

## Congressional Closeup by Carl Osgood

### Senate GOP presents its anti-crime plan

On March 19, a group of GOP Senators, led by Judiciary Committee Chairman Orrin Hatch (R-Utah), presented its anti-crime program to reporters. Hatch said that the bill, the 21st Century Justice Act, "embodies the elements of what we believe is a balanced, comprehensive, and focused plan to fight crime."

The bill revolves around four central themes: improving Federal assistance to state and local law enforcement; a commitment to winning the war on drugs; vigorously prosecuting gun crimes; and, judicial procedural reform and victims rights. Hatch said that this crime bill is intended to reverse a crime situation that has been worsening, especially since 1992 — although public statistics show a reduction in crime.

Hatch complained that the administration's year 2000 budget submission reduces or eliminates funding for many anti-crime programs that work, including the block grant program that assists state and local law enforcement, and the truth-in-sentencing program that helps states build more prison space. Hatch's bill authorizes about \$1.4 billion per year for the two programs.

The judicial procedural reforms in the bill are intended to "improve the administration of justice," Hatch said. These include a reform of the Miranda rule to allow voluntary statements in evidence, and the "good faith exception" to the exclusionary rule, which otherwise prohibits the use of evidence that has been obtained without a search warrant. The bill also calls for ratification of a crime victims' rights constitutional amendment.

Hatch said nothing about protections for victims of prosecutorial abuse, perhaps because he is leading

the charge in the Senate to repeal the requirement that Federal prosecutors abide by the ethics rules in the states where they try cases. That provision was part of the McDade-Murtha legislation passed into law in 1998.

### Protectionist quotas for steel clear House

On March 17, the House passed by a vote of 289-141 a bill to impose quotas on steel imports and to implement a steel monitoring program. The bill requires the President to take whatever actions are necessary to reduce steel imports into the United States to the average level prior to July 1997, including authorizing the Customs Service to refuse entry of any steel products that exceed allowable levels. The bill was heavily lobbied for by the United Steel Workers of America and Bethlehem Steel. The industry has seen the loss of 10,000 jobs and at least three steel producers file for bankruptcy.

The debate revealed the extent to which the "rules" of globalized international trade determine the discussion in the United States on trade and economic policy. The debate ignored policies needed to expand world demand for steel, such as a New Bretton Woods system and building the Eurasian Land-Bridge to get out of the global financial crisis.

Many opponents of the bill argued that it violates the rules of the World Trade Organization. Typical was Ways and Means Committee Chairman Bill Archer (R-Tex.), who warned, "If the U.S. sets up trade barriers in violation of WTO rules to which we agreed, at a time of fragility in the world economy, we could have a much, much bigger problem on our hands that would affect thousands and

thousands of American jobs and threaten our economy."

Supporters argued that the bill was necessary because the Clinton administration has not acted to address the crisis. John Dingell (D-Mich.), the ranking member on the Commerce Committee, said, "This legislation is not about setting up trade barriers, it is about fighting unfair trade practices. It is about trying to prevent our trading partners from cheating; about preventing our trading partners from dumping thousands of tons of steel on our domestic market."

Pete Visclosky (D-Ind.), the chief sponsor of the bill, said, "The issue is people." He named the steelworkers who have lost their jobs, and the impact that that has had on their families.

### GOP presses ahead with budget resolution

The GOP reached a milestone, when the House and Senate Budget Committees reported out budget resolutions on March 17 and 18, respectively. Congressional Republicans are hoping to avoid the ignominy they earned in 1998 when no budget resolution was ever agreed to. The Congressional Budget Act of 1974 requires a budget resolution, which provides a blueprint for the appropriations process, to be completed by April 15. GOP leaders have set that deadline as their goal this year.

While the House and Senate plans are similar, the differences will require a conference committee to iron them out. Both plans include nearly \$800 billion in tax cuts over the next ten years (\$15 billion of that in 2000), and setting aside \$1.8 trillion for Social Security. The most significant difference is that the Senate plan identifies specific cuts, which include privatizing

the Government National Mortgage Association, and repealing the Davis-Bacon law, which requires Federal contractors to pay prevailing union-scale wages. The House version leaves such spending decisions to the Appropriations Committee.

Democrats have taken aim at the GOP plan, especially with regard to how it treats Medicare. On March 18, Senate Minority Leader Tom Daschle (D-S.D.) vowed, "We will not allow Medicare to be used for tax cuts regardless of what the Republicans want to do." House Minority Leader Richard Gephardt (D-Mo.) backed up Daschle, declaring, "The Republicans in the House and the Senate released a budget that tells middle-class families that Medicare is simply not a high priority." The Clinton administration has proposed setting aside 15% of the projected budget surpluses for Medicare. The GOP plan does not include a provision for this, and the Democrats intend to make a fight over this issue.

## **Iraqi oil does not affect global price**

On March 17, Energy Secretary Bill Richardson answered charges before a hearing of the Senate Energy and Natural Resources and Foreign Relations committees, that the Iraqi oil-for-food program is driving down the price of crude oil, thereby worsening the economic crisis in the oil-producing states of the United States. "I do not believe," he said, "that raising the [production] ceiling will have a significant impact on prices."

The condition of Iraqi infrastructure limits its oil exports to about \$3 billion every six months, well below the \$5.2 billion allowed by the program, Richardson said. Other factors reducing oil demand include the eco-

nomie crisis in Asia, dramatically warmer than normal winters since 1996, and increased production by some members of the Organization of Petroleum Exporting Countries (OPEC). "The best way to help the domestic industry," he said, "is to increase demand by helping to rebuild the Asian economy and to lower production costs at home."

This did not satisfy many members, who badgered Richardson and Undersecretary of State Thomas Pickering about the program. Energy Committee Chairman Frank Murkowski (R-Ak.) argued that the recent production cut agreed to by OPEC shows that Iraqi production does indeed affect the price. "They cut production by 2.5 million barrels per day," which is equal to Iraqi production, and "the price went up from \$12.25 a barrel to \$14.87." Richardson said that the sanctions have cost Iraq \$120 billion, and that is what counts.

Paul Wellstone (D-Minn.) shifted the focus of the hearing. He said, "The only questions I've heard have been about the oil companies and prices and all of the rest, and going to war. I'm concerned about what's happening to people in Iraq." Richardson and Pickering insisted that Saddam Hussein caused the humanitarian disaster in Iraq by refusing to accept the oil-for-food program for five years, thereby, in effect, absolving the U.S. government of any responsibility for the effects of the sanctions policy.

## **Reno recommends against independent counsel law**

With the independent counsel law set to expire on June 30, House and Senate committees have been holding hearings to determine whether the law should be reauthorized. Sentiment is

running strong in both parties against reauthorization, at least in the law's current form, and on March 17, Attorney General Janet Reno added the voice of the Clinton administration to the debate, during a hearing of the Senate Governmental Affairs Committee.

Reno said that the Independent Counsel Act "is structurally flawed and that those flaws cannot be corrected within our constitutional framework." She said that the act "has failed to accomplish its primary goal: the enhancement of public confidence in the fair and impartial administration of criminal law." It "creates an artificial process that divides responsibility and fragments accountability," and it "creates a new category of prosecutors who have no practical limits on their time or budgets."

However, committee chairman Fred Thompson (R-Tenn.) was more concerned with situations in which independent counsels have not been appointed, than the conduct of those who have been. Thompson acknowledged the many criticisms of the independent counsel statute, but spent the bulk of his time complaining that Reno did not ask for an independent counsel investigation of the financing of the 1996 Clinton-Gore campaign, even though, in his view, there should have been one.

Reno explained that, in some instances, an independent counsel is not needed because, in her judgment, no political conflict of interest existed, and the Justice Department could handle the investigation. She referenced the fact that she had been asked about the campaign fundraising investigation numerous times before committees, and noted that sometimes people disagree with such legal decisions. "It troubles me," she said, "that it sometimes gets into a divide based on party."