

Congressional Closeup by Carl Osgood

HMO reform threatens to gridlock Senate

On June 21, Senate Democrats made good on their promise to introduce their Patients' Bill of Rights legislation as an amendment to a major bill, to force debate and a vote on the issue. The vehicle chosen, to the Republicans' chagrin, was the fiscal year 2000 Agriculture Appropriations bill. Majority Leader Trent Lott (R-Miss.) responded by introducing the GOP alternative as a second-degree amendment to the Democratic amendment, and then withdrawing the bill from the floor and moving on to other business.

Lott complained that "the Democrats have decided to ignore the needs of the American farmer and instead turn this bill into the health care reform bill." He repeated promises to hold a debate on the Democratic and Republican Health Maintenance Organization (HMO) reform bills if the Democrats would only agree to certain limitations on time for debate and numbers of amendments.

The Democratic action was not a surprise, however. Minority Leader Tom Daschle (D-S.D.) warned on June 18, "We're going to force this issue on the Senate floor, if we can't get an agreement to get it scheduled sometime in the next two weeks."

Democrats on the House side are also unhappy with the GOP's strategy. On June 16, the Education and the Workforce Committee Subcommittee on Employer-Employee Relations marked up a package of eight bills authored by John Boehner (R-Ohio), which represent the GOP package. While the markup was surprisingly free of partisan rancor, all eight bills were passed by party-line votes and the Democratic alternatives were rejected as "non-germane."

House Democrats have taken a different tack to deal with GOP refusal to

put HMO reform on the agenda. Minority Leader Richard Gephardt (D-Mo.) announced a couple of days after the markup that Democrats would begin circulating a discharge petition to force the Democratic bill out of the Commerce Committee. "We're going to ask every member of the House, Republican and Democratic, to sign our discharge petition, to force this issue out and get it done," he said.

Loan guarantees okayed for steel, oil, and gas

On June 18, the Senate passed a bill by a vote of 63-34 to provide up to \$1 billion in loan guarantees for the steel industry and another \$500 million in guarantees for the oil and gas industry, both of which have been hit hard by the global financial crisis. The bill was the result of the efforts of a bipartisan grouping led by Robert Byrd (D-W.V.) that included Jay Rockefeller (D-W.V.), Arlen Specter (R-Pa.), and Mike Dewine (R-Ohio).

During debate, Byrd explained that the loan guarantee program is similar to existing loan programs for homebuilders, farmers, and "even foreign nations. . . . This bill, is a short-term helping hand to a vital American industry which is being severely damaged by illegal foreign dumping."

Opponents of the measure espoused the usual free-market, anti-government, cut-the-budget rhetoric. Don Nickles (R-Okla.), whose state has been hit hard by the downturn in the oil industry, said that the steel loan guarantee program of the late 1970s did not work. "I just disagree with the idea of having the Federal government come in and make Federal loan guarantees," he said. Banking Committee Chairman Phil Gramm (R-Tex.) complained that because the bill carries the

"emergency" designation, none of the funds expended by the bill will count toward the spending caps set in the 1997 Balanced Budget Act.

Budget Committee Chairman Pete Domenici (R-N.M.) responded angrily, saying that the steel loan program of the 1970s is irrelevant because the steel industry today bears no resemblance to what it looked like then. As for the "oil patch," he said, "those people who service oil wells, they are experiencing a total economic collapse. If we can't see fit to put \$500 million on the books that can be loaned to them, and have to argue about the philosophy of loans by the Federal government, . . . then frankly, I believe the oil patch has the right to conclude that we just don't care."

Gun control debate derailed by House GOP

When the House finally took up the debate on school violence and gun control on June 16, it was through a procedure that separated these issues from the underlying juvenile crime bill. This practically guaranteed that the gun control provisions would be defeated. Joe Moakley (D-Mass.), the ranking member on the Rules Committee, called this approach "divide and conquer," and said that the procedure separated "gun safety legislation from the rest of the bill in order to expose it to the full onslaught of the NRA's [National Rifle Association] lobbying fusillade." That was essentially the result, as the GOP brought the juvenile justice bill and a bill requiring mandatory background checks at gun shows to the floor separately.

The fireworks began even before the debate turned to gun control, however. John Conyers (D-Mich.) called the process "legislation by ambush,"

and complained that the GOP was pushing measures that they said, only a month ago, "lack merit." These included, in an amendment sponsored by Crime Subcommittee Chairman Bill McCollum (R-Fla.), trying juveniles as adults, housing juveniles in adult facilities, a new set of mandatory minimums, and increased use of the death penalty. "Let us carefully review and reject most of these amendments that will send us further backwards instead of moving us forward as the American people would wish," he said. The amendment was approved by a vote of 249-181.

The gun control debate, which began the next day, featured rancorous partisanship and intraparty splits. John Dingell (D-Mich.) angered many in his own party by offering an amendment supported by the NRA that allowed 24 hours for background checks at gunshows. Conyers said that "if this amendment is passed, then criminals will be able to get guns at gun shows." Many Republicans opposed it because it would, in the words of Marge Roukema (R-N.J.), "destroy current Federal law that allows up to three business days" for background checks. However, it narrowly passed by a vote of 218-211.

Also controversial was an amendment, sponsored by Duncan Hunter (R-Calif.), that would have repealed the prohibition on gun ownership in the District of Columbia. D.C. Delegate Eleanor Holmes Norton (D) complained that the Hunter amendment would "ease guns into the hands of troubled teens in this troubled city." It, too, passed, by a vote of 213-208.

All of this was rendered moot, however, when an unlikely combination of conservative Republicans and liberal Democrats came together to kill the bill by a vote of 280-147. The conservatives saw the bill as too re-

strictive, and the liberals saw it as not strong enough. While both sides blamed each other for the debacle, the end result was widely seen as a victory for the NRA.

Social Security 'lock box' bill stopped by Dems

On June 16, for the fourth time, Senate Democrats succeeded in blocking consideration of the GOP's Social Security "lock box" bill, which allegedly prohibits spending trust fund money. This occurred despite the fact that the GOP dropped its own bill in favor of one that passed the House on May 26 by a vote of 416-12. The House bill does not include the provision lowering the Federal debt limit each year by a pre-determined amount.

Democratic objections to the House bill revolved as much around procedure as around the policy implications of the bill itself. Frank Lautenberg (D-N.J.) said that the House bill, while better than the Senate bill, "still desperately needs improvement," most importantly, by including Medicare as well as Social Security in the "lock box." He said that the bill also lacks adequate enforcement measures, and includes a "troubling loophole" that allows Social Security trust funds to be used for Social Security "reform" without ever defining what reform means. The implication is that it would be used for a tax cut, labelled Social Security "reform."

On the procedural side, Lautenberg complained that Democrats are not being allowed to offer amendments needed to improve the bill (an assertion repeatedly denied by Republicans), and that the GOP is using clouture to prevent debate. Both tactics, he said, once rare, have become "standard operating procedure. . . . This ef-

fort to restrict minority rights is not appropriate." He warned that Democrats "cannot accept being entirely locked out of the legislative process. Republicans came back with their usual anti-government propaganda, saying that the surpluses in the Social Security trust funds have to be protected from the Democrats' "big government agenda."

Nominations move forward in Senate

On June 16, James Inhofe (R-Okla.) released the holds that he had placed on all Clinton administration appointees, holds placed after President Clinton's recess appointment of James Hormel to be ambassador to Luxembourg. His release came after a letter from President Clinton to Majority Leader Trent Lott (R-Miss.) promising no more recess appointments without notifying the Senate.

While both sides claimed victory, the agreement is little more than a continuation of an understanding reached between Senate Majority Leader Robert Byrd (D-W.V.) and President Ronald Reagan in 1985. In his letter, Clinton said that the Reagan-Byrd agreement "remains a fair and constructive framework" for dealing with controversial recess appointments. The agreement resulted in the confirmation of three minor nominations that evening.

The agreement also clears the way for the expected approval of Lawrence Summers as Treasury Secretary, and Richard Holbrooke as U.S. Ambassador to the UN, both of whom had their initial confirmation hearings on June 17. Holbrooke faced additional scrutiny on June 22, however, to answer further questions about his agenda for UN reform.