

For Congress,

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Negotiators, More Talk Than Action

Historic Session Leaves Minor Legislative Legacy

By Helen Dewar
Washington Post Staff Writer

The first session of the 104th Congress made history, not laws.

As the House and Senate prepare for the official opening of the second session at noon Wednesday, Republicans can justifiably claim to have blasted their way into the history books after ending 40 years of Democratic hegemony on Capitol Hill.

Since last January, they have wrested the agenda from President Clinton, and defined and dominated the debate. They have confidently set out to narrow the reach of the federal government, shift power to the states and reverse a half-century of Democratic-inspired social welfare policy. A new direction has been set for spending: down.

But their ambitions have far outstripped their legislative achievements, resulting in one of the least productive sessions in modern history in terms of the number of laws enacted—a session long on promise, short on results.

The session still could lead to a big success if Repub-

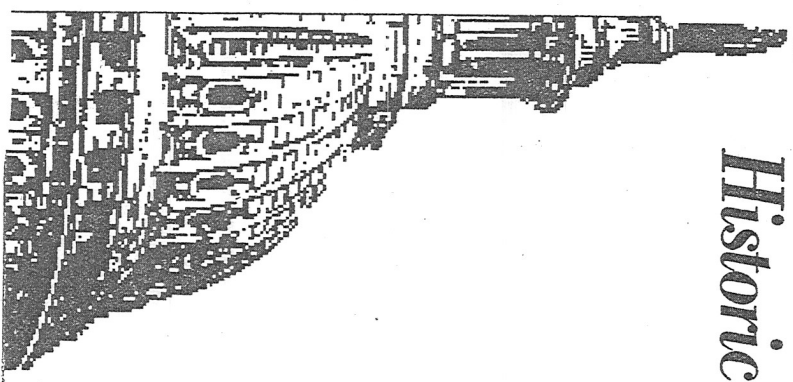
licans can force Clinton to accept a seven-year budget-balancing plan on their terms. But hard bargaining had not even begun as the year ended, and the outcome remains in doubt.

While it is hard to remember a busier session, "the achievements are meager," said Thomas E. Mann, director of governmental studies at the Brookings Institution.

Even some of the session's biggest champions look to the future for vindication of the past year. "We've seen a lot of groundwork for things that will materialize in years ahead," said freshman Rep. David M. McIntosh (R-Ind.), citing issues from balancing the budget to cutting government regulations.

The session also was as contentious and uncompromising as any in memory, epitomized by the bitter fight over the budget that has closed much of the government for a record total of 24 days so far, kept Congress in session over Christmas for the first time in 15 years and set new lows for vituperative discourse.

Lawmakers accused each other of lying, and on occasion fists flew. "In my 37 years in the Senate, I do not



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recall such insolence," Sen. Robert C. Byrd (D-W.Va.) said recently, speaking of the tenor of debate in the normally genteel, if not somnolent, Senate. The climate played a part in the large number of planned retirements in both houses, especially the Senate, where 12 members—a record for this century—will not seek reelection next year. Many of the departing lawmakers are centrists who see compromise as more of a virtue than a vice.

From the beginning, the session was personified by House Speaker Newt Gingrich (R-Ga.), who rose to power as a back-bench radical, orchestrated the GOP sweep of 1994 and wrote the scenario for 1995. Aided by freshman-backed rules changes, he has consolidated enormous power as speaker, although he has been hurt by his own controversial statements, an ethics probe and a dismal showing in public opinion polls.

But this session was driven mainly by the energy, resolute commitment and conservative ideology of the 73 House freshmen elected in the 1994 GOP landslide, who often outstripped even their mentor Gingrich in their zealous determination to end the welfare state and cut Washington down to size. They campaigned against "go-along-to-get-along" compromises in 1994; in 1995, they voted against them with remarkable unanimity.

"The fact that we tried to do what we said we'd do really did set a new standard," said freshman Rep. Mark Edward Souder (R-Ind.).

Presidential politics also played a role, as Senate Majority Leader Robert J. Dole (R-Kan.) tilted to the right in his quest for the GOP nomination. But Dole also reached across the partisan divide to give the Senate's reluctant assent to Clinton's deployment of U.S. peacekeepers in Bosnia—a gesture of national unity that left his more partisan colleagues, including presidential rival Sen. Phil Gramm (R-Tex.), gnashing their teeth.

As the glittering promises of January 1995 have given way to the grinding gridlock of January 1996, only four relatively narrow and non-controversial items on the House Republicans' "Contract With America" have been written into law.

Three of these bills, holdovers

from the previous year that were passed in the first few months of the session, require Congress to abide by federal workplace laws, curtail "unfunded mandates" on state and local governments, and set goals for federal paperwork reduction. A fourth, aimed at curbing frivolous securities lawsuits, was enacted by large bipartisan majorities over Clinton's veto last month.

More far-reaching initiatives—including the huge budget-balancing bill that remains in limbo as the first

session of the 104th Congress fades almost seamlessly into the second—were stymied by presidential vetoes, disagreements among Republicans, filibusters by Democrats or impasses between the House and Senate.

While all the contract proposals were approved by the House, with the exception of a constitutional amendment to require term limits for members of Congress, few made it through the more cautious and less conservative Senate.

Legislation to overhaul the nation's welfare system was passed by both houses but faces a veto that Republicans do not have the votes to override. A bill to curb federal regulatory powers is stalled in the Senate. A balanced budget constitutional amendment died in the Senate. Anticrime legislation is caught in stalemate between the two houses. Laws to curb punitive damages in civil lawsuits are up in the air. Tax cuts are ensnared in the budget quarrel.

It isn't just the big showcase bills that have been blocked or delayed. In all, 67 bills were enacted into law last year, by far the lowest number for a first session since the end of World War II, according to Congress's official count. Among them are six of the 13 annual appropriations bills funding the operations of government that should have been passed by Oct. 1.

By contrast, 210 bills were enacted in the first session of the 103rd Congress. Rarely in the past 50 years has the number fallen below 200. The previous low was set in 1981, when Congress wrapped nearly all its work for the year in budget and tax legislation that passed early in the session. But the total number of bills for that year was 145, more than double the figure for last year.

The problem for Republicans is not so much the numbers as what

they represent. In keeping with their smaller-is-better approach to government, many Republicans pledged during their 1994 campaigns to pass fewer laws. But they also campaigned to dismantle programs, roll back regulations and reverse the direction government has taken since the New Deal, all of which requires new laws to undo the old laws. For the most part, it is these laws that have not passed.

All this could change if Republicans force Clinton to accept the main features of their budget, including tax cuts, savings from the transfer of welfare and Medicaid programs to the states, the overhaul of Medicare, and constraints on spending in other areas from farm programs to schools, the environment and foreign aid.

Not only would a budget deal fulfill the Republicans' most important campaign pledge, it could give new momentum to other causes that are foundering as a result of policy controversies, intra-party divisions and a reassertion of command by Clinton.

It also could help reverse public opinion polls showing that the GOP-controlled Congress is sinking toward the perilously low level of esteem that helped oust the Democrats from power on Capitol Hill.

Without a budget agreement, however, Clinton and the Republicans, both of whom used to speak derisively of the legislative "gridlock" of the late 1980s and early 1990s, are at risk of giving the term a new and richer meaning. With continued deadlock, or only a partial resolution of the struggle, the issue could go to the voters in the November elections—with no guarantee of a resolution even then.

Ironically, some of the biggest achievements of the session came on issues that transcended partisan politics.

Under the lash of freshmen and patient pressure from veterans from both parties, Congress passed long-delayed legislation to tighten registration and disclosure rules for lobbyists and banned virtually all gifts to lawmakers, including expense-paid frolics at posh resorts. For the first time, a bipartisan—and thus passable—bill to overhaul campaign finance laws took shape in both houses.

If it can clear its final hurdles, a

major overhaul of telecommunications laws will be a bipartisan achievement. Bosnia was another example of bipartisanship, but only in the Dole-run Senate; the House went on record against Clinton's policy and voted only to support the troops. The securities litigation bill had bipartisan support, as does a bill to control punitive damages in product liability suits that seems to be moving toward enactment early this year—although other litigation proposals, along with proposed curbs on regulations, are caught up in more ideological or partisan clashes.

Even the fate of former Senate Finance Committee chairman Bob Packwood (R-Ore.), which threatened for a time to divide the Senate bitterly along partisan lines, was resolved on a note of unity. The Senate ethics committee urged unanimously that Packwood be expelled for sexual and official misconduct, and Packwood left on the advice of GOP leaders before the Senate could act.

The fate of proposed "line-item veto" legislation, which would empower presidents to cut individual items out of spending bills, tells a lot about the highs and lows of the past session. Embraced in principle by Clinton and by Republican leaders of both houses, it stalled short of enactment when Republicans, who like pork as much as Democrats do, became leery of giving Clinton such authority before he signed all the fiscal 1996 spending bills. The legislation is still on hold—ready to go when Clinton signs his last money bill.