Congressional Closeup by Carl Osgood

GOP Rams Its Prescription Drug Plan Through House

It was partisan sniping and one-sided parliamentary maneuvering at its worst on June 28, when the House narrowly passed the GOP's prescription drug plan by a vote of 217-214. The process by which the bill was rammed through left much ill-will in its wake. The Democrats were so enraged that they attempted to sabotage the procedural motion which set the rules for debate, something which is rarely done. The process didn't allow for any amendments or points of order. Barney Frank (D-Mass.) called the bill "the most policy-driven, ill-advised, overly hasty piece of legislation on a major issue I have ever known."

The bill, called the Medicare Rx Act of 2000, establishes a new drug benefit program, to be administered by a new agency called the Medicare Benefits Administration. The benefits would actually be provided by private insurers under criteria established by the bill. Ways and Means Committee Chairman Bill Archer (R-Tex.) claimed that the bill allows Medicare beneficiaries "the right to voluntarily choose the drug plan that works best for them." The Democratic plan, on the other hand, he said, "is a big step toward Washington-run health care but a step backwards in helping seniors with the high cost of prescription drugs."

Democrats attacked the bill as extreme partisan election-year politics, and harped on the fact that the bill was passed through the Rules Committee at about 3 a.m. Pete Stark (D-Calif.), a member of the Ways and Means Committee, complained that the bill only benefits pharmaceutical and managed-care companies. Jim McDermott (D-Wash.) reported that one Republican had "let the cat out of the bag," when he had said, "It may be enough just to introduce a bill, but if we don't even have a bill, we are open to charges that we didn't do anything."

The Democratic alternative, which Stark called "dependable" because it uses real resources, could only be brought to the floor in a motion to recommit the original bill back to the Ways and Means Committee, so that that committee could substitute the Democratic language for the GOP language. The motion was struck down, because the cost of the plan would have exceeded the amounts allowed under the budget resolution. The Democrats came back with a modified motion, but the weakness in the Democratic approach was revealed by provisions that would have required legislation to pay off the Federal debt by 2012, and another bill to guarantee the solvency of Social Security for 75 years before taking effect. The Democratic motion was defeated by a vote of 222-204.

Drug Seizures, Are Up along Southwest Border

On June 30, the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, chaired by John Mica (R-Fla.), heard evidence that seizures of drugs, particularly cocaine and heroin, along the U.S. southwestern border, have risen dramatically in the last five years, as have prosecutions. The level of violence along the border has also increased, as Mexican drug traffickers have become more aggressive.

U.S. District Judge Royal Ferguson, of the Pecos Division of the Western District of Texas, reported that the number of drug-related prosecutions in his court has increased from 45 in 1995 to 386 in 1999, and is on track to hit 600 this year. He emphasized that these prosecutions are all on trafficking charges, involving quantities of drugs from 40 pounds to 1,500 pounds.

Joseph D. Keefe, special agent in charge of the Special Operations Division of the Drug Enforcement Administration, reported that a significant quantity of the heroin crossing the border now originates in Mexico, rather than Colombia, and that this so-called "black tar" heroin is reaching purity levels as high as 84%. He also reported that Mexican traffickers now control substantial shares of the markets on the West Coast and the Midwest, and are actively pursuing markets on the East Coast.

While Mica did have some criticism of Mexican officials for allegedly being less than cooperative on interdicting cross-border trafficking, Chief Border Patrol Agent for the El Paso Sector Luis Barker indicated that the problems with Mexican border officials are more of a technical nature rather than deriving from corruption.

Campaign Disclosure Bill Signed into Law

On July 1, President Clinton signed into law a bill to require that organizations that are tax exempt under section 527 of the tax code report their contributions and expenditures. The President's signature followed a House vote of 385-39 on June 28, and Senate passage by a vote of 92-6 the next day. Clinton said that the bill was needed to close "a special interest loophole" that allowed such organizations "to raise unlimited funds to influence elections without disclosing where the money came from."

The bill came in the aftermath of a successful effort by Sen. John McCain

(R-Ariz.) to attach a similar measure to the fiscal 2001 Defense Authorization bill on June 8. Since nobody really wanted a tax provision on an authorization bill, the action immediately triggered negotiations which resulted in separate legislation and the vitiation of McCain's amendment.

The speed of the process was indicated by the fact that the House considered the bill under suspension of the rules, a procedure usually reserved for noncontroversial bills. Rep. Amo Houghton (R-N.Y.) said that this would "send a signal that, yes, we can do something on campaign finance reform." Democrats went along with the process, even though it didn't allow for amendments, "to perfect the reform . . . and to broaden it to be more comprehensive," as Rep. Lloyd Doggett (D-Tex.) put it.

Opposition remained more muted than might otherwise have been expected. In the House, Majority Whip Tom DeLay's (R-Tex.) presence was made known only because he was quoted by Democrats. In the Senate, Mitch McConnell (R-Ky.), while speaking against the bill, took no action against it in order that the Senate could focus on appropriations bills.

Labor-HHS Spending Bill Faces Veto, Clinton Warns

On June 30, after the Senate passed its version of the Labor-Health and Human Services and Education Departments Appropriations bill, President Clinton warned that insufficient funding levels in the bill would force him to veto it. The Senate bill, he said, "relies on unacceptable spending cuts and falls short on critical funding for education, health care, and worker training." The bill also "short-changes vital health care programs, including domestic and global HIV/AIDS prevention and treatment," and many other programs. Clinton also complained that the bill short-changes education programs, including initiatives to reduce average class sizes.

Senate passage of the bill, by a vote of 52-43 on June 30, came after seven legislative days of considering amendments. The process saw the GOP turn back Democratic attempts to increase education funding and the attachment of the GOP's patients' rights legislation to the bill.

While the focus of little debate, the bill cuts supplemental block grants for Temporary Assistance for Needy Families (TANF), the program that was created by the 1996 welfare reform bill. According to a report by the Center for Budget and Policy Priorities, the reductions come to $240 million and would hit hardest the states that have a relatively high rate of child poverty. According to the report, the cuts threaten welfare reform, not only in those states, but also in states that don't receive the supplemental block grants, because they send the message that "states cannot rely on the Federal government to provide the levels of TANF funding it promised when the welfare reform law was enacted."

House Gives Doctors Collective Bargaining Rights

The House passed a measure by a vote 276-136 on June 29, to give medical doctors and other health care professionals in private practice collective bargaining rights with respect to insurance and managed-care companies. The bill, co-sponsored by Tom Campbell (R-Calif.) and John Conyers (D-Mich.), grants a limited anti-trust exemption for medical professionals so that they have the same rights as organized labor does under the National Labor Relations Act.

Supporters of the bill argued that the exemption is needed to "level the playing field." The need for the bill was perhaps stated most bluntly by Jerrold Nadler (D-N.Y.). "Today's health care marketplace," he said, "is dominated by six large companies which enjoy monopoly or near-monopoly power in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms." While Democrats overwhelmingly supported the bill, they punctuated their arguments with calls to pass, in the words of John Dingell (D-Mich.), "a meaningful, enforceable Patients' Bill of Rights."

Opponents of the bill argued that it would raise the costs of health care. John Boehner (R-Ohio), the pointman for the GOP leadership on patients' rights, claimed that the bill would "provide an anti-trust exemption to one group in the medical profession with no oversight." He warned, "To allow any group of Americans to form a cartel to prey on America's consumers is not good for our country." Ironically, and unfortunately, managed-care companies are doing exactly that.

In what may be an indication of how far the bill will go in the Senate, Majority Leader Trent Lott (R-Miss.) commented to reporters the day after the House vote that he would not be supporting the bill: "I don't think we need more labor unions in America, and that's basically what they're trying to do."