

Congressional Closeup by Carl Osgood

China Policy Act faces rough road

On Sept. 17, the Senate Foreign Relations Committee held a hearing on the China Policy Act, sponsored by Spencer Abraham (R-Mich.), only six days after the bill was introduced. Committee Chairman Jesse Helms (R-N.C.) is giving the bill maximum exposure before the state visit to Washington of China's President Jiang Zemin at the end of October.

However, Abraham and co-sponsors face strong opposition, and are unlikely to get the bill passed before Jiang arrives. No less than seven members of the committee, four Republicans and three Democrats, spoke out strongly against the bill. Only Russ Feingold (D-Wisc.) and Sam Brownback (R-Kan.), who are co-sponsors, joined Helms in supporting the measure.

All of the senators opposed said, in one form or another, that the objectives of the bill with respect to human rights, arms proliferation, and so forth, are worthy objectives, but that the means the bill chooses to achieve them would have the opposite effect. Joseph Biden (D-Del.) noted that the visa restriction provision, if it were in effect now, might prevent President Jiang and other high-ranking Chinese officials with whom the United States must be in contact, from visiting the United States, and thus "run the risk of reducing our influence and isolating China."

East Asia and the Pacific Subcommittee Chairman Bill Thomas (R-Wyo.) said that the sanctions in the bill "would only serve to back the Chinese in the corner from which any reaction is going to be hostile."

Diane Feinstein (D-Calif.), in the most impassioned speech of the hearing, warned that, if the bill were implemented, it would confirm the "paranoid" view among Chinese military

hard-liners that U.S. policy "is really intended to keep China weak and divided."

Others, such as Rod Grams (R-Minn.) and John Kerry (D-Mass.), pointed to the progress that has been made in China in recent years in all areas, and expressed fear that if the bill were to become law, it would destroy all of that progress.

Republicans target Federal judiciary

On Sept. 16, Senate Minority Leader Tom Daschle (D-S.D.) and Patrick Leahy (Vt.), the ranking Democrat on the Senate Judiciary Committee, blamed the failure of the Senate to confirm judicial nominations on a concerted campaign by the GOP to "intimidate" the Federal bench, as a means of curbing so-called "judicial activism." Daschle said, "The Republicans are holding up judgeships, causing extraordinary delay of justice in many parts of the country because we don't have judges, in order to intimidate the judiciary." Leahy added, "We have three separate and co-equal branches of the government. Nothing in the Constitution says that we are to intimidate the judiciary. We are to advise and consent on their nominations, but not to intimidate them."

In remarks on the Senate floor on Sept. 19, Leahy said, "We have heard demands that Congress destroy the orderly process of appellate review and instead, assume the role of a super-court and legislatively review and veto decisions on a case-by-case basis as it may suit Congress's passing political whim and fancy."

In the Sept. 14 *Washington Post*, House Majority Whip Tom Delay (R-Tex.) was quoted saying, "The judges

need to be intimidated. They need to uphold the Constitution," and if they don't behave, "we're going to go after them in a big way." In the article, Senate Judiciary Committee Chairman Orrin Hatch (R-Utah) was quoted saying, "If you want to blame somebody for the slowness of approving judges . . . blame Clinton and Carter appointees who have been ignoring the law and are true examples of activist judging."

Senate Majority Leader Trent Lott (R-Miss.), when asked to respond to Leahy's charges, said, "I don't know anything of that nature, but it sounds like a good idea to me." He said that the most unpopular people in America are "Federal judges that try to run our schools, try to run our lives, try to make the laws instead of interpret laws."

At the end of August, this year the Senate has confirmed 15 judges, with 61 nominations pending. Previous Congresses routinely confirmed over 120 judges every two years.

Ethics process to undergo House reform

The House voted 258-154 on Sept. 18 to adopt a new set of rules for handling ethics complaints against members of Congress. The resolution was the result of a bipartisan task force co-chaired by Bob Livingston (R-La.) and Ben Cardin (D-Md.). The task force was established in the wake of the scandal around House Speaker Newt Gingrich (R-Ga.), that came to a head with the January vote that imposed a fine of \$300,000.

The resolution makes substantial changes to House rules relating to the filing and handling of ethics complaints. It toughens the standards for

filing a complaint, including prohibiting a non-member of Congress from filing a complaint based solely on newspaper reports, and requires that any outsider filing a complaint against a member have personal knowledge of violations of House ethics rules. The House also added two amendments, one that requires that complaints filed by non-members be sponsored by a member, and another that requires a majority vote of the investigative subcommittee to expand the scope of an investigation.

The House also voted to apply the new rules to all complaints filed during the 105th Congress, when there was a moratorium in effect on the activities of the ethics committee. Left unclear, however, is whether two complaints filed during 1996, against Majority Whip Tom Delay (R-Tex.) and Transportation and Infrastructure Committee Chairman Bud Shuster (R-Pa.), will be handled under the new rules. Both complaints were filed by the Congressional Accountability Project, a watchdog group associated with Ralph Nader. Under the new rules, neither complaint could be filed.

Campaign finance reform agreement blocked

On Sept. 19, an attempt by Senate Majority Leader Trent Lott (R-Miss.) to seek agreement on bringing the McCain-Feingold campaign finance reform bill to the floor before the end of the session, exploded the tensions that have been building on the issue since the end of the August recess. Minority Leader Tom Daschle (D-S.D.) angrily objected, calling it "an ultimatum," because he had not seen it before Lott brought it to the floor. "It is an affront to me personally," he said, "and it begs

the question about how sincere this offer really is." He accused Lott of having no intention of bring the bill to the floor until the last day of the session, the date of which has not yet been agreed upon, when the subject actually requires about a week of debate.

Lott responded, "It would not be my intent to do it right at the end of the session," but said he didn't have a date in mind. He argued that it was necessary to get through the Appropriations bills, the fast track legislation, and the transportation bill, before taking up campaign finance reform. "We want to do it in a time when it can be fully debated," he said, and to "see if it can be done without another government gag on free speech." He said that if his request was a "sneak attack, there hasn't been such a well-covered sneak attack since Pearl Harbor."

Daschle called Lott a "smooth sell," and said his request "plays into the hands of the opponents of campaign finance reform," led by Mitch McConnell (R-Ky.). Daschle vowed that the McCain-Feingold bill will come to the floor either the "easy way," by scheduling that makes sense, or "the hard way," the same way the minimum wage and the disaster assistance bills were passed.

White House begins push to sell 'fast track'

On Sept. 16, the Clinton administration sent up to Capitol Hill proposed legislation dubbed the "Export Expansion and Reciprocal Trade Agreements Act of 1997," intended to give the administration fast track negotiating authority to expand the North American Free Trade Agreement (NAFTA) and other free trade agreements. The lobbying effort began with

a meeting between President Clinton and the House Democratic Caucus that afternoon, concurrent with a meeting of U.S. Trade Representative Charlene Barshefsky, Commerce Secretary William Daley, and Treasury Secretary Robert Rubin with the Senate Democratic Caucus.

Democrats, led by Minority Leader Richard Gephardt (D-Mo.) and Minority Whip David Bonior (D-Mich.) in the House, and Byron Dorgan (D-N.D.) in the Senate, have been organizing against the proposal for some time. Bonior told a meeting of the American League of Lobbyists on Sept. 16 that any trade agreement must protect workers' rights and the environment, both of which NAFTA, the last free trade agreement negotiated under fast track, has failed to do.

A number of Republicans voiced opposition on the issues of labor and the environment, at a Sept. 17 Senate Finance Committee meeting, but for the opposite reasons. Phil Gramm (R-Tex.) declared that he was for giving President Clinton fast track authority, but that he "would rather the United States sit on the sideline than to see us destroy the world trading process by injecting into it labor and environmental conditions that disrupt trade and that will reduce the volume of trade in the world." Gramm was echoed by Connie Mack (R-Fla.) and Trent Lott (R-Miss.).

Despite this opposition, Dan Tarullo, President Clinton's adviser on international economic policy, expressed optimism that there is enough bipartisan support for the bill to pass "expeditiously." Senate Minority Leader Tom Daschle (D-S.D.), after meeting with Clinton, said that although some issues were still under negotiation, "the administration has come a long way" on issues of concern to Congressional Democrats.