

## Congressional Closeup by Carl Osgood

### Gephardt To Oppose China Trade Bill

House Minority Leader Richard Gephardt (D-Mo.) announced on April 19, during a speech in St. Louis, that he has decided not to support legislation giving permanent normal trade relation (PNTR) status to China. During his speech, Gephardt said that “sustainable development, worker rights, and human rights must be at the core” of U.S. trade policy. He said that he had attempted to persuade the Clinton Administration to support three additional measures, which would keep Congressional pressure on China’s human rights practices, provide for better enforcement of the China-World Trade Organization agreement, and get U.S. companies to support a corporate code of conduct.

Gephardt said that he had decided to oppose PNTR when he couldn’t get “broad engagement” from either side “to condition the deal with meaningful benchmarks to hold China to progress on human rights and suitable enforcement mechanisms.” Instead, he called for maintaining the annual review of China’s trade status as “the best way to keep the pressure on the Chinese government to reform its human rights policies.”

The question is, what effect Gephardt’s change of stance will have on the bill’s prospects. The White House remains hopeful that Gephardt’s statements won’t cause a loss of support for the trade deal among other Democrats. Prior to his speech, Democratic Party officials said that Gephardt would not join a concerted effort to defeat the bill.

However, Republicans were critical of Gephardt. House Speaker Dennis Hastert (R-Ill.) told reporters on April 18, after word of Gephardt’s plans leaked to the press, that “once again, the House Minority Leader has

chosen politics over bipartisan progress.” Majority Leader Dick Armey (R-Tex.) added, “The would-be Speaker of the House is too tied to big labor and trial lawyers to recognize the needs of the new economy.”

### Lott Rebuffed on Gas Tax Repeal

Twelve Senate Republicans jumped ship on April 11, and refused to support cloture on a bill promoted by Majority Leader Trent Lott (R-Miss.) to repeal the 4.3¢ per gallon gasoline tax increase enacted in 1993. The bill would also have provided for a Federal gas tax holiday should the pump price of gasoline reach a national average of \$2 per gallon. The vote was 56-43, four short of the 60 needed.

Lott claimed that his bill was “specifically designed to make certain that highway spending, and thus the functional totals [of allocations in the budget resolution], are not changed” by the bill. He insisted that if there were a gas tax holiday, “it would come out of the surplus,” rather than the Highway Trust Fund. He also claimed that it was not in conflict with an amendment to the budget resolution, sponsored by Robert Byrd (D-W.Va.), that called on the Senate not to repeal the 4.3¢ portion of the Federal gasoline tax.

Byrd argued that the bill would, in fact, threaten the Highway Trust Fund, by “de-linking” the relationship between highway user fees and highway spending. The bill, he said, “thereby threatens to undermine the ability of the states to invest adequately in our nation’s transportation infrastructure.” In a similar vein, George Voinovich (R-Ohio) said that what Lott is arguing against, is the traditional notion that it’s the users of the highways

who should pay for them. Lott, Voinovich said, would “reduce their tax, and make it up by hitting everybody else in the country and taking it out of the general fund.”

### Budget Resolution Adopted on Time

For the second year in a row, and only the second time since the GOP took control of Congress in 1995, both Houses completed action on this year’s budget resolution by the statutory time limit of April 15. The conference report on the resolution was reported on April 12, and both the House and the Senate voted the following day, by 220-208 and 50-48, respectively.

Debate in the House began with Democrats’ complaints that the conference report was moved in violation of House rules. The House took up the resolution a mere 12 hours after the conference committee completed its work, rather than the three days called for by House rules. Louise Slaughter (D-N.Y.), a member of the Rules Committee, told the House that she had “grave doubts” as to whether most members had “any real knowledge” of the report’s contents.

The Senate debate took place later in the day, and there was little harmony there as well. Democrats complained, as they have during previous budget debates, that the GOP plan calls for “risky” tax cuts that benefit the wealthy; that the cuts in non-defense spending threaten education, health, and other domestic programs; and that it fails to protect Social Security and Medicare or to pay down the debt as much as is possible. Three Republicans, Lincoln Chaffee (R.I.), John McCain (Ariz.), and Arlen Specter (Pa.), crossed the aisle to vote against it.

While the budget resolution does not need the President's signature, it sets the pattern for both Houses in the appropriations process and includes instructions for legislative changes to be made to implement it. The resolution provides for \$150 billion in tax cuts over the next five years, and if tax cuts aren't passed, it earmarks that amount for debt reduction. The resolution also provides a \$40 billion reserve fund over five years for Medicare, half of which is supposed to go to prescription drug coverage and the other half for reform, which is supposed to improve the solvency of the program "without the use of new subsidies from the general fund." The limitation on the drug benefit is that it's not supposed to cause an on-budget deficit.

## **M**arriage Penalty Repeal Languishes in Senate

The Senate departed for its Easter recess on April 14 without acting on a bill to repeal the so-called marriage tax penalty. Majority Leader Trent Lott (R-Miss.) and Minority Leader Tom Daschle (D-S.D.) failed to agree on how many and what kinds of amendments would be considered. The GOP wants to narrowly limit amendments to those they consider "germane" to the tax issue, and Democrats want to more broadly address issues they believe would help married couples, including raising the minimum wage and providing a prescription drug benefit for Medicare beneficiaries.

On April 12, Lott filed for cloture to cut off debate, which angered Democrats. Lott asked for a unanimous consent agreement that the bill be considered for debate only, and when Harry Reid (D-Nev.) objected, Lott asked for an agreement to allow one,

substitute amendment sponsored by Pat Moynihan (D-N.Y.), which Reid also objected to.

Reid called Lott's requests "make-believe Senatorial activity," and accused him of treating the Senate "as if we are in the House and he is the . . . one-man Rules Committee." A few minutes later, Daschle reminded the Senate that the purpose of filing cloture "is to end debate," when what is needed is a "good debate" on the bill.

## **F**ederal Investigation of Giuliani Sought

Reps. Charles Rangel (D-N.Y.) and Jerrold Nadler (D-N.Y.) have demanded an investigation of New York Mayor Rudolph Giuliani and New York Police Commissioner Howard Safir for their outrageous behavior in the cases of Amadou Diallo, Patrick Dorismond, and Gideon Busch, three unarmed men, two of whom were black, killed by police. The Justice Department is already investigating the New York Police Department for its "patterns and practices" in these cases, but the Congressmen demanded a meeting with the DOJ to make sure that the investigation goes further than just the police. Deputy Attorney General Eric Holder, after meeting with the two Congressmen on April 18, agreed that the DOJ would include an inquiry into statements made by the Mayor and the Police Commissioner.

According to an April 7 press release put out by Nadler's office, this is the first time that there has been a call for an investigation into "whether the actions of the Mayor and Police Commissioner, after recent police shootings, in defaming the shooting victims, constitute or contribute to further violations of the victims' civil rights."

Nadler said, "This sort of attempt to defame the victims by disseminating to the public false or misleading information appears designed to prejudice potential jurors and to subvert investigations into police misconduct. . . . We believe this clearly undermines the rights of New York citizens."

Nadler concluded that, "in all of these cases, there is strong evidence to suggest that the Mayor, the Police Commissioner, and the police department may have violated the civil rights of the victims. This is a serious matter that we believe needs the immediate attention of the Justice Department." Most prominent in Nadler's complaint was Giuliani's illegal release of sealed court records, after Dorismond was killed.

## **D**eal Reached on Africa Trade Bill

According to press reports, a conference committee working on the Africa/Caribbean free trade bill came to a tentative agreement on April 13, in which House negotiators accepted a Senate proposal to give Caribbean nations the same duty-free access to U.S. markets that the bill gives to African nations. The House also acceded to Senate provisions intended to protect the U.S. textile industry.

The deal was endorsed by leaders on both sides. House Speaker Dennis Hastert (R-Ill.) said that he hopes to have a vote on the bill "as soon as possible," and a spokesman for Rep. Charles Rangel (D-N.Y.) called it a "good tentative agreement," one that Rangel is confident will pass both Houses easily. The Clinton Administration, which backs the bill, is hoping that Congress can take up the conference report before it considers the more contentious China trade issue.