

## Congressional Closeup by Carl Osgood

### Partisan warfare erupts over Lake nomination

Richard Shelby (R-Ala.), chairman of the Senate Select Committee on Intelligence, took to the floor on March 5, to explain why he has held up the nomination of Anthony Lake for CIA director. One of the areas of concern that he said the committee had to look into, was Lake's role, if any, in Democratic National Committee (DNC) fundraising activities. "The committee must consider this issue in great detail, and determine if Mr. Lake could become embroiled in a potential independent counsel investigation into these matters, as we read in the press," Shelby said. Shelby focussed on allegations in the Feb. 25 *New York Times* on the relationship between Lake and Pauline Kanchanalak, described as a Thai businesswoman and lobbyist, whose \$250,000 in donations were returned by the DNC.

On March 6, Bob Graham (D-Fla.) responded that, rather than a problem with Lake's credibility, what's at issue, "is the credibility of the Senate Select Committee on Intelligence to conduct a fair, nonpartisan examination of this nominee." He criticized Shelby for twice postponing the nomination hearings (now scheduled to begin March 11) without legitimate reason, and despite Lake's having been given a clean bill of health by the Justice Department regarding his stock transactions and the Iranian arms transfers to Bosnia.

Graham expressed concern that the whole process has turned into "a fishing expedition in which the hearings are being used to determine if some malfeasance can be found, rather than to develop information on a credible hypothesis of inappropriate behavior." What's being lost, Graham indicated, is what is the proper role of the CIA in the post-Cold War world and

how effective it is. "An elevated debate, one marked not by partisan rancor, but by honesty and openness, can help answer these questions and contribute to reaching a consensus about the intelligence community's role in our society as we enter the 21st century."

As if to confirm Graham's charges, Shelby, appearing on the CBS TV news program "Face the Nation" on March 9, admitted, with respect to the FBI background files on Lake, "We don't know what we're looking for." Shelby said that what he wants, is to look at the complete file, not just the FBI's background report, which he said was "inadequate."

### Lott independent counsel resolution based on media

On March 4, Senate Majority Leader Trent Lott (R-Miss.) introduced a sense of the Congress resolution calling on Attorney General Janet Reno to apply for the appointment of a special counsel, to investigate allegations of illegal fundraising in the 1996 Presidential campaign. The resolution uses some variation of the phrase, "Whereas, there has been specific, credible information reported in the media . . ." four times, as the justification for the call, and focuses its attention entirely on the Democratic National Committee and President Clinton's re-election campaign.

The wording gives added credence to the White House report, which demonstrated that the scandals plaguing the administration are based on a "media food chain," in which the media launder allegations among themselves to give added credence to their hoked-up allegations of White House misconduct.

During a press conference on March 6, Lott said, "We [the Republicans] feel very strongly that there's more than enough reason to have an independent counsel. We don't quite understand why the Attorney General has not moved to do that."

However, Lott was forced to relent on March 11 and agree to expand the scope to "improper activities," when it became clear that enough Republican senators were disturbed by Lott's maneuvering over the head of the relevant committee chairman, that a floor fight would probably go the Democrats' way.

### Government Affairs to probe fundraising

On March 6, the Senate Rules Committee voted up a resolution to give the Government Affairs Committee, chaired by Fred Thompson (R-Tenn.), \$4.35 million to investigate allegations of improper fundraising activities by the Democratic National Committee and the Clinton Presidential campaign. The resolution was the result of efforts by Majority Leader Trent Lott (R-Miss.) to, as he said at the hearing, "move the process forward."

The resolution reduces Thompson's funding request of \$6.5 million, and mandates that the committee will end its investigation by Dec. 31, 1997 and release a report by Jan. 31, 1998. It defines the scope of the investigation as all "illegal activities in connection with the 1996 Federal election campaigns," which includes the Congressional campaigns.

Democrats objected to the limitation on the scope of the investigation to only "illegal activities." John Glenn (Ohio), the ranking Democrat on the Government Affairs Committee, com-

plained, "We couldn't consider anything unless we thought going in that they were illegal activities."

Bob Torricelli (D-N.J.) cautioned, "Illegal activities' is an extraordinarily high standard for undertaking an investigation of activities. In our system, what is illegal is customarily established by a grand jury and then by a judge and jury. It would be difficult for members of the committee to know whether their suspicions, or the press reports they read, genuinely constitute illegal activities."

## Patients' rights bills introduced

At least five bills, three in the Senate and two in the House, have so far been introduced to establish some form of "patients' rights" with respect to health maintenance organizations (HMOs).

The most comprehensive one was introduced by Sen. Edward Kennedy (D-Mass.) on Feb. 25. "In too many cases," he said, "the pressure for profits leads to lesser care, not better care. Too many managed-care firms and other insurance companies have decided that the shortest route to higher profits and a competitive edge is by denying patients the care they need and deserve." Kennedy said his bill "establishes a right to needed care" by requiring health plans to cover emergency services "without need for any prior authorization determination," and defines an emergency medical condition as any condition, "such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect" to result in a serious threat to that person's health. Kennedy's bill would also prohibit gag rules forbidding doctors from explaining treatment op-

tions, and compensation plans that reward doctors for withholding treatment for the benefit of the health plan.

Two other Senate bills, offered by Paul Wellstone (D-Minn.) and Bob Graham (D-Fla.), focus more narrowly on information disclosure and access to emergency services.

## Daschle warns of return of budget gridlock

Senate Minority Leader Tom Daschle (D-S.D.) warned at a press conference on March 5, the day after the balanced budget constitutional amendment went down to defeat, that "prevailing budget politics appears to be the same sort of political approach now to budget consideration that we saw two years ago, and I believe that unless something changes, that political approach is going to lead to the same political result, which is a shutdown of government and complete chaos again, when all of us have pledged to try to avoid that this year."

Daschle said that he and House Minority Leader Richard Gephardt (D-Mo.) had sent a letter to the Republican leadership urging immediate consideration of a budget resolution, based on President Clinton's budget proposal, subject to amendments by the Republicans as they deem necessary. "The idea that somehow the President should submit a second budget," Daschle said, "not only is delaying the process, but is politicizing it way beyond anything we have seen in a long time."

In four weeks, the most significant piece of legislation the House has considered so far is the term limits amendment to the Constitution. Gephardt, at the same press conference, warned: "We have 20 working days until we're supposed to report a budget out of the

[Budget] committee. The committee isn't close to doing anything about a budget. The Republicans don't want to talk about the budget, which to me is the main issue of the year, and the thing we ought to be working on."

## House GOP leadership sets forth its agenda

Perhaps responding to reported disaffection among the party rank and file, the House Republican leadership finally set forth its legislative agenda for the 105th Congress on March 6. The first item remains the Balanced Budget Amendment to the U.S. Constitution, despite its defeat on March 4 in the Senate. Speaker Newt Gingrich (R-Ga.) said, "I believe it will pass the House, and I hope, as the country watches this process, that enough senators will hear from back home that ultimately the House version will then pass the Senate."

Gingrich also seemed to confirm one of the arguments made against the Balanced Budget Amendment, when he insisted that Federal assistance to victims of recent flooding and severe storms in Ohio and the Midwest should be paid for by offsets in other areas of the Federal budget.

Other items on the agenda include: auditing the Internal Revenue Service, United Nations reform, the partial birth abortion ban, religious equality and victims' rights amendments to the Constitution, and judicial activism.

Majority Leader Dick Armey (R-Tex.) dubbed the 105th Congress the "regular-order Congress," that is resolved to pass "legislation that is meaningful in the lives of the American people." He added that this will be done "in a much more inclusive and congenial basis, because of our commitment to regular order."