

Congressional Closeup by Carl Osgood

Lautenberg introduces rail safety bill

Sen. Frank Lautenberg (D-N.J.) introduced a bill on Feb. 27 in response to the recent spate of train accidents, including the commuter train accident in New Jersey on Feb. 9, and the collision just outside Washington, D.C. on Feb. 16, of an Amtrak passenger train and a Maryland commuter train, in which 11 people were killed.

In his floor statement, Lautenberg pointed to deficiencies in safety technology and procedures that were factors in both accidents, as well as in three freight train accidents that occurred in February. He said that his bill mandates installation of automatic train control systems, new safety standards for locomotive fuel tanks, and better crash protection for rail passenger cars. "I recognize," he said, "that some in the rail community may object to the costs of additional safety measures," however, "we in the Congress have an obligation to protect the public."

District appropriations stalled by filibuster

Senate attempts to bring the District of Columbia appropriations conference report to a vote failed twice during the week of Feb. 27, because of a filibuster by Democrats objecting to school voucher and abortion provisions of the bill.

Herb Kohl (Wisc.), the sole Democrat on the D.C. Appropriations subcommittee, said that if the voucher provision were dropped, and with changes in the provisions on abortion and the Davis-Bacon Act (which mandates that government contractors pay the prevailing wage), the conference report would pass unanimously. On the voucher provision, Kohl said that

"private schools have selective admissions policies," whereas "public schools do not discriminate; they are charged with educating all children. Our first priority must be to help public schools meet their goal. Unfortunately, this bill does not reflect that priority."

Kohl said that the bill has been held up over the \$660 million federal payment to the District. "Unless Congress releases the balance of the federal payment," he said, "the city will be unable to meet payrolls, pay bills, or provide basic services." He called on the Republicans to "stop holding the nation's capital hostage in order to debate a subject that would be better resolved on an education bill."

District Mayor Marion Barry warned, after the second cloture vote failed on Feb. 29, that without the federal payment, the District would run out of funds by the end of March.

Constitutional amendment offered on tax increases

Senate Republicans, led by Jon Kyl (R-Ariz.), on Feb. 27 introduced a proposed constitutional amendment that would require two-thirds majority votes in order to levy new taxes or increase existing tax rates.

In remarks on the Senate floor, Kyl said that his proposal "represents the first concrete step toward comprehensive tax reform." He revealed that his proposal was one of the recommendations of the National Commission on Economic Growth and Tax Reform, chaired by former Housing and Urban Development Secretary Jack Kemp. Kemp and former Delaware Gov. Pete du Pont, also a member of the commission, presented their proposals, which included a flat tax not unlike that offered by Presidential candidate

Steve Forbes, before a Senate committee in January. A companion resolution was introduced in the House on Feb. 1 by Joe Barton (R-Tex.) and 155 co-sponsors.

The House has incorporated into the Rules of the House a requirement for a three-fifths majority vote to pass a tax increase. This rule is under legal challenge by House Democrats, including David Skaggs (D-Colo.) and Bruce Vento (D-Minn.). Vento called the rule a "Trojan horse" that will be the "vehicle to undercut the power and the ability of the majority of the people in this country to have decisions made," in announcing the lawsuit last year.

Panel weighs independent counsel law reform

The House Judiciary Committee Subcommittee on Crime held a hearing on Feb. 29 to consider proposals to reform the independent counsel statute. The witness list, in addition to Judiciary Committee Chairman Henry Hyde (R-Ill.), was a who's who of past independent counsel investigations, including Iran-Contra special prosecutor Lawrence Walsh.

Hyde told the subcommittee that the standard for triggering independent counsel investigations "is far too low." The statute holds that a preliminary investigation "must" begin when a person covered by the statute "may have violated any federal criminal law." Hyde said that because of this, "Often allegations of criminal activity are prompted by political motives rather than real facts."

In an implicit reference to the independent counsel investigations initiated against the Clinton administration, Walsh said that such investigations "should be restricted to the conduct of officials in federal office and

not be authorized for the investigation of acts of a person before he becomes a federal officer." He said the conflict of interest that an Attorney General may face in the case of an act committed by a federal officer prior to his taking office "is of lower public concern than one arising from conduct during public service." For acts committed prior to public service, Walsh said, "the Attorney General should proceed without the use of the independent counsel act."

Livingston moots another government shutdown

House Appropriations Committee Chairman Bob Livingston (R-La.) suggested that when the current continuing resolution runs out on March 15, "all of the employees subject to those departments [the nine that still don't have appropriations bills passed] could be put on the street again." He asserted that no one in either party in the House or Senate wants to see that happen again, but it may be "unavoidable."

Livingston endorsed the idea of an omnibus spending resolution that would cover those departments through the end of the current fiscal year. He pointed to the fact that FY 1997 begins in the middle of the election cycle, and, if an omnibus resolution is not passed into law, "we're going to be dragged into the whole election process and really befuddle the whole situation."

In contrast, Sen. Arlen Specter (R-Pa.), chairman of the Senate Appropriations Labor, Health and Human Services, and Education subcommittee, said only two days before that he was "optimistic" that such a bill could be passed. He pointed to the problems that the departments that still don't

have a budget are having. "It has been impossible for the secretary of labor to plan on worker safety, and impossible for the secretary of education to advise various states as to the allocation of their funding."

Specter reported that he had communicated with White House chief of staff Leon Panetta about additional funding for these agencies, and had discussed this with President Clinton during Clinton's visit to Wilkes-Barre, Pennsylvania to survey flood damage. He said that the President agreed "that we needed to do just that." Lastly, Specter said that the day before, he was "advised that there would be an additional \$4.5 billion in budget authority . . . so we can go ahead."

Inhofe, Dorgan clash on strategic defense

On Feb. 28, Sens. James Inhofe (R-Okla.) and Byron Dorgan (D-N.D.) slugged it out in an impromptu debate on whether the United States should build a national missile defense. For months, Inhofe has been using this issue as a battering ram against President Clinton's foreign policy toward Russia. Because it does not emphasize technology based on "new physical principles," it would also be relatively ineffective against a strategic missile threat.

While Dorgan failed to mention this, he pointed out that the system that Inhofe supports would not protect the United States against threats which may be more imminent than a ballistic missile attack. What a missile defense system won't deal with, is "cruise missiles" and "other elements of terror, including fertilizer bombs [referring to the 1995 bombing of a federal building in Oklahoma City] or deadly biological agents."

Specter looking into economic espionage

On Feb. 28, the Senate Select Intelligence Committee, chaired by Arlen Specter (R-Pa.), held a hearing on proposed legislation to combat economic espionage. The bill would extend federal protection to a proprietary company information regardless of whether the buyer was a foreign government or corporation, or another U.S.-based corporation.

Herb Kohl (D-Wisc.), a co-sponsor of the bill along with Specter, said, "We have done a good job of protecting people when their hard work produces something tangible like machines or hardware," but now "the time has come to protect people who produce information and ideas."

The primary witness, FBI Director Louis Freeh, complained that there is a hodgepodge of federal and state laws that cover economic espionage, and that in some states, some types of such activity are not covered at all. "What's lacking," he said, "is one systematic federal law which addresses the scope of the problem and doesn't depend on individual circumstances to assert jurisdiction." Freeh praised several provisions in the bill, including one which would give federal law enforcement agencies jurisdiction over activities committed in a foreign country by foreign nationals against a U.S.-based company.

There was no direct reference to the "Webster Doctrine," promulgated in 1989 by then-CIA Director William Webster, in which he committed U.S. intelligence capabilities to economic espionage against Japan, Germany, and other U.S. allies. However, Freeh and members of the committee, such as Bob Kerrey (D-Neb.), said that the United States, as a rule, doesn't "engage in economic espionage."