

## Congressional Closeup by Carl Osgood

### Fight Looming On CAFTA

If statements by Democrats and nervous Republicans are any indication, the drive by the Bush Administration to pass the Central American Free Trade Agreement may be a tough row to hoe. On June 14, Sen. Max Baucus (D-Mt.), who has generally supported free trade agreements in the past, noted that "In recent years, agreements have been less controversial and amendments correspondingly less common. That may change, today." He was speaking at a "mock markup" of CAFTA implementing legislation, held by Finance Committee chairman Charles Grassley (R-Ia.). Baucus also reported that in recent weeks, there have been efforts by the Bush Administration and business circles to discourage senators from offering amendments to the legislation. "To those who delivered this message," he said, "you're making a big mistake."

Speaking at the same hearing, Sen. Kent Conrad (D-N.D.) noted that CAFTA comes in the context of the largest trade deficits in U.S. history. "I've concluded," he said, "it is time to slow down and carefully review the trade strategy of our country because, if there's anything that's clear, it's that this strategy is not working." He also noted that with each successive trade agreement since NAFTA of 1994, the trade deficit has worsened, reaching \$618 billion in 2004. "That is an unsustainable course, utterly unsustainable," he said.

On the House side, the *Washington Post* reported, on June 22, that House Minority Leader Nancy Pelosi (D-Calif.) is pressuring House Democrats not to support CAFTA, arguing that what's at stake is Republican control of the House. So far, only five Democrats have declared support for the agreement. If the Democrats hold

firm, there may be enough Republicans to defeat the agreement. Rep. Walter Jones (R-S.C.), whose state has lost thousands of textile jobs in recent years, told the *Post* that there are between 20 and 23 Republicans solidly against the agreement.

### House Bucks Bush On Patriot Act

On June 15, 38 Republicans joined with 199 Democrats to pass an amendment to the Fiscal 2006 Science, Justice, State, and Commerce appropriations bill, which prohibits the Justice Department from spending any funds to apply for an order, under the 2001 USA Patriot Act, for the production of library or book store records. Rep. Bernie Sanders (I-Vt.), the sponsor of the amendment, called it the "Freedom to Read" amendment, and told the House that Americans should be able to go to the library or the bookstore "without Uncle Sam becoming Big Brother and spying on them." He also noted that seven states and 379 municipalities have passed resolutions expressing their concerns about the Patriot Act. He argued that the FBI doesn't need secret subpoena power, because under long-established judicial safeguards "the FBI must demonstrate that its need for information is legitimate. They cannot get it just because they want it, and that is what this amendment is about."

Republican supporters of the Patriot Act claimed that Sanders's amendment actually carves out "safe havens" for terrorists in U.S. libraries and bookstores. Rep. Dan Lundgren (R-Calif.) went so far as to claim that if Sanders's amendment passed, it "would surely restrict intelligence investigations designed to protect

against international terrorism and clandestine intelligence activities," explicitly in cases where no crime has yet occurred.

### Hostettler Wages Religious War on Democrats

Rep. John Hostettler (R-Ind.) set off an uproar on the floor of the House on June 20, when he accused Democrats of providing "aid and comfort to those who would eradicate any vestige of our Christian heritage. . . ." Hostettler's outburst came in debate on two competing amendments to the Fiscal Year 2006 defense appropriations bill, addressing the scandal at the Air Force Academy around aggressive religious proselytizing on campus by members of the Academy staff. The first amendment, sponsored by House Armed Services Committee chairman Duncan Hunter (R-Calif.) deleted language in the bill expressing the sense of Congress that "coercive and abusive religious proselytizing . . . by officers assigned to duty at the Academy" is "inconsistent" with military standards. Rep. David Obey (D-Wisc.) responded, with an amendment to Hunter's amendment to restore the bill's original language.

Hunter told the House that the problem with the original language in the bill is that it "concludes, based on news accounts, that officers and others" at the Academy "are engaged in 'abusive and coercive religious proselytizing. . . ." He said that rather than the House passing judgment, it ought to wait until the Air Force completes its own investigation. Obey replied that every member of Congress has an obligation to see that the environment at the Academy is free from any religious pressure or ridicule, because cadets are appointed by members of

Congress. He argued that all his amendment does is “say that the activities which have already been described and admitted by the Academy as having occurred . . . that conduct is inappropriate to the military.”

Hostettler’s outburst followed several more minutes of debate, in which members spoke on each side. In addition to the above quote, Hostettler also charged that “Like a moth to a flame, Democrats can’t help themselves when it comes to denigrating and demonizing Christians.” Obey immediately objected, calling on the Speaker *pro tem* to take down Hostettler’s words. Hostettler, instead, withdrew his words, because, had they been taken down and stricken from the record, he would have been unable to speak again, on the floor of the House, for the rest of the day.

Obey’s amendment was rejected by a 198 to 210 vote, and Hunter’s was adopted by a voice vote.

## **H**ouse Passes Intelligence Authorization

On June 21, the House voted 409 to 16 to pass the Fiscal 2006 intelligence authorization bill, the first since last year’s passage of the reform bill that created the position of Director of National Intelligence (DNI). While the bill itself was crafted as the result of bipartisan efforts by Intelligence Committee chairman Peter Hoekstra (R-Mich.) and ranking Democrat Jane Harman (Calif.), it was held up by a dispute among Republicans. House Armed Services Committee chairman Duncan Hunter (R-Calif.) reportedly persuaded Hoekstra to include language in the bill that would have limited DNI John Negroponte’s authority to move personnel among the agencies under his purview, which includes

Pentagon agencies. Both the White House and Negroponte objected, and were backed by Harman, which held up consideration of the bill for two weeks, until Negroponte agreed to inform Hunter before he moves any specialists in a Pentagon agency to new duties.

Once the bill got to the floor, the Democrats objected to the fact that the rule for debate excluded two amendments by Rep. Henry Waxman (D-Calif.), one to set up a select committee to investigate abuses of detainees held by the U.S. military, and the other to set up an independent commission to do the same. The Republicans, Waxman charged, “do not want an investigation inside the House of Representatives or outside by an independent group.” Waxman noted that President Bush has said that the allegations of abuse at the U.S. prison in Guantanamo Bay, Cuba are “absurd.” However, he said, “we will not know what is true and what is not true unless we investigate, and when we refuse to conduct thorough, independent investigations, the rest of the world thinks we have something to hide.”

## **H**ouse Opposes Bush on UN Reform

On June 17, the House of Representatives voted 221 to 184, on a bill sponsored by House International Relations Committee Chairman Henry Hyde (R-Ill.) that would withhold 50% of U.S. dues to the United Nations in 2007, unless the UN implements a laundry list of reforms specified in the bill. The White House, although not threatening a veto, issued a statement saying that the bill could “undermine” U.S. efforts to reform the UN, and that it did “impermissibly in-

fringe on the President’s authority under the Constitution to conduct the nation’s foreign affairs.” The vote on the bill broke down along party lines, with only seven Republicans voting against it and eight Democrats supporting it.

That party line split, however, largely did not reveal much philosophical difference with respect to the UN between the two parties. The only real difference between the Hyde bill and the Democratic substitute was that the Hyde bill made the dues-reduction automatic, whereas the Democratic version left the cuts to the discretion of the Secretary of State. Democrats made little effort to demonstrate the hypocrisy of the Republicans in demanding full accounting of management of the UN Oil for Food program in Iraq, but refusing to conduct any oversight of the Bush Administration’s stewardship of that same program, which it took over as the Development Fund for Iraq after the U.S. invasion.

Perhaps the strongest argument against the bill came from one of the few Republicans who voted against it, Rep. Jim Leach (Ia.) who warned that the bill violates U.S. obligations under the UN charter, a treaty to which the United States is party. The bill “presumptuously implies that the United States is free from an international obligation to pay its assessments,” he said, a notion which runs counter to international law. He added that while the Congress has every reason to push for reforms at the UN, “This domestic lawmaking body does not embellish its reputation by refusing to honor our country’s treaty commitments.”

Among the reforms demanded in the bill are whistleblower protections, an independent oversight board with broad investigative authority, and an ethics office to thwart possible conflicts of interest.