

## Congressional Closeup by Carl Osgood

### Congress Braces for Very Large War Bill

Just before President Bush delivered his 48-hour ultimatum to Iraqi President Saddam Hussein on March 17, he held a meeting at the White House with the top leaders of the Congress to discuss, among other things, a supplemental budget request to pay for the war he was about to embark on. The size of the supplemental was, apparently, not mentioned, but Senators coming out of the meeting expected that it would come within a week. Sen. Joseph Biden (D-Del.) told reporters the next morning, that "It'll be coming shortly. I know it will be \$100 billion and climbing." Sen. Robert Byrd (D-W.V.) said that, while he supports funding the needs of U.S. troops in Iraq, "I will not support a blank check on the part of the Administration for grandiose plans of regionwide democracy which may lead to mission creep."

Meanwhile, Democrats remain split. Before Bush's meeting with Congressional leaders, Senate Minority Leader Tom Daschle (D-S.D.) lashed out at Bush in a speech, declaring that he was "saddened that this President failed so miserably at diplomacy that we are now forced to war." While Republicans were outraged, Daschle made clear the following day that he was not speaking out against the war, which he voted for last October, but rather blasting Bush for failing to organize the United Nations backing for it. Sen. Joseph Lieberman (D-Conn.) and Rep. Dick Gephardt (D-Mo.), both Presidential candidates, are fully committed to supporting Bush's action.

Byrd and others had continued to make statements against the war in the week leading up to Bush's speech. On March 11, Rep. Sherrod Brown (D-Ohio) complained that the Bush Administration had refused to discuss

with Congress its plans for post-war Iraq. Sen. Richard Durbin (D-Ill.) joined with Byrd in complaining that there had been no debate in Congress since the vote on the use-of-force resolution last October. He said that the time that has passed since then has proven that Congress has had no voice. "We are not a serious part of this national concern and national conversation over what will happen in Iraq," he said.

### Democrats Blast GOP Budget Resolutions

On March 12 and 13, the Senate and House Budget Committees each marked up their versions of the Fiscal 2004 budget resolution. While largely hewing to the White House line on tax cuts and spending, both resolutions also reflect pressure resulting from the growing deficit forecasts—although in different ways. The House resolution, the more radical of the two, incorporates the entire proposed Bush tax-cut package, amounting to \$1.4 trillion over ten years; it calls for a 1% across-the-board budget cut in all discretionary spending, except for defense and homeland security, and a \$470 billion cut in mandatory spending programs over ten years. With such cuts, it purports to balance the budget by Fiscal 2010. The Senate resolution includes a slightly smaller tax cut, and does not include the spending cuts. It claims to balance the budget by 2013.

While Republicans were claiming that their budget plans provide for homeland defense and economic growth, the Democratic leaders of the two budget committees blasted the resolutions. On March 14, Sen. Kent Conrad (D-N.D.) and Rep. John Spratt (D-S.C.) called them irresponsible. Conrad said, "The fatal flaw in both

these resolutions is that they have tax cuts that are so large that they will plunge us into deeper and deeper deficit." Spratt indicated that, on the House side, the GOP must also be concerned about the rising deficits "because they have, in effect, repudiated the President's budget and written their own." But he noted their budget still "clings" to the tax cuts; and so, demands almost \$600 billion in spending cuts—none of them specified—to pay for them. Spratt said that it is up to the authorizing and appropriating committees to decide how the cuts are to be made.

Concerns on the Senate side are shown by reports that at least four moderate Republicans will be proposing a tax cut about half the size proposed by President Bush. Sen. Max Baucus (D-Mont.) intends to propose an amendment to the budget resolution for a tax cut of about \$350 billion, a range said to be supported by Senators Robert F. Bennett (R-Utah), Susan Collins (R-Me.), Olympia Snowe (R-Me.), and George Voinovich (R-Ohio). An amendment sponsored by Conrad, to suspend any tax cuts until President Bush submits detailed estimates of the cost of the war with Iraq, was ruled, 56-43 on March 18, not to be germane to the budget resolution.

### Medical Liability Reform Passes House

On March 13, the House took the first step on the road to so-called health care liability reform, passing a bill by 229-196. As described by House Judiciary Committee Chairman James Sensenbrenner (R-Wisc.), the bill would place a \$250,000 cap on non-economic damages in medical liability lawsuits, and create guidelines for rules for distributing damages.

Sensenbrenner claimed that the bill would still allow for large awards “to deserving victims, including homemakers and children.” It specifically applies to states that either have no liability caps, or caps that don’t meet the criteria set out in the bill.

Democrats have generally been opposed to any tort reform measures, and so the GOP brought the bill to the floor under a closed rule that prevented the Democrats from offering amendments. Rep. Alcee Hastings (D-Fla.) called the rule “abhorrent and cowardly” because it denied “the opportunity for free and fruitful discussion that would uncover all this legislation’s deficiencies.” Rep. Martin Frost (D-Tex.) added that the rule made only the Republican bill in order, which he called “a shocking attempt to protect insurance companies while attacking the rights of victims.”

After the rule passed by 225-201, the Democrats challenged its basic assumption, which is that outrageously high damage awards are responsible for skyrocketing medical malpractice rates. Rep. Anthony Weiner (D-N.Y.) told the House that damage caps, in states which have them, have not resulted in lower premiums. He added that “an underlying theme” of the GOP side, is that “American citizens cannot be trusted on juries to decide for themselves” the legal merits of a malpractice lawsuit.

## House Questions Foreign Aid ‘Corporatization’

Foreign aid programs proposed in President Bush’s Fiscal 2004 budget came under scrutiny by Republicans and Democrats during a hearing of the Foreign Operations Appropriations Subcommittee on March 13. Chairman Jim Kolbe (R-Ariz.) supported the new initiatives—which include the

Millennium Challenge account, to be administered by a new government corporation, and new initiatives regarding HIV/AIDS and famine relief—but said, “I do have many questions about the details,” and warned that these details “will determine the levels this subcommittee recommends . . . to the House.” He expressed concern that because these initiatives set up new structures outside the State Department and the U.S. Agency for International Development, they “appear to challenge the primacy of the Secretary of State as the President’s primary advisor and chief executive officer for foreign affairs.”

Rep. Nita Lowey (D-N.Y.), the ranking Democrat on the subcommittee, expressed more expansive concerns. She noted that the entire \$2 billion increase in the budget request goes to these new initiatives, while levels for existing aid programs remain flat or even decrease. “This,” she said, “translates into cuts in country-level funding in most of the countries of Africa, Asia, and Latin America.” Lowey also expressed concern that the creation of new bureaucracies, over the Millennium Challenge account and the HIV/AIDS initiative, “will needlessly delay and complicate the process of reaching people in need. I’m not convinced that the corporate approach or the use of the venture capital model . . . will lead to more effective programs.”

Secretary of State Colin Powell could only make general comments in answer to these questions. On the HIV/AIDS initiative, he said, “The organizational setup is still being studied, but it will be within the department, a special coordinator reporting to me and answerable to the President.” On the famine relief fund, he said it was set up by the Office of Management and Budget “in a manner that allowed us to have some degree of flexibility as to

how it would be used,” but he could not be more specific as to how it would be managed.

## Senate Examines Early Missile Defense Deployment

Language exempting ground-based missile defense systems from operational testing was scrutinized during a March 18 Senate Armed Services Committee hearing on the missile defense budget. Sen. Carl Levin (D-Mich.) noted that the radar to be used with the Alaska-based system will not be ready for operational testing for two years, but is supposed to be deployed for a limited defense capability in one year. “It sets a horrible precedent for us to exempt this system from operational testing, at some point, even after it’s fielded.”

Interestingly, three of the four witnesses—Undersecretary of Defense of Acquisition, Technology and Logistics Pete Aldridge, Director of Operational Test and Evaluation Dr. Tom Christie, and Assistant Secretary of Defense J.D. Crouch—denied knowing how the language got into President Bush’s Fiscal 2004 budget request. “No such waiver of testing requirements has been requested,” Aldridge said. “The revolutionary nature of missile defense and the threat posed by ballistic missiles have prompted us to take steps to ensure that a deployed system meets effectiveness and suitability goals through rigorous testing throughout development.” The fourth witness, Missile Defense Agency director Gen. Ronald Kadish, admitted that he had seen the language, but said the intent was to keep all the money exclusively under research and development, rather than dividing it up between military construction, procurement and other accounts.