

## Congressional Closeup by Carl Osgood

### Appropriations Process Crashes into Disarray

The appropriations process crashed into a brick wall on Sept. 20, when the Senate rejected, by a vote of 69-28, the combined Legislative Branch/Treasury Department, Postal Service, and General Government appropriations bill conference report. Democrats, without exception, were incensed at the process by which a bill that was never considered on the floor of the Senate, the Treasury bill, could be attached to a conference report. The 26 Republicans who joined the Democrats in opposition to the bill, which included a Congressional pay raise, complained that it had too much "pork."

The unexpected rejection of the Legislative Branch-Treasury bill left the GOP leadership casting about for a way out of the jam. With only days to go before the targeted Oct. 6 adjournment date, only the Military Construction and Defense appropriations bills have been signed into law. The Senate has also yet to act on the Commerce, Justice, State and the Judiciary bill, the District of Columbia bill, and the Veterans Affairs, Housing, and Urban Development bill. The remainder are languishing in conference committees.

Senate Republicans seeking a way out of the impasse have suggested that a lame duck session, after the Nov. 7 elections, might be necessary. Appropriations Committee Chairman Ted Stevens (R-Ak.) warned of such a possibility during debate on the Legislative Branch-Treasury bill if the bill was defeated. After the vote, Senate Majority Leader Trent Lott (R-Miss.) indicated that there would be a lame duck session, but this was firmly rejected by the House GOP leadership. House Majority Whip Tom DeLay (R-

Tex.) said on Sept. 21 that "we hit a little bump in the road" in the Senate, but he expressed confidence that the bill could be passed.

### Deregulation Comes Under Fire in House Hearing

Energy Secretary Bill Richardson, Environmental Protection Agency Administrator Carol Browner, and Federal Energy Regulatory Commission chairman James Hoecker appeared before the House Government Reform and Oversight Committee on Sept. 21, to explain the current energy situation. They met more than the usual partisan accusations that the Administration has no energy policy. Even Democrats on the committee were dubious of the Clinton Administration's explanations regarding the high prices for oil, natural gas, and electricity.

While many of the comments from committee members focussed on environmental regulations, such as those dictating the blends of gasolines and other fuels, deregulation also became an issue. Henry Waxman (D-Calif.), the ranking member on the panel, noted that the Republicans have, in recent years, been pushing for the abolition of the Department of Energy and the sale of the Strategic Petroleum Reserve. However, "the states, too, have made mistakes. With hindsight, the deregulation efforts in California may have serious flaws, allowing energy suppliers to manipulate the market and raise prices through the roof."

Janice Schakowsky (D-Ill.) was even more pointed. "It seems to me," she said, "that we are now reaping the rewards of [deregulating natural gas] and that if we want to point fingers, we should look at big oil and big gas and say how come at a time when anyone

could predict shortages, that we're seeing a decrease in production and, remarkably, a dramatic increase in profits?"

### Prospects Improve for Drug Re-Importation

Unable to agree on a prescription drug plan for Medicare, Congressional leaders are, instead, coming closer to allowing re-importation of prescription drugs from outside the United States. An amendment in the Department of Agriculture appropriations bill would allow pharmacists and distributors to re-import U.S.-made prescriptions drugs sold in other countries, subject to certification by the Food and Drug Administration.

Boosters of the plan, including Rep. Bernie Sanders (I-Vt.) and Sen. Byron Dorgan (D-N.D.), contend that it would bring down costs due to greater competition. Sanders contends that his Vermont constituents have purchased drugs in Canada for as little as 10% of the prices charged in the United States. Dorgan argues that the measure would have a huge impact because "pharmacies and distributors will simply access a cheaper supply, forcing the industry to re-price."

However, the Agriculture spending bill, like a number of others, is hung up in conference committee, largely over the issue of lifting sanctions on food and medicine to countries such as Cuba. In fact, Dorgan has been complaining that, despite the fact that both House and Senate versions of the bill were passed in July, the conference has yet to meet.

As for the prescription drug issue, Senate Majority Leader Trent Lott (R-Miss.) told reporters on Sept. 26 that he has proposed to President Clinton

that they sit down and talk and come to some agreement on the issue. Lott reported that Clinton "didn't respond directly to that suggestion," but "that's the kind of back and forth that we're going to have to do to see if we can find some common ground."

## **Butler Brings Latest Iraq Provocation to Hill**

Former UN Special Commission chairman Richard Butler brought his latest provocation against Iraq to Capitol Hill on Sept. 26, in an appearance before the House International Relations Committee, chaired by Benjamin Gilman (R-N.Y.). Joining Butler was former Rep. Stephen Solarz (D-N.Y.), who was even more bellicose than Butler.

After painting Iraqi President Saddam Hussein as the biggest threat in the world, Butler turned his ire against Russia and France, in particular, for challenging the economic sanctions. He accused France and Russia of "causing the destruction" of the authority of the UN Security Council by their behavior with respect to the sanctions, and thereby threatening the credibility of the various non-proliferation regimes, such as the Nuclear Non-Proliferation Treaty and the Chemical Warfare Convention. He called the UN Security Council "the policeman on the block" when it comes to enforcing these regimes, and if Saddam gets away with violating them, then "the credibility of these treaties will be challenged around the world."

Butler called for the establishment of a "fourth redline," in reference to Secretary of State Madeline Albright's three redlines, which, if Iraq

were to cross, would trigger military action by the United States. He declared that the United States must make clear to Russia that its policy toward Iraq "is not acceptable to the United States and its behavior is not fitting for a permanent member of the Security Council."

Solarz called for backing the Iraqi opposition, not only with military equipment, but also with a commitment to use U.S. ground and air forces to support an uprising against the Iraq government. He said that the Iraq Liberation Act, signed into law in 1998, depends on certain contiguous countries, specifically Kuwait, Jordan, and Turkey, being willing to serve as havens for the Iraqi opposition, but that they will be unwilling to stick their necks out unless we show them "we're willing to put our military where our mouth is."

Sam Gejdenson (D-Conn.), the ranking member on the committee, challenged Solarz over his assertions that the Iraqi National Congress could somehow be turned into a viable opposition force. Gejdenson declared, "It is unlikely that people who spend their days in hotels in London and France will lead a revolution." He also noted that there's little support within the region for either continuing the current policy, or for a more aggressive policy of supporting the opposition. Solarz was reduced to repeating his contention that countries of the region would move if they saw a commitment to use force coming from the United States. The assertion left Gejdenson unconvinced.

Dana Rohrabacher (R-Calif.) told Gejdenson that a policy such as Solarz was proposing for Iraq worked in both Nicaragua and Afghanistan. Gejdenson shot back, "The Contras didn't win the war, they lost the election, and in

Afghanistan, we might've been better off if the Russian's had stayed!"

## **Clinton, Dems Frustrated over Judicial Nominees**

In a speech to the Michigan Bar Association on Sept. 21, President Clinton blasted the Senate Judiciary Committee for the slow pace of confirming his judicial nominees. Clinton told the lawyers that there are 42 nominations pending, 34 of whom have never had a hearing.

Clinton said that he has tried to select nominees who "are broadly reflective of our country in terms of gender and race and different background experiences." However, the 4th Circuit, which covers the southeastern part of the country, has the highest percentage of African-Americans in the population, but none in Federal judgeships. This, despite the fact that one-third of its judgeships are vacant. (There are two African-American nominees pending.) Clinton called this situation a "denial of justice."

On the same day, Clinton was backed up from the floor of the Senate by Patrick Leahy (D-Vt.), the ranking member on the Senate Judiciary Committee. Leahy reported that the committee hasn't held any confirmation hearings since July. He also reported that votes are being blocked on a number of nominees on whom the committee has already held hearings. Leahy scoffed at the notion that it's too late in the session, as committee chairman Orrin Hatch (R-Utah) has said, to move any more nominations, and gave examples where the committee disposed of nominations in as little as six days. He called on the Senate to "meet its responsibilities to all nominees, including women and minorities."