

Congressional Closeup by Carl Osgood

Appropriations Process Moving Along Slowly

In spite of promises by House Appropriations Committee chairman Jerry Lewis (R-Calif.) to pass all of the annual spending bills this year, without an omnibus spending bill, only four of the dozen bills have been completed and forwarded to President Bush for his signature, more than five weeks after the beginning of the new fiscal year. Most of the government has been running under a continuing resolution since Sept. 30, and that CR is set to expire on Nov. 17, with many issues remaining to be resolved.

The most contentious issue, of course, is Sen. John McCain's (R-Ariz.) anti-torture amendment, attached to the defense appropriations bill. As a result, that bill, normally one of the first to be completed, is still in negotiation between the House and the Senate. The bills that have been passed so far include the Agriculture, Homeland Security, Interior and Environment, and Legislative Branch appropriations bills. The House acted to pass the Foreign Operations appropriations bills, on Nov. 4, and is expected to clear two other conference reports soon.

Democrats Push Windfall Profits Tax on Oil

The \$100 billion in profits that the oil industry has reported over the past year has spurred calls for a windfall profits tax on the industry. Senators Byron Dorgan (D-N.D.) and Christopher Dodd (D-Conn.) introduced a bill on Nov. 1 that would impose a 50% tax on oil company profits above \$40 per barrel, unless the company invests its extra profits in developing new sources of oil, or building new oil production and distribution infrastruc-

ture. The money that the Treasury takes in on the tax would then be returned to Americans via a per-capita rebate.

Dorgan complained that, instead of drilling for more oil, oil companies are hoarding the cash, buying back stock and "drilling on Wall Street." Dorgan noted that "there's no oil in Wall Street." He said, "I wouldn't be here if all of this money were sunk back into the ground or in construction above ground to find new oil or build new refineries, but that is not what is happening."

Dorgan and Dodd were asked about Senate Budget Committee Chairman Judd Gregg's (R-N.H.) suggestion that windfall profits ought to fund the Low Income Home Energy Assistance Program (LIHEAP). Dorgan pointed out that Democrats have tried to add additional funding to LIHEAP three times in four weeks, and were shot down on procedural grounds. Dodd noted that LIHEAP is designed specifically for the poorest families, but a lot of people don't qualify for it. "So, we like the idea he's for doing something about excess profits, but let's take care of the millions of people who don't qualify for LIHEAP to benefit from this rebate."

Agreement on Patriot Act Reauthorization Is Close

Conference negotiations on a bill to reauthorize the USA Patriot Act, passed in the aftermath of the Sept. 11, 2001 terror attacks, have been moving slowly, with senior members of the House and Senate Judiciary Committees reportedly having been left out of the negotiations. As of this writing, the House still has not officially appointed conferees, and the two committee chairmen, Rep.

James Sensenbrenner (R-Wisc.) and Sen. Arlen Specter (R-Pa.), have been holding informal meetings on the bill and were said, on Nov. 8, to be close to an agreement.

The House and Senate versions differ considerably, with the House making permanent 14 of the 16 expiring provisions, while the other two—one dealing with roving wiretaps, and the other that gives the FBI authority to seize business and other records—would be extended for ten years. The Senate bill sunsets those provisions after only four years. The Senate bill also requires the government to convince a judge that a person targeted under the business records provision is connected to terrorism or espionage. It also requires, among other things, that the government notify the target of a so-called sneak-and-peak search warrant, within seven days of the search, none of which are included in the House bill.

Congressional Quarterly attributed the delay in appointing House conferees to Sensenbrenner's concern that Republican moderates might mutiny against the House leadership and support the Senate version. This possibility was underscored by a bipartisan group of Senators, on Oct. 25, led by Russel Feingold (D-Wisc.) and John E. Sununu (R-N.H.). Feingold told reporters that "whether or not the Senate version can prevail in this conference committee will make a great difference to the protection of civil liberties in this country." Sununu noted that the House had already gone on record supporting the Senate position on the business records provision and had attached an amendment to an appropriations bill regarding sneak-and-peak warrants. "So, I think if you were to ask the House of Representatives to give them an opportunity to vote on these provisions, you would see very broad support. . ."