

Congressional Closeup by Carl Osgood

Medicare Drug Program Still in Chaos

In a hearing of the Senate Finance Committee on the Administration's drug program, Sen. Kent Conrad (D-N.D.) blasted any notion that the problems in the new Medicare drug program were on the way to being solved. He told Mark McClellan, the administrator of the Center for Medicare and Medicaid Services (CMS), on Feb. 8, that the drug program has been "a fiasco. This has been botched and bungled every step of the way. . . . Everywhere I go in my state, there are endless streams of complaints." Conrad reported that he had just gotten a call from a pharmacist in North Dakota "who said he's ready to quit providing coverage to Medicare patients because this has been so badly handled." At meeting after meeting, Conrad said what he hears is "widespread confusion and growing anger, too many plans, people can't get through to the 1-800 number," and on and on. All McClellan could say in response was to repeat his claim that "we have seen. . . a substantial reduction from those early weeks of January in the rate of problems."

Conrad's comments followed those of Max Baucus (D-Mont.), the ranking Democrat on the committee, who charged that the Bush Administration had made the drug benefit "needlessly confusing." Baucus noted that the Government Accountability Office had warned that CMS's plans "were insufficient to avoid big disruptions in coverage," but CMS disagreed. Instead, CMS claimed that it had been working diligently to insure that beneficiaries would have coverage on Jan. 1, 2006. "Well, that didn't happen," Baucus said. "GAO was right. Data systems failed. Pharmacists and states were stuck with the bill for co-payments that should never

have been charged, and some vulnerable seniors left the pharmacy without the medicines they needed."

A number of pieces of legislation have been introduced to deal with the crisis. One of these, co-sponsored by Sens. Dianne Feinstein (D-Calif.), Susan Collins (R-Me.), Olympia Snowe (R-Me.) and Hillary Clinton (D-N.Y.), would prohibit plans from changing their formularies after a beneficiary has signed up.

Money Running Out For Energy Assistance Programs

The National Energy Assistance Directors' Association (NEADA) called on Congress, on Feb. 13, to fully fund the Low Income Home Energy Assistance Program (LIHEAP) to the level of \$5.1 billion authorized in last year's energy bill. Mark Wolfe, the executive director of NEADA, told reporters at the National Press Club that 12 states have already run out of funding for this Winter heating season, and several more expect to, by the end of March. He also reported that the number of applications is up 627,000 from last year, to a total of 5.8 million. Increases of at least 20% are projected in 15 states and the District of Columbia.

Wolfe said that states are running out of money faster than ever before. "Normally, we expect states to still have funds at this time of year," he said. Aggravating the crisis is that many states have utility-shutoff moratoria which end as early as March 15, and have thousands of people who are in arrears on their utility bills. Without additional LIHEAP money, states are facing a crisis among their low-income populations as these moratoria expire.

Despite this crisis, the Bush Ad-

ministration's Fiscal 2007 budget calls for only \$1.782 billion for LIHEAP, a cut back from the \$2 billion appropriated in 2006. The energy assistance directors are calling for the program to be funded at \$5.1 billion, the amount authorized in the 2005 Energy Policy Act.

House GOP Still Resisting Oversight of Torture Policy

On Feb. 8, the House International Relations Committee voted to report adversely three resolutions of inquiry introduced by Democratic members of the House. The three resolutions amounted to subpoenas of the Bush Administration for documents relating to Administration policies on extraordinary rendition of terrorist suspects to third countries to be tortured, the Convention Against Torture, and secret prisons. All three were rejected by nearly party line votes. Only Rep. Jim Leach (R-Iowa) broke ranks to vote with the Democrats on all three resolutions, and Rep. Ron Paul (R-Tex.) on one of them.

Committee chairman Henry Hyde (R-Ill.) set the Republican tone early in the proceeding by accusing the Democrats of wasting the committee's time, and seeking political advantage in an election year. Furthermore, the Pentagon has conducted a dozen investigations, and Hyde claimed that there is thus no need for Congressional oversight. Ileana Ros-Lehtinen (R-Fla.) complained that the Democratic resolutions "could be used to equate the United States with repressive regimes," while Rep. Ed Royce (R-Calif.) complained that at least one newspaper has labeled Dick Cheney as "The Vice President for Torture."

Democrats, in addition to noting the insulting nature of the GOP comments, asserted the Constitutional re-

sponsibility of the Congress to conduct such oversight of the Executive branch. They especially bristled at the notion that their only interest is one of partisan politics, that it is therefore anti-patriotic for them to question the policies of the Administration in the war on terrorism, because doing so gives aid and comfort to the enemy. Democrats warned that the Congress is in danger of becoming a rubber stamp unless it fulfills its Constitutional oversight responsibilities.

Tax Cut Bill Finally Goes to Conference

On Feb. 14, the Senate appointed its conferees on the fiscal 2007 tax cut reconciliation bill, but only after spending ten hours debating numerous motions to instruct the conferees on various provisions of the bill. Republicans blamed the Democrats for the extended debate, even though some of the motions were made by Republicans, and for the resulting slowdown in Senate business. Disposing of the motions required consecutive roll call votes, causing the canceling of half a dozen committee hearings that had been scheduled for that morning.

Indeed, this was the third time that the Senate had debated the bill. The first time was back in November, but because the Senate had acted on a tax bill before the House had, it was required to take it up a second time, which it did on Feb. 2. Senate Finance Committee chairman Charles Grassley (R-Ia.) likened the situation to the movie *Ground Hog Day*, in which actor Bill Murray plays a character forced to relive the same day over and over again. "It seems we are reliving the same events over and over again," Grassley said.

Sen. Max Baucus (Mont.), the ranking Democrat on the Finance Committee, noted, however, that the intent of the Senate GOP leadership seems to be different from what the Senate voted on. The Senate bill includes a one-year fix of the alternative minimum tax (AMT), a provision not in the House version of the bill. The House bill, on the other hand, includes extending the lower tax rates on capital gains and dividends income, passed in the 2003 tax cut bill, which is not in the Senate bill. "Yet, I keep reading in the papers," he said, "that capital gains and dividends tax cuts will still be in this reconciliation bill. . . . It is statements such as that which call into question the Senate's votes, and cause the Senate to have to vote once again to deliver that same message."

Grassley combined both issues into one motion to instruct, which calls for insisting on the Senate provision on the AMT, but accedes to the House on the capital gains and dividends tax cuts, which passed on a vote of 53 to 47. A separate motion, offered by Sen. Edward M. Kennedy (D-Mass.), to reject the House provision was defeated by an identical 53 to 47 vote.

Fire Protection Programs Short-Changed by Bush

Rep. Bennie Thompson (D-Miss.), the ranking Democrat on the House Homeland Security Committee, sponsored a forum discussion, along with Reps. Martin Sabo (D-Minn.) and Melissa Bean (D-Ill.), on Feb. 14, to expose how the Bush Fiscal 2007 budget slashes programs that aid fire protection services, and state and local emergency management agencies. Sabo, the ranking Democrat on the House Homeland Security Appropriations

Subcommittee, said that the proposed funding levels are so low that "we're back to the levels of 2002." He added that the Bush Administration "doesn't seem to have learned anything from Katrina."

Trina Sheets, the executive director of the National Emergency Management Association, reported that state emergency managers believe that "our ability to prepare and respond to disasters of all types is decreasing, rather than increasing." In the aftermath of Hurricane Katrina, "we believe there's a need for more money, not less," she said. James Monihan, of the National Volunteer Fire Council, pointed out that emergencies happen every day, and the grant programs cut by the budget had allowed fire departments all across the country to acquire life saving equipment they otherwise could not have afforded.

Ironically, the programs being cut will save very little money, because they are small relative to many other things the Federal government does, but will impact programs that save lives. The Firefighters Grant Program is being cut to \$293.45 million, from \$545 million appropriated in 2006. The SAFER program, which supports the hiring and retaining of career firefighters, is targeted for elimination. Another program to be eliminated is the \$28.8 million Metropolitan Medical Response System program, which provides funds to more than 100 metropolitan medical systems, to improve their abilities to respond to mass casualty events, whether man-made or natural. Thompson argued that the emergency response system that has been put in place requires these programs to be sustained, "and that's why we're concerned about the elimination of some programs, and the cuts in the others, which absolutely put us as a country at risk."