U. S. S E N A T E

# Republican Policy Committee

**Don Nickles, Chairman** Kelly Johnston, Staff Director 347 Russell Senate Office Building (202)224-2946

April 4, 1995

# 104th Congress: Senate Republican Accomplishments and Initiatives

## Republican Accomplishments

### *Congressional Accountability Act, S. 2 (P.L. 104-1)*

Under new congressional leadership, the first bill of the 104th Congress to be signed into law requires Congress to honor James Madison's advice (from *Federalist* No. 57) that Congress should be restrained "from oppressive measures [because] they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society." The long overdue Congressional Accountability Act extends 11 civil rights and labor laws to the Senate, the House of Representatives, and the instrumentalities of Congress (including the Library of Congress, the Architect of the Capitol, GAO, GPO, CBO and OTA). Despite a determined effort by opponents to delay passage, the bill's supporters, led by Senator Grassley and 39 cosponsors, achieved a 98-1 victory on passage of the legislation [Roll Call Vote 14, January 11, 1995]. The bill was signed into law by the President on January 23, 1995.

### *Unfunded Mandates, S. 1*

Under the leadership of Senator Kempthorne, and with the support of 60 cosponsors, the Senate majority has at last provided states and local governments with relief from crippling mandates imposed on them from Washington.

Specifically, the bill provides a majority-vote (51) point of order in the Senate against consideration of any legislation (other than matters within the jurisdiction of the appropriations committees) that imposes federal mandates, if the total cost imposed by the bill on state, local, and tribal governments is $50 million or more, or if the total cost imposed by the bill on the private sector is $200 million or more.

The Unfunded Mandates legislation also provides that if annual appropriations are inadequate to meet the increased costs of intergovernmental mandates imposed by a bill, then either the mandate expires or the agency must impose lower levels of mandates to match the level of appropriations provided. In addition, the legislation requires federal agencies to include cost/benefit estimates in proposed or final regulations that impose costs of $100

FAX (202) 224-1235 Internet: nickles@rpc.senate.gov

million or more a year on state, local, and tribal governments. Despite a filibuster mounted by the bill's opponents, S. 1 passed the Senate by a vote of 86-10 [Roll Call Vote 61, January 27, 1995].

***Pro-America History Standards Amendment Added to S. 1***

Last year, UCLA's National Center for History in the Schools used taxpayer dollars to create and promote a new compilation of history standards to meet the requirements of the Goals 2000 legislation. Senators Dole and Gorton led the Senate in a 99-1 vote against this anti-American, anti-Western, anti-academic assault on our nations school children [Roll Call Vote 23, January 18, 1995].

The amendment to the Unfunded Mandates legislation expressed the sense of the Senate that any history standards developed before February 1, 1995 should not be adopted under Goals 2000. Further, any other history standards to be developed should not be based primarily on the 1994 National Center for History standards. In addition, any recipient of public funds for the development of Goals 2000 history standards must have a decent respect for the contributions of western civilization and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world.

***Committee Funding Resolution, S.Res. 73***

Under the leadership of Senator Stevens, the Senate cut spending and reduced the size of congressional bureaucracy. The new Senate of the 104th Congress quickly passed a funding resolution to limit Senate committee staff and reduce committee spending to a fifteen-year low. On February 13, 1995, the Senate adopted S. Res. 73 which cut committee funding by 13.4 percent (the recommended 15-percent cut in the amount authorized over 1994 levels, adjusted for cost-of-living) [Roll Call Vote 64, February 13, 1995].

***Paperwork Reduction Act, S. 244***

The new congressional leadership has also pushed for important legislation that will greatly improve efficiency in the private sector and the responsiveness of government. S. 244, the Paperwork Reduction Act, enjoyed overwhelming bipartisan support and should shortly be presented to the President for signature into law. With enactment of S. 244, America will no longer be taxed by the hidden costs of unnecessary and burdensome paperwork. On a 99-0 vote, the Senate has called off the senseless paper chase that demands a billion hours and $100 billion per year from U.S. businesses in paper compliance costs [Roll Call Vote 100, March 7, 1995].

***Department of Defense Supplemental and Rescission, H.R. 889***

The Senate's new leadership demonstrated its firm commitment to both our Nation's security and to fiscal responsibility by passing H.R 889 by a vote of 97-3 [Roll Call Vote 108, March 16, 1995]. In response to defense budget shortfalls due to military operations in Haiti, Cuba, Bosnia, Rwanda, Somalia, Iraq, and Korea, President Clinton requested $2.54

billion in "emergency" funding for the Department of Defense. However, the President's proposal contained only $332 million to offset the supplemental funding, which would have resulted in total deficit spending of $2.2 billion. The Senate leadership responded with a completely paid-for $1.94 billion defense contingency appropriations package. More specifically, the Senate bill rescinded $1.96 billion in non-essential prior-year defense funds, as well as rescinding an additional $1.52 billion from non-defense discretionary accounts, all of which will be used for deficit reduction.

***Line-Item Veto, S. 4***

Congress has repeatedly ignored cost cutting rescission requests from presidents, acting on only 366 of 930 rescission requests from Presidents Ford, Carter, Reagan and Bush combined — just 39 percent. [According to a recent GAO study, $70 billion would have been saved between 1984 and 1989, if the President had enjoyed a line-item veto.]

The 104th Congress, however, tells a dramatically different story. Led by a unified team of Senators Dole, McCain, and Coats, the new Congress made history by giving the President line-item veto authority. On a 69-29 vote, the Senate — with the support of 85 percent of Americans — at last granted the President unambiguous authority to police pork in the budget [Roll Call Vote #115, March 23, 1995]. This historic measure not only gave the President the power to veto discretionary spending but also to attack the largest elements of the budget: entitlements.

***Health Care Tax Break for America's 3 Million Self-Employed, H.R. 831***

The new Senate majority confirmed its support for the middle class on March 24, 1995. By voice vote, the Senate repealed an unsupervised and widely abused tax break for millionaires and used the revenues to restore the 25-percent health care tax deduction for America's 3 million self-employed. Under the Senate bill, the health care deduction would be raised to 30 percent in 1995 and made permanent.

In order to fully pay for restoration of this desperately needed tax relief, Senators Packwood, Dole, and others crafted legislation which offset the bill's cost ($3 billion) by tightening three tax loopholes: 1) phasing out the Earned Income Tax Credit for individuals who have more than $2,450 in taxable interest, dividends, net rental income, and royalties; 2) changing the capital gains tax rules on Americans who renounce their citizenship for tax purposes; and 3) repealing a tax code provision that authorized a 1978 policy of the Federal Communications Commission to grant a tax deferral on profits from the sale of broadcast facilities to minority individuals or minority-controlled entities. The latter provision by itself is expected to recover more than $1.6 billion over five years and $3.7 billion over ten years.

The final version of the bill passed the Senate on April 3 and it is on its way to the White House.

### *Regulatory Review, S. 219*

The Clinton Administration has exceeded any year since the Carter Administration in actual regulation and notices published in the *Federal Register*. President Reagan, with help from the conservative leadership in the Senate, reduced the actual number of pages in the *Federal Register* to 44,812 in 1986. By contrast, President Clinton, with the support of the 103d Congress and its far different management style, gave America a 45-percent increase over Reagan's 1986 number.

When Republican leaders asked Clinton to impose a simple moratorium on federal rulemaking for the first 100 days of the 104th Congress, the Administration responded by calling the request a "blunderbuss that could work in unintended ways."

Under the leadership of Senator Nickles, the newly elected Senate majority crafted the Regulatory Transition Act which ultimately garnered the support of all 100 Senators [Roll Call Vote 117, March 29, 1995]. This legislation establishes a 45-day Congressional review period for all non-routine agency rules, and provides Congress with a "lookback" to any significant regulation issued before November 20, 1994. Any resolution of disapproval will be considered under expedited procedures. In addition, the Regulatory Transition Act would delay the effective date of all future "significant" rules of which are currently exempted from delay by executive order.

## Republican Initiatives

### *Balanced Budget Amendment (BBA), H.J.Res. 1*

This long overdue structural change would have brought the United States government back to the kind of fiscal sanity and responsibility that it has failed to demonstrate for decades. On a 65-35 vote (Senator Dole voted in the negative for procedural reasons), the Senate fell just one vote short of passing this vital legislation — 67 votes in the affirmative are needed to pass a Constitutional amendment in the Senate [Roll Call Vote 98, March 2, 1995]. On that vote, six big spenders who supported the BBA before the 1994 elections, switched their votes from "yes" to "no," preventing it from being submitted to the States for ratification. However, the BBA enjoys overwhelming public support (71 percent of the American people support a Balanced Budget Constitutional Amendment, according to February 28, 1995 *USA Today*/CNN poll) and the issue is far from settled in the Senate. Senator Dole has stated that reconsideration of the March 2 vote on the constitutional amendment is a certainty — perhaps public opinion can accomplish what a full month of Senate debate could not.

### *Crime Bill, S. 38 and S. 3*

The 103d Congress accomplished little to relieve Americans' fear and outrage over violent crime. However, the 104th Congress, under new management, has responded to a

clear mandate from the American people — get tough on crime. In the Senate, under the continuing leadership of Senators Hatch and Dole, Republicans have introduced two tough crime bills.

The first, **S. 38,** consists of amendments to the 1994 Crime Bill. This bill, introduced by Senator Hatch (with 12 cosponsors) on January 4, 1995, eliminates the wasteful social spending in the 1994 Crime Bill and redirects a portion of the savings to meaningful crime control strategies. Specifically, S. 38 eliminates the social spending programs in Title III of the 1994 Crime Bill as well as the so-called drug courts provision contained in Title V of the Act. It also increases the amount of funds authorized for construction and operation of real brick-and-mortar prisons while removing bureaucratic obstacles to states applying for funds. In addition, tough mandatory minimum sentences are required for federal crimes committed with a firearm and for the sale of drugs to minors. S. 38 will also replace the overly-broad "reform" of mandatory minimum sentencing in last year's bill with an assurance of their just imposition. Lastly, the bill provides for mandatory restitution to victims of federal crimes to ensure that crime victims receive the restitution they are due from those who have preyed on them.

The second and more comprehensive crime bill, **S. 3,** builds on the solid initiatives put forth by Senators Hatch, Dole and others during the crime debate of the 103d Congress. The Violent Crime Control and Law Enforcement Improvement Act of 1995 contains four major objectives:

— Increase prison and law enforcement grants to ensure that crime is deterred, that violent criminals are apprehended, and that when a criminal defendant is convicted, appropriate sentences are imposed and served;

— Remove the wasteful social spending included in the 1994 Crime Bill and redirect a portion of the funds to prison construction and federal, state, and local law enforcement, thus enabling states and local communities to implement crime control strategies free from the interference of federal bureaucrats;

— Enhance federal criminal penalties to appropriate levels for terrorism and other crimes where the federal government has a significant legitimate prosecutorial role; and

— Reform *habeas corpus* procedures, the exclusionary rule, and other federal criminal procedures to restore fairness and balance to the federal criminal justice process.

***Peace Powers Act of 1995, S. 5***

Twenty-two years ago, the Senate passed S. 440, the War Powers Resolution of 1973. S. 5, the Peace Powers Act, repeals the War Powers Resolution which has been considered unconstitutional by every administration since its enactment. However, it would retain the reporting and congressional consultation provisions of the original War Powers Resolution.

In addition, the Peace Powers Act of 1995 prohibits foreign command of U.S. troops in peacekeeping operations (such as the U.S. troops currently serving under foreign command with U.N. peacekeeping forces in the former Yugoslav Republic of Macedonia). S. 5 also requires that any defense costs incurred by the United States while engaged in U.N. peacekeeping duties be credited to the United States' annual U.N. assessment. In addition, the bill would require advance notice of funding sources for U.N. peacekeeping operations before votes to establish, extend, or expand U.N. peacekeeping activities.

***Common Sense Legal Reform***

Our tort system has become both a "legal lottery" and a social insurance system. According to the Citizens for a Sound Economy Foundation, the total cost to society (in terms of lost jobs and higher consumer prices, and other costs) has been estimated to be about $300 *billion* a year. For both plaintiffs and defendants, our legal system often delivers results that are neither fair nor swift. The prospect of huge cash awards promotes unjustified and abusive litigation which disproportionately enriches lawyers: lawyers receive from 50 percent to 70 percent of every dollar spent on product liability litigation. And, for every dollar that's spent on health care litigation, only 43 cents goes to the patient. Most of the rest is attorneys' fees, according to the Health Care Liability Alliance.

Common-sense reforms expected to be acted on shortly include S. 565, by Senators Gorton and Rockefeller, S. 300, by Senators McConnell and Abraham, S. 454, by Senators McConnell, Kassebaum, and Lieberman, and a bill by Senator Hatch. S. 454, the Health Care Liability and Quality Assurance Act of 1995, would reform the health care liability system and improve the quality of health care through limitations on personal awards and attorney's fees in medical malpractice suits. S. 300, the Lawsuit Reform Act of 1995, is intended to reduce some of the rewards that exist for bringing lawsuits and to provide some incentives for dispute settlement without litigation. Provisions in Senator Hatch's Civil Justice Fairness Act include: raising the standards for punitive damages so that a plaintiff would have to show by "clear and convincing evidence" that the defendant specifically intended to cause the harm or acted in flagrant disregard of the safety of others; shifting of costs to discourage frivolous lawsuits; limits on punitive damages; and modification of joint and several liability so that a defendant who is only marginally at fault for noneconomic damages cannot be required to pay an entire damage award. The bill would also limit awards for noneconomic damage in many medical malpractice cases to $250,000. S. 565, the Product Liability Fairness Act, reforms product liability laws and includes a provision to allow for punitive damages up to three times economic damages, or $250,000, whichever is greater.

***Telecommunications Competition and Deregulation Bill, S. 652***

Comprehensive deregulation of the telecommunications industry has eluded Congress for years. In the 103d Congress, despite endless hearings involving over half a dozen committees, what finally emerged had more to do with special interests than deregulation, and enjoyed little support from the telecommunications industry or consumers. With the introduction of S. 652, the outlook has changed considerably. S. 652 will finally remove many barriers to competition in the telecommunications industry. The bill, introduced by

Senator Pressler on March 30, 1995, would allow open competition between cable and telephone companies; remove the long-distance and manufacturing restriction for Bell companies; and provide market pricing, not government price controls, for cable television. Deregulation will rapidly expand the range of services available to consumers at a fair price, will greatly enhance U.S. international competitiveness, and will stimulate growth in quality jobs and overall economic productivity.

***Term Limits, S.J.Res. 21***

While there have more than 180 term limit proposals in the history of Congress, recent efforts have been especially focused. In 1992, 14 states passed term limits followed by the passage of term limits in seven more states in 1994. The median level of electoral support in states that have passed term limits legislation is 63 percent. On January 19, 1995, Senator Thompson along with 17 cosponsors, introduced S.J.Res. 21, which provides that no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than three times. This bill was approved by the Judiciary Committee on February 1, 1995.

***Putting Families FIRST***
***(Family, Investment, Retirement, Savings and Tax Fairness Act) S. 568***

Under the leadership of Senators Coats and Grams, legislation has been introduced to provide needed relief to the American family. In 1948, the average American family of four paid just 3 percent of its income to the federal government. By 1992, that tax bill had skyrocketed to 24.5 percent of family earnings.

Putting Families FIRST will provide each family with a $500 per child tax credit, or for the average family with two children, $80 a month in extra income. FIRST will reduce capital gains; put forward a neutral cost recovery plan for investments; repeal the retirement earnings test; and place a 2-percent cap on the growth of the federal government, exempting Social Security. Supporters of Putting Families FIRST believe foremost that the two-parent family is our Nation's best unit of government, and its most effective means of shaping responsible and productive citizens.

***School Choice, S. 618***

On March 24, 1995, Senator Coats introduced S. 618, to establish the Low-Income School Choice Demonstration Program. This school choice pilot program would provide low-income Americans with the same educational opportunities Americans of greater economic means currently enjoy. As introduced, the legislation provides a three-year, $30 million grant program to be distributed among 10 to 20 school districts. The monies would go to any child currently eligible for the federal school lunch program.

---

Staff Contact: Kenneth C. Foss 224-2946