

Congressional Closeup by Carl Osgood

GOP To Ram Through Intelligence Reform Bill

On Sept. 24, House Speaker Dennis Hastert announced the introduction of an intelligence reform bill that includes some, but not all, of the 9/11 Commission recommendations—as well as provisions written entirely by the GOP which go way beyond what the Commission recommended. Those additional provisions, some of which are drawn from the Justice Department's infamous "Patriot II" draft legislation which was leaked and then shelved last year, have triggered widespread alarm: 1) the "lone wolf" provision, which would allow Federal authorities to open a foreign counter-intelligence investigation of a terrorist suspect in the United States who is not linked to any foreign organization; 2) the "extraordinary rendition" provision, which would allow a suspect to be deported to another country known to use torture, in violation of U.S. treaty obligations; and 3) establishing a national database for governments to more easily share information on citizens.

The Hastert bill would give the President authority to strip away collective bargaining rights that are still retained by some employees of the Department of Homeland Security, after the 2002 legislation establishing DHS took these rights away from many of its employees. The bill would also allow CIA director Porter Goss to be appointed National Intelligence Director without undergoing a Senate confirmation hearing or vote.

House Minority Leader Nancy Pelosi (D-Calif.) charged that the GOP has written a partisan bill, behind closed doors, and she called for a full debate. But the GOP plan is to have the bill on the House floor by the week of Oct. 4.

Meanwhile, the Senate began floor debate on its version of intelli-

gence reform on Sept. 27. The bill passed out of the Government Affairs Committee on Sept. 22 substantially follows the 9/11 Commission recommendations.

House Passes Court-Stripping Bill

Democrats charged the GOP with undermining the Constitution and the independence of the Federal judiciary with a bill to prohibit Federal courts from ruling on the Constitutionality of the Pledge of Allegiance. A Ninth Circuit Court of Appeals ruling, that the "under God" phrase in the Pledge is un-Constitutional (which ruling was reversed by the Supreme Court on procedural grounds), gave the Republicans another wedge issue to focus on, rather than the war in Iraq and the collapse of the U.S. physical economy. The bill, passed by the House on a 247 to 173 vote on Sept. 23, would leave it to state courts to decide whether the Pledge is Constitutional, and such decisions would have effect only within the boundaries of the individual states.

Rep. Jerrold Nadler (D-N.Y.) warned, "We are playing with fire, here," not because of the issue of the Pledge, but because of the precedent the bill sets. Nadler called it "part of a more general attack on our system of government."

Lame Duck Session Increasingly Likely

With a raft of unfinished business pending, and time fast running out before the target Oct. 8 adjournment date, a lame duck session scheduled for mid-November looks to be more and more a possibility. The two Houses have not yet reached agree-

ment on a continuing resolution, which must be finished by midnight on Sept. 30.

A \$300 billion six-year highway bill and legislation to bring the United States into compliance with recent World Trade Organization rulings are among the bills still to be resolved, besides the unfinished appropriations process. While the Senate has had to struggle to work its way through some of the remaining spending bills, it has had no trouble taking up an intelligence reform bill and passing another tax cut bill, the fourth since President Bush took office, on Sept. 23. The Senate worked through three more appropriations bills, leaving eight to still be completed.

Another issue complicating the picture is disaster relief following the recent hurricanes in Florida. President Bush has already signed into law \$3.1 billion of relief for the state, but has asked for another \$10 billion, which request is working its way through the legislative process. Farm states, suffering through extended drought, are also seeking assistance, \$2.9 billion of which was attached to the Homeland Security appropriations bill by the Senate on Sept. 14. However, the Bush Administration did not ask for that assistance and so its fate, especially given how it might play into the South Dakota Senate race, is not yet decided.

As for the prospect of a lame duck session, nobody has said, yet, that the Congress will be coming back in November. Senate Majority Leader Bill Frist (R-Tenn.) told reporters on Sept. 28 that if a bill increasing the debt limit is not passed before Oct. 8, it will have to be addressed in November. Senate Minority Leader Tom Daschle (S.D.) said, "I think it would be hard to consider circumstances that wouldn't involve at least the prospect of coming back to complete conference reports."