

Congressional Closeup by Carl Osgood

Leahy Bill To 'Sunset' The Patriot Act

Sen. Pat Leahy (D-Vt.), joined by Senators Larry Craig (R-Id.), Richard Durbin (D-Ill.), John E. Sununu (R-N.H.) and Harry Reid (D-Nev.), on Oct. 1 introduced the "PATRIOT Oversight Restoration Act of 2003," which will sunset many provisions of the 2001 USA Patriot Act not already subject to the sunset provisions in the 2001 bill. The sections of the Patriot Act affected by Leahy's bill include those which broaden the types of information that law enforcement may obtain from communications service providers; the section that authorizes so-called "sneak and peak"—that is, delayed notification, search warrants, and those that significantly expand electronic tracing orders; along with a dozen other provisions.

In remarks on the floor of the Senate, Leahy noted that he was among those in the Senate who originally supported the passage of the Patriot Act in the aftermath of the Sept. 11, 2001 terror attacks. The result, however, was the granting of "an unprecedented, vast new array of powers" to the Executive Branch.

"Unfortunately," Leahy continued, "I have come to feel disappointed. Since we passed the Patriot Act in October 2001, it has grown increasingly apparent that the trust and cooperation Congress provided to the Executive branch has proved to be a one-way street." He observed that "no administration has been more secretive, more resistant to oversight, and more disposed to act unilaterally, without the approval of the American people or their democratically elected representatives." Furthermore, "the Administration has yet to show that it is using its Patriot Act powers wisely." Instead, "it has been secretly drafting a sequel to the Patriot Act that would grant it even more far-reaching powers."

House Votes Down New Overtime Rules

A small but growing number of Republicans in the House of Representatives are, apparently, getting increasingly nervous about riding President Bush's coattails in the 2004 election. Another sign of this was a House vote, on Oct. 2, to accept a Senate provision in the Labor, Health and Human Services, and Education Departments appropriations bill, prohibiting the Department of Labor from implementing new rules that would have the effect of making fewer workers eligible for overtime pay. Some labor unions have estimated that the new rules would affect up to 8 million workers. The Labor Department puts that number at about 600,000.

The Senate provision that the House accepted would not affect rules changes to make different categories of workers eligible for overtime for the first time. The 221-203 vote came on a motion, offered by Rep. David Obey (D-Wisc.), to instruct conferees on the Appropriations bill to accept the Senate provision. Obey argued that "the Bush Administration should not put American workers in the position of being forced to work more than 40 hours a week without being paid overtime."

Rep. Ralph Regula (R-Ohio), who was opposed to the motion, claimed that the new rules were the result of an effort by the Labor Department to re-examine rules unchanged in over 50 years. His real concern, however, was the veto threat hanging over the bill were it to pass with the Senate provision; he warned that "a lot of very good programs" in the underlying bill would not get funded. Obey ridiculed Regula's argument, saying he wanted to see if President Bush has the "unmitigated gall" to veto the entire bill "because of the protections we have put in place in the bill so that workers do not have to work more than

40 hours a week and not be paid overtime."

Senate Begins Debating Iraq \$87 Billion

The Senate began debate on President Bush's \$87 billion supplemental request for military operations and reconstruction in Iraq on Oct. 1; but the lightning speed with which it came out of the Senate Appropriations Committee appears unlikely to be duplicated on the floor. The Senate, recessing from Oct. 3-14 and leaving many amendments still to be disposed of, has already slowed the process considerably. The House plans to take up its version of the bill when the Senate returns from its recess.

Of the amendments that were disposed of, however, one sure to get the attention of the Defense Department was passed by voice vote; it would require that contracts expending funds under the bill can only be awarded under open and competitive contracting procedures, except in very narrowly defined circumstances. Rep. Susan Collins (R-Me.), one of 11 co-sponsors of the amendment, from both parties, told the Senate, "Our amendment will bring accountability and sunshine to the competition and contracting process."

On the Democratic side, an amendment sponsored by Sen. Joseph Biden (D-Del.) to pay for the Iraq supplemental by suspending a portion of the tax cuts for the top 1% of taxpayers, was tabled by a vote of 57-42, on Oct. 2. This was followed by the tabling, by a vote of 56-42, of another amendment, this one sponsored by Sen. Pat Leahy (D-Vt.) that would require that the Coalition Provisional Authority in Iraq report to the Secretary of State, rather than the Secretary of Defense. Leahy argued that the State Department is much more qualified to run foreign aid programs, than is the Pentagon.