

Congressional Closeup by Carl Osgood

Kosovo Troop Withdrawal on the Agenda in Senate

John Warner (R-Va.) and Robert Byrd (D-W.V.) have added language to the fiscal year 2001 Military Construction Appropriations bill that would prohibit the further expenditure of funds for U.S. troops in Kosovo after July 1, 2001, unless the President requests continued deployment and the Congress votes for it. The only exception allowed is if U.S. troops become involved, or are about to become involved in hostilities. It also would require the President to draw up a plan to turn over the U.S. portion of the military deployment to the appropriate NATO and non-NATO countries by the same date. The resolution also contains a provision that would mandate withholding 25% of the \$2 billion to be appropriated for U.S. military activities in Kosovo until the President certifies that NATO, the European Union, and the European Community have met a specified portion of their commitments for funding civil operations and reconstruction and for providing police personnel for Kosovo.

The Warner-Byrd language has drawn a strong protest from the White House.

In a Dear Colleague letter, Byrd explained that the "larger issue" addressed is not so much the specifics of Kosovo policy, but rather "the responsibility of Congress to exercise its Constitutional duty." He complained that while the Founding Fathers vested the "power of the purse" in the Congress, what is now happening is a "bastardization" of the process, where the Administration spends the money first, and then asks Congress to pay the bills "after the fact."

Carl Levin (D-Mich.) read a letter from former NATO commander Gen. Wesley Clark, in which Clark warns that "these [Warner-Byrd] measures,

were they to become law, would be seen as a de facto pullout decision by the United States," and would be "unlikely to encourage European allies to do more." He said that setting a deadline for a U.S. pullout would likely increase instability and lead to the "inevitable" re-entry of Serbian forces into the province.

Clinton, Dems Back Prescription Drug Plan

On May 10, House and Senate Democratic leaders joined President Clinton in the White House Rose Garden to announce a Medicare prescription drug plan that all Democrats could unite behind. The plan would cover half of all drug costs up to \$5,000, for a premium in the range of \$24-26 a month. It would fully cover costs and premiums for those with incomes less than 135% of the poverty level, and provide premium assistance for those with incomes 135-150% of poverty.

President Clinton said, "At this time of historic prosperity and strength, there is absolutely no reason that we should force seniors to make a choice between their health and their food or their daily existence." He took a swipe at the GOP plan, which does not provide coverage for those with incomes of more than \$15,000 a year. "Half the people who need the help fall within the income limits of \$15,000 and \$50,000," he said. "I don't think we should write a plan that basically is designed to please the people who are selling the drugs instead of those who are buying the drugs."

Republicans, who inserted the outlines of their own plan into this year's budget resolution, responded with caution. "We want to work with you in a bipartisan way to make a prescription

drug benefit under Medicare a reality, not a political bumper sticker to be carried into the fall elections," House Ways and Means Committee Chairman Bill Archer (R-Tex.) wrote in a letter to the President. House Speaker Dennis Hastert (R-Ill.) agreed that developing a prescription drug plan should be a bipartisan effort, but complained that the Democratic plan "may give government too heavy a hand in controlling the drug benefit, denying some seniors the right to choose the coverage that best fits their needs."

Patients' Bill of Rights Gets Boost from Clinton

On May 11, President Clinton summoned House and Senate members working on a compromise version of the Patients' Bill of Rights to the White House, in an attempt to speed up negotiations. Clinton said that the purpose of the meeting was to "determine what the issues are, what the prospects are for resolving them," and to offer whatever assistance the White House can "to try to help resolve this and hopefully to get a bill out." The White House had earlier warned that any delay in getting an acceptable bill "results in harm to thousands of patients daily and millions of patients annually."

Two major sticking points remain. Democrats want the bill to apply to all 161 million Americans covered by private health plans, and they want to include the right to sue health plans for negligence. The House version includes both, but the GOP version, embodied in the Senate bill, only covers the 55 million Americans in health plans not regulated by the states, and it does not allow lawsuits.

After the meeting, Sen. Don Nic-

kles (R-Okla.), chairman of the conference committee, told reporters, "We have spent hundreds of hours to put together a bill. We have made good progress despite what some may think." He claimed that the conferees had come to an agreement on a process that would allow patients to appeal decisions by health plans, but Democrats said that 40 million people would be left uncovered. Republicans have hinted that a compromise bill would have to include the usual array of GOP tax proposals, including medical savings accounts, tax deductions, and so forth.

Sen. Edward Kennedy (D-Mass.) expressed hope that Clinton's intervention might speed up the process. "Progress has been painfully slow," he said. He called on GOPers to finish by Memorial Day, a deadline which Clinton supports.

Internet Tax Moratorium Extension Voted by House

The "new economy" was favored over the "brick and mortar" economy in the House on May 10, when the House voted to extend the 1998 Internet Tax Freedom Act five more years, to 2006. It continues a moratorium on the collection of sales taxes for sales over the Internet. While the "new economy" won the vote handily, by 352-75, both sides raised issues that are unlikely to go away.

John Conyers (D-Mich.), the ranking member on the Judiciary Committee, said that by extending the moratorium until 2006, "there is far less of an incentive" to deal with tax simplification issues, and "there is real risk that by 2006, many interests will become so dependent on the current system that it will become impossible to ever

revisit the issue of state tax simplification." He complained that the bill was rushed to the floor so quickly, that the Judiciary Committee hadn't even had any hearings on it. "The majority appears to be using this legislation," he said, "in a desperate effort to create the appearance of a serious high-tech agenda, even while they postpone and defer considerations of the larger issues." Jerrold Nadler (D-N.Y.) said, "We are voting on a press release instead of legislation that would take some responsibility for the future of the Internet."

Mark Foley (R-Fla.), who supports the moratorium, nonetheless said that the moratorium has an adverse effect on state sales tax collections. "If a person can evade sales taxes by making a purchase on line, the small business on the street corner that sells the same product will, in fact, suffer." With the Internet now thriving, he said, "it is unfair to continue an unlevel playing field which gives Internet companies an advantage over the 'brick and mortar' corner stores all across America."

Foley made clear that keeping the Internet stock bubble from bursting was the prime consideration behind the bill. He claimed that the Justice Department's treatment of Microsoft is what is causing the tremors on Wall Street and threatening the retirement savings of millions of Americans.

Education Bill Delayed by Majority Leader Lott

On May 9, after more than a week of debate, Majority Leader Trent Lott (R-Miss.) temporarily pulled from the Senate floor the Elementary and Secondary Education re-authorization bill. Lott said that it was necessary to

stop work on the bill in order to take up the first few appropriations bills that are ready for consideration, and to take up the Africa-Caribbean trade bill, which the House had cleared the previous week. He said that he intended to go back to the education bill within a week or two and take up those amendments already agreed on.

Another consideration may be Lott's desire to avoid any amendments he considers non-germane. While all amendments considered so far have related to education, press reports indicate that both sides are ready to introduce a host of unrelated amendments, including on gun control. When Lott was asked what he would do if unrelated amendments came up, he said, "We'll just have to consider that when we get there."

Lott's action came after an alternative education plan was rejected by a vote of 84-13 by the Senate. The amendment, sponsored by Joe Lieberman (D-Conn.), would have boosted funding for Title I programs for disadvantaged children by 50%, and targeted the funds to areas with higher concentrations of poverty. The amendment would have also consolidated nearly 50 existing programs into grant programs with more accountability.

Lieberman's proposal found little support even among Democrats, but the debate turned into an argument over the wisdom of state governors. Judd Gregg (R-N.H.), a former governor, complained that Democrats were belittling the efforts of governors, who are more focussed on education issues than are members of the Senate. Edward M. Kennedy (D-Mass.) replied that, because the states control 96¢ of every dollar spent on education, "the governors have had their chance, and they have come up short on this issue."