million.

There has also been a tussle over the Comprehensive Nuclear Test Ban Treaty (CTBT), an agreement signed by President Bill Clinton and rejected by the Senate in 1999. In a bid to rebuild support for the treaty and prepare for its eventual reconsideration, the Senate Armed Services Committee adopted a non-binding provision in its bill that said simply: "The Senate should ratify the Comprehensive Nuclear-Test-Ban Treaty."

Those few words were sufficient to ignite a powerful counterattack from the nuclear hawks. The Center for Security Policy's Frank Gaffney, never pleased with anything that smacks of arms control, fulminated in a June 19 *Washington Times* screed: "Now, however, Sen. Carl Levin—Michigan Democrat and hands-down the most radical anti-defense legislator ever to chair the Senate Armed Services Committee—has decided to try to resuscitate the defective and rejected CTBT. ... Mr. Levin is seeking to engineer a stealthy, back-door reversal of the Senate's historic position on the Comprehensive Test Ban Treaty."

Senator Kyl made it clear that he was less than pleased by the provision. In his July 10 speech, he strongly objected to the CTBT provision: "Tucked away near the end of this bill, very much in the fine print, is an unprecedented attempt to preordain the ratification of a treaty—a treaty already overwhelmingly rejected by this body—the CTBT. ... This sense of the Senate should be called just what it is—a sham."

What will happen to this modest sense of the Senate language is uncertain, because the Defense Authorization Bill has been added to the Senate's long list of unfinished business that may not be completed until September.

There is one provision in several of the bills that is likely to survive: a requirement that the United States conduct a new assessment of its nuclear weapons policy to reflect changed circumstances in the post-Cold War, post-9/11 world. In the first term, the George W. Bush administration promulgated a nuclear weapons policy that called for increased reliance on nuclear weapons. This new policy review, not to be directed by neoconservatives who dominated the Bush review, may develop a substantially better policy that considers whether retaining thousands of nuclear weapons is necessary.

Another hot issue has been the controversial February 2007 six-party agreement that has resulted in the shutdown of a North Korean nuclear reactor. The agreement is controversial largely because former U.S. Ambassador to the United Nations John Bolton despises the agreement and probably speaks for Vice President Dick Cheney.

Sen. Chuck Grassley (R-IA) also registered his strong opposition to the accord. In a July 12, 2007 Senate floor speech, Grassley indicated that while he understood that Bush endorsed the agreement, he objected to unfreezing \$25 million in North Korean funds: "Here again Uncle

Sam becomes Uncle Sucker for some tinhorn dictator. And we wonder why we are not respected around the world.”

Grassley’s views echo those of Bolton, who suggested in a July 3 *Wall Street Journal* op-ed that the agreement “is an important signpost that Bush’s clear determination in 2001 to follow a different course has disappeared, replaced with the same flawed conceptual framework that failed so badly in the 1990s.”

News on Iran and missile defense has been mixed. There are many who fear that Bush, while at a complete loss on coping with the Iraq quagmire, will launch an attack on Iran before he leaves office. In part to respond to U.S. concerns about Iran, a U.S. proposal to build a third National Missile Defense site in Poland and the Czech Republic to guard against an Iranian attack has kicked up a furor in Europe. The House cut \$160 million from the administration’s \$310 million request for the third site while the Senate Armed Services Committee cut \$85 million. In both cases, Congress recommended a go-slow approach to the third site.

The Bush administration reacted strongly against the cuts. A July 10 “Statement of Administration Policy” delivered to Congress about the Senate missile defense cuts said: “The administration strongly opposes the reductions of \$85 million for the U.S. missile defense site in Europe and the limitations on the availability of funds for procurement, construction, and deployment of missile defense assets in Europe, which would delay the fielding of missile defense assets to protect the United States and Europe against the emerging missile threat from Iran.”

Sen. Jeff Sessions (R-AL), while declining to reinsert the money, successfully offered a sense of the Senate amendment stating that U.S. policy should be “to develop and deploy, as soon as technologically possible, in conjunction with its allies and other nations whenever possible, an effective defense against the threat from Iran.” After the amendment was softened from an earlier draft presented to the Senate, it was approved overwhelmingly, 90–5. Senators apparently did not want to appear “soft” on the Iranian threat.

Sessions argued on July 12: “An effective missile defense, which we would promptly begin to deploy, could convince the Iranian leadership that developing such missiles for their nuclear weapons is a futile undertaking.” Sessions went on to argue against any move to stop construction of the third site: “I think it would be a slap in

the face and unbecoming to our Nation if we were to pull the rug out from under these projects after our allies have stepped up and been supportive of them.”

One approach considered by opponents of a preventative attack against Iran was an amendment to bar an attack on Iran without prior congressional approval. In the Senate, Sen. Jim Webb (D-VA) contemplated this approach, but ultimately decided the effort might be counterproductive.

In the House, Rep. Peter DeFazio (D-OR) went ahead with such an amendment, but got thumped 136–288. A more modest amendment by Rep. Rob Andrews (D-NJ) to bar spending in the bill for planning contingency operations in Iran was rejected more narrowly, 202–216.

In related moves on Iran, several House committees began considering legislation to enact additional sanctions against Iran, but none of those bills, nor a similar Senate effort, has yet been approved.

But, more than any other issue, it has been the Democrats’ determined but thorny efforts to challenge the Bush Iraq War policy that has consumed the most time and energy in the first six months of the new Congress.

Weeks after being sworn in this past January, Congress began voting on the Iraq War, and those votes have continued with great frequency. Most recently, on July 18, the Senate voted 52–47 in favor of ending debate on an amendment introduced by Senator Levin and Sen. Jack Reed (D-RI) requiring troop withdrawals to begin 120 days after enactment of the bill, with most troops out by April 30, 2008. Four Republicans voted “aye.” No Democrats voted in opposition. Sixty votes were required to end debate on the amendment.

The previous week, on July 12, the House voted 223–201 to approve a bill to require that most U.S. troops in Iraq begin withdrawing no later than 120 days after enactment of the bill and be out by April 1, 2008. Ten Democrats voted “nay” and four Republicans voted “aye.” A two-thirds majority would be needed to overcome Bush’s veto pen.

The approximately 18 votes on Iraq in the Senate and House since January have demonstrated five trends:

The Democratic Party is almost united in favor of an end to the Iraq War and is willing to vote for legislation to set a timetable to end the war.

More and more Republicans are criticizing the Bush war policy, but there are still too few who are willing to vote for end-the-war legislation.

Grassroots activists who believe that Democrats took control of Congress in the November 2006 elections because of the Iraq War remain disgruntled that the war continues unabated and that Democrats have not been more forceful.

With the narrow Democratic majorities in Congress, this situation is likely to persist until many more Republicans are willing to vote to end the war or march down to the White House and demand that Bush end the war.

The next major decision point is expected in mid-September, when Gen. David Petraeus and Amb. Ryan Crocker provide a new report on the disastrous Iraq situation, at which time Congress will vote once again on anti-war legislation.

The war may go on as long as Bush remains in office through January 2009. But Iraqification—turning over the

conduct of the war to the Iraqi government, for better or for worse—could begin in the fall.

In the meantime, the Iraq War issue will dominate political discourse, and whatever the legislative result, it may lead to more sweeping Democratic gains in the November 2008 election. Republicans are unhappy with Bush over the Iraq War, immigration, and his low approval ratings, but remain locked with him in an uncomfortable embrace.

Any conclusive judgment about Congress has to be delayed. Only after the final “examinations” are taken in the fall and the final “papers” submitted—when Congress completes the legislative year—can a true grade be applied.

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