

Congressional Closeup by Carl Osgood

House Rams Through Immigration Bill

On Feb. 10, the House of Representatives passed, by a vote of 261 to 161, the "Real ID Act," which is supposed to make it more difficult for terrorists to get U.S. drivers' licenses and other identification. The bill was the result of promises made to House Judiciary Committee Chairman James Sensenbrenner (R-Wisc.), late last year, when anti-immigration provisions that he authored were stripped from the intelligence reform bill. The bill was brought to the floor so quickly that not only did Sensenbrenner's committee not hold hearings on it, but, at first, the GOP could not even agree on which amendments to allow on the floor, so debate on the bill was spread out over two days, with a separate rule for debate, each day.

As has become usual since the Republican Party took control of the Congress in 1995, procedural issues were just as much a subject of debate as the content of the bill. Rep. Alcee Hastings (D-Fla.) noted that, because the bill had not been the subject of one single hearing, there were provisions in it that had never been considered before. "The pattern of abuse by the Republican leadership continues unchecked," Hastings said. He called on the House to return the bill back to the Judiciary Committee for proper consideration.

The provisions of the bill include tightening criteria for the granting of asylum, authorizing the Secretary of Homeland Security to waive any law or other legal barriers holding up completion of the San Diego border fence, and establishing national standards for drivers' licenses, including prohibiting Federal agencies from accepting state-issued licenses that do not meet those standards. Rep. Henry Waxman (D-Calif.), the ranking Democrat on the House Government Reform Com-

mittee, charged that the bill "imposes costly new requirements on states that simply cannot be achieved in three years allotted by the bill." He also warned that the provision on the San Diego border fence, which gives the Bush Administration "unilateral authority to waive labor laws, state and local laws" and other laws, "presents a dangerous new precedent."

DOD Still Studying 'Bunker-Buster' Bombs

A program that perhaps many thought died in the 108th Congress has reappeared in the Fiscal 2006 budget, the Robust Nuclear Earth Penetrator (RNEP), also known as the bunker buster bomb. Sen. Jack Reed (D-R.I.) took note of this during a Feb. 15 hearing of the Senate Armed Services Committee, which took testimony from the newly confirmed Secretary of Energy Samuel Bodman. "The most serious issue facing the department, this Congress and the nation," Reed said, "is the apparent obsession that this administration has with new nuclear weapons." Reed called on Bodman to "champion the beginning of a fresh look at nuclear weapons and nuclear weapons policy, and that this fresh look would include an open dialogue between the administration and the Congress."

The following day, Secretary of Defense Donald Rumsfeld, testifying to the House Armed Services Committee, could not give a definite answer to a question from Rep. Terry Everett (R-Ala.) as to whether or not there was a military requirement for such weapons, calling it a "question that's difficult to answer." "What I believe," he said, "is there is a need for a study," to take existing weapons to see if they can be reduced in explosive power so

that they can penetrate deeply into the ground, "in a way that could help protect the United States of America." Rumsfeld added the complaint, on Feb. 17, before the Senate Armed Services Committee, that "people are putting things underground in every rogue state, in countries that are not compatible with civilized societies," and therefore engaging in such a study is nothing more than a "responsible step" to take.

Iraq War Supplemental Request Goes to Hill

On Feb. 14, President Bush sent up the long expected \$81.9 billion Fiscal 2005 appropriations request to cover the costs of the wars in Iraq and Afghanistan. The bill includes \$36.3 billion for combat operations there, \$5 billion to fund the Army's reorganizations into "modular" brigades, \$5.4 billion to repair and replace equipment worn out by operations in those countries, and \$3.3 billion for buying additional armor for trucks and humvees and other survivability equipment. The request also asks for \$7 billion for building Iraqi and Afghan security forces, \$2 billion to support U.S. allies in those two wars, including Pakistan and Poland, \$5.6 billion for the State Department, and \$950 million to aid countries stricken by last December's tsunami disaster.

While some Republicans are talking about removing some items from the request because they do not fit the definition of "emergency" spending, Democrats want to add more money to it. Sen. John Kerry (D-Mass.) is proposing adding \$8 billion to pay for more troops and for more health care and other benefits. Rep. John Spratt (D-S.C.) suggested that the request does not have enough money for repair and replacement of damaged equip-

ment, especially vehicles and helicopters. "I think our equipment is wearing out at a much faster than anticipated clip," he said. Rep. Brian Baird (D-Wash.) reported during a speech on the House floor, on Feb. 15, that he and 50 other members of the House had signed a letter to President Bush proposing that \$1.3 billion be added to the request for veterans' services, including for health care. "If we can find \$80 billion to send to Iraq, then, for goodness sake we can find \$1.3 billion to take care of our soldiers and their families," he said.

Class Action Reform Passed Into Law

While most attention in Washington is focussed on the debate around Social Security privatization, the Bush Administration's allies in the Congress are moving forward with other items on the GOP agenda. Near the top among these is reforming class action laws to make it easier to remove a class action law suit from state court, where most class actions are filed, to Federal court. Proponents of the reform, which include many Democrats, argue that a handful of class action attorneys are gaming the system by forum-shopping for favorable judges, in order to gain settlements that benefit themselves, but not the plaintiffs.

Most members of the Senate agreed, passing a bill, on Feb. 10, by a vote of 72 to 26, which would grant Federal courts jurisdiction over any class action where the amount at issue exceeds \$5 million and involves citizens of different states. It also restricts settlements that result in coupons for members of the class, as well as settlements which largely cover attorneys' fees rather than payments to members of the class.

Senate Minority Leader Harry Reid (D-Nev.) warned, however, that such a reform threatens the basic principle underlying class action law. He said the bill "is about depriving consumers of access to the courts and letting corporate wrongdoers off the hook." The categories of class actions that could be removed to Federal court under the bill include "some very successful pieces of litigation that have made our society a better place," he said. These cases involved environmental pollution, insurance fraud, wage and hour disputes, and consumer fraud. "It effectively closes the courthouse doors to a wide range of injured plaintiffs," he said. It does so, because, under the bill, if a Federal court fails to certify a class, the plaintiffs cannot refile in state court. Reid warned that that would result in consumers losing their only means of redress in many cases.

In the House, where it passed by a vote of 279 to 149 on Feb. 17, the Senate bill was denounced by Rep. John Conyers (D-Mich.), who told the House that "if the legal system is rigged and the rules are stacked against you, you never have to get to the substance; you do not even get your day in court," and "that is the problem with this bill." President Bush signed the bill into law almost immediately on Feb. 18.

Lewis To Reorganize Appropriations Committee

House Appropriations Committee Chairman Jerry Lewis (R-Calif.) on Feb. 9 announced the reorganization of his committee from the former 13 subcommittees to 10. The major feature of the reorganization is the elimination of the District of Columbia, Veterans Affairs, and Housing and Ur-

ban Development, and the Legislative subcommittees, and the redistribution of their responsibilities to the remaining subcommittees. Military Construction will be taken over by the Defense subcommittee, and a new subcommittee will take over Veterans Affairs as well as military health, housing, and facilities programs, and will be called the Military Quality of Life and Veterans Affairs subcommittee. NASA, which had been part of the VA-HUD subcommittee, goes to what had formally been called the Commerce, Justice, State and the Judiciary, now to be called the Science, Justice, State, and Commerce subcommittee. HUD will be added to the Transportation and Treasury subcommittee and environmental programs that had been in other subcommittees will be taken over by the Interior subcommittee.

Lewis said in a statement that the new structure "will allow us to spend less time on the floor and in committee and more time doing oversight over the expenditure of taxpayer funds." Ranking Democrat David Obey (Wisc.) had a different view. He charged that the new plan is nothing more than payback being extracted by House Majority Leader Tom DeLay (R-Tex.) against the VA-HUD subcommittee for making cuts in the NASA budget. "Mr. DeLay has made clear by this action that while he earnestly demands that 434 other members of the House accept the consequences of fiscal discipline," Obey said, "there will be one exception."

While Senate Appropriations Committee chairman Thad Cochran (R-Miss.) worked with Lewis on the reorganization, the Senate has yet to make a similar announcement. Senate Majority Leader Bill Frist (R-Tenn.) told reporters on Feb. 15 that while he looked favorably on the proposed changes, no decisions had been made yet.