Congressional Closeup by Carl Osgood

Transportation bill clears both Houses

Both the House and the Senate acted on the conference report on the $200 billion transportation bill, now renamed "The Transportation Equity Act for the 21st Century," on May 22. The vote in the Senate was 88-7, and in the House 297-86. President Clinton indicated before the votes that he considered the conference agreement a "principled compromise," because it meets the budget priorities set by the administration and "it strengthens our commitments to encouraging mass transit, to protecting the environment, to expanding opportunities to disadvantaged business, to moving more Americans from welfare to work with transportation assistance."

As expected, the bill attracted criticism from budget ideologues for allegedly containing too much "pork." One of the specific targets was the list of 1,850 individual projects, an average of more than four per Congressional district, that the House conferees insisted remain in the bill. Sen. Russell Feingold (D-Wisc.) called on President Clinton to use his line-item-veto authority (ignoring the fact that the line-item veto has been struck down by a Federal court, which decision is currently on appeal) to strike from the bill the entire list of projects.

However, the offsets used to keep the bill within the spending limits set by last year's budget agreement proved a bit more contentious. One of the major offsets is a provision that takes a projected $15.5 billion to be saved by denying veterans benefits for smoking-related illnesses, and applies it to transportation spending. Sen. Paul Wellstone (D-Minn.) argued that any savings should be applied to the Veterans Administration budget. "This particular offset makes a mockery of the Senate's professed concern for veterans and for deficit reduction," he said. On the House side, David Obey (D-Wisc.) attempted to send the bill back to the conference committee to have the provision removed, but his proposal was voted down 195-190.

Food stamps for immigrants kept alive

On May 22, some 90 Republicans joined with Democrats to temporarily defeat, by a vote of 289-120, a House Republican leadership attempt to stop the restoration of food stamp benefits for 250,000 legal immigrants who were cut off from food stamps by the 1996 welfare reform bill.

The vote was on a rule for debate on the conference report for an agriculture research and education bill passed by the Senate a week earlier. The rule would have allowed the conference report to be sent back to the Senate without the food stamp provision. Rules Committee Chairman Gerald Solomon (R-N.Y.) justified the rule on the parliamentary ground that the food stamp provision was added to the bill by the conference committee, and was therefore in violation of House rules.

Democrats were outraged at the proposed rule. Tony Hall (D-Ohio) called it "shameful and malicious." He said, "There is enormous support for this bill, except for six members of the Committee on Rules who do not want to see legal immigrants get food stamps if they are children, disabled, or elderly."

A colloquy between Vic Fazio (D-Calif.) and Majority Leader Dick Armey (R-Tex.) revealed that a crop insurance provision in the bill was also added by the conference committee, but this would not have been stripped out by the rule. Solomon claimed that there was a June 1 deadline to re-authorize the crop insurance program, whereas the food stamp issue could be taken up any time during the summer.

James Walsh (R-N.Y.), a stalwart supporter of welfare reform, declared that while welfare reform has been a "big success," for immigrants who are under 18, elderly, or disabled, "we need to show that we care. We need to show that this country is wealthy enough to help take care of them through a difficult time."

Appropriations process starts without budget

Both the House and the Senate Appropriations committees have begun work on the 13 spending bills that will fund the government in fiscal year 1999, despite the fact that the budget resolution has yet to be completed. The Senate passed its version on April 22, but the House version didn't become available for mark-up until May 20, well past the April 15 deadline for passage set by law. The budget resolution sets the allocations for each of the 13 bills and normally must be agreed upon by both Houses before the Appropriations committees can begin their work.

In a May 22 statement, House Appropriations Committee Chairman Bob Livingston (R-La.) said that he was making allocation recommendations to each of the 13 subcommittees based on the 1997 budget agreement. Because of time constraints imposed by the Congressional calendar, he said that "the Committee has no choice but to go forward" with these numbers, although they may have to be changed when a budget resolution is finally agreed upon.

The budget outline released by

House Budget Committee Chairman John Kasich (R-Ohio) continues the GOP's ideological agenda, including starting the privatization of Social Security, and the usual diatribe against "big government." Budget Committee Democrats are planning a series of amendments to try to overturn this agenda. Ranking Democrat John Spratt (S.C.) said the Republicans "want to spend away our first surplus on tax cuts and private retirement accounts," whereas Democrats "want to hold the surplus in reserve for Social Security." In addition to applying the alleged budget surplus to the Social Security fund, Democrats' amendments would reverse cuts in the resolution for Medicare, transportation, child care, school modernization, and welfare-to-work programs.

While Democrats probably don't have the votes in the Budget Committee to pass their amendments, these issues herald conflicts to come on the spending bills. There are also likely to be further clashes between Kasich, who wants to use the budget to push his ideological agenda, and Livingston, who would like to finish the spending in time to go back home to campaign for re-election in October.

Campaign finance reform taken up again in House

The House resumed debate on campaign finance reform on May 22, after passing a resolution that more or less allows the debate to go forward as agreed to by House Speaker Newt Gingrich (R-Ga.) on April 22.

The rule means that a constitutional amendment to place limits on campaign financing is now in order, as is a bill co-sponsored by Asa Hutchinson (R-Ark.) and Thomas Allen (D-Me.), which bans so-called "soft money" contributions to national committees, but increases political action committee and individual contributions. The rule provides for 11 substitute amendments to the Hutchinson-Allen bill, allows for one hour of debate on each, and, if more than one of them passes, deems the one with the most votes as having passed. One of allowed amendments is by Christopher Shays (R-Conn.) and Marty Meehan (D-Mass.), which would ban soft money in Federal elections and limit issue advocacy advertising within 60 days of an election, much like the McCain-Feingold legislation in the Senate.

Martin Frost (D-Tex.) slammed the rule for proving "once and for all that the Republican majority has no real interest in actually pursuing campaign finance reform." He complained that the process under the rule not only would take weeks, but it also "ensures that the House will not have the opportunity to have an up or down vote on either the bipartisan [Hutchinson-Allen] proposal or the Shays-Meehan proposal." He acknowledged that the process might be "open," but said, "I beg to differ with those who characterize it as allowing the House to reach a decision, when in fact it may be designed to do the very opposite."

Tobacco bill threatened by liability issue

The tobacco settlement legislation was put under a cloud on May 21, when the Senate refused to kill a proposed amendment that would strip the bill of liability limitations on suits against tobacco companies. The liability limitation was crucial to getting the tobacco companies to voluntarily participate in the agreement negotiated with state attorneys general last year. In return for the liability limitation, tobacco companies agreed to accept broad prohibitions on tobacco advertising, licensing of tobacco retailing, and regulation of the tobacco industry by the Food and Drug Administration.

Sixty-one senators voted against tabling the amendment, co-sponsored by Pat Leahy (D-Vt.) and Judd Gregg (R-N.H.). Supporters of the amendment, such as Edward M. Kennedy (D-Mass.), argued that last summer's agreement "would have given tobacco companies de facto immunity from suit." He claimed that its provisions "were designed by the industry to erect enormous barriers in the path of smoking victims seeking compensation" by banning "all class action suits, which are the only effective way individuals can litigate against corporate giants."

Supporters of the bill argued that the liability limitation is just a limit on the amount of payout that can be forced out of tobacco companies in a given year. "There is no shield here for tobacco companies," said John Kerry (D-Mass.). Further, he warned, "if the opponents of the cap . . . were to prevail here today, what they would succeed in doing is stripping this bill of the one invitation that it offers tobacco companies to come into the tent and be part of the solution of how we are going to reduce smoking among teenagers."

The Senate is expected to resume debate on the bill, and the Leahy-Gregg amendment, after it returns from the Memorial Day recess in June. Minority Leader Tom Daschle (D-S.D.), who supports the bill, said of the May 21 vote, "I think it was a vote cast for many reasons. Ultimately, many of these specific issues will be dealt with in conference, so I'm not troubled by it."