



The Daily Whip

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FRIDAY, NOVEMBER 21, 2003

House Meets At...	Last Vote Predicted At...
9:00 a.m.: Legislative Business Five "One Minutes" Per Side	???

FLOOR SCHEDULE AND PROCEDURE

H.Res. 456 - Rule providing for consideration of motions to suspend the rules (*Rep. Sessions/Rules*)

H.Res. 457 - Rule providing for consideration of the Conference Report on 1904 - Healthy Forests Restoration Act of 2003 (*Rep. Hastings (WA) / Rules*)

Suspensions (8 Bills):

- 1) **H.R. 1964** - Highlands Stewardship Act (*Rep. Frelinghuysen / Resources / Agriculture*)
- 2) **H.R. 135** - Twenty-First Century Water Commission Act of 2003 (*Rep. Linder / Resources / Transportation and Infrastructure*)
- 3) **H.R. 2584** - To provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (*Del. Faleomavaega / Resources*)
- 4) **H.Res. 453** - Condemning the terrorist attacks in Istanbul, Turkey, on November 15, 2003, expressing condolences to the families of the individuals murdered and expressing sympathies to the individuals injured in the terrorist attacks, and standing in solidarity with Turkey in the fight against terrorism (*Rep. Hastings / International Relations*)
- 5) **S. 1152** - United States Fire Administration Reauthorization Act of 2003 (*Sen. McCain / Transportation and Infrastructure*)
- 6) **H.R. 3181** - Predisaster Mitigation Program Reauthorization Act of 2003 (*Rep. LaTourette / Transportation and Infrastructure*)
- 7) **S. 1156** - Department of Veterans Affairs Long-Term Care and Personnel Authorities Enhancement Act of 2003 (*Sen. Specter / Veterans` Affairs*)
- 8) **H.Con.Res. 206** - Supporting the National Marrow Donor Program and other bone marrow donor programs and encouraging Americans to learn about the importance of bone marrow donation (*Rep. Burgess / Energy and Commerce*)

Conference Report on H.R. 1904 - Healthy Forests Restoration Act of 2003 (*Rep. McInnis / Agriculture / Resources / Judiciary*) (Subject to a Rule)

Martial Law Rule for the same day consideration of the Continuing Resolution and any Appropriations Conference Reports (*Pryce / Rules*) - The martial law rule waives the one day layover requirement under House rules.

Rule providing for consideration of H.J.Res. 78 - Making Further Continuing Appropriations for FY04 (*Rules*)

H.J.Res. 78 - Making Further Continuing Appropriations for FY04 (*Rep. Young (FL) / Appropriations Committee*) (Subject to a Rule)

H.Res. 495 - Martial Law Rule providing for same day consideration of the Conference Report on Prescription Drug and Medicare Privatization (*Rep. Pryce / Rules*).

Rule providing for consideration of H.R. 1 - Prescription Drug and Medicare Privatization (*Rules*)

Conference Report on H.R. 1 - Prescription Drug and Medicare Privatization (*Rep. Hastert / Ways and Means Committee / Energy and Commerce*) (Subject to a Rule)

Postponed vote on the Inslee Motion to Instruct Conferees on H.R. 1 - Medicare Prescription Drug and Modernization Act of 2003. The motion instructs conferees to reject the House provisions that require the Medicare program to compete with private plans to provide Medicare benefits by 2010 and reject the Senate provisions that would establish an alternative payment system for preferred provider organizations in highly competitive regions, with the savings from the rejection of these provisions to be used to increase payments to rural physicians and hospitals. **Democrats are urged to VOTE YES.**

Markey Motion to Instruct Conferees on H.R. 2660 - Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act for FY04. The motion instructs conferees to the higher Senate funding level for the Low Income Home Energy Assistance Program (LIHEAP).

Pomeroy Motion to Instruct Conferees on H.R. 2660 - Departments of Labor, HHS, and Education, and Related Agencies Appropriations Act for FY04. The motion instructs conferees to agree to the higher Senate funding level for the Administrative Expenses of the Social Security Administration to help them process the backlog of disability claims.

BILL SUMMARY AND KEY ISSUES

H.Res. 456 - Rule providing for consideration of motions to suspend the rules (*Rep. Sessions/Rules*).

The Rule provides that suspensions will be in order at any time on the legislative day of Friday, November 21, 2003; and provides that the Speaker or his designee will consult with the Minority Leader or her designee on any suspension considered under the rule.

H.Res. 457 - Rule providing for consideration of the Conference Report on 1904 - Healthy Forests Restoration Act of 2003 (*Rep. Hastings (WA) / Rules*). The Rule waives all points of order against the conference report and provides that it shall be considered as read.

Conference Report on H.R. 1904 - Healthy Forests Restoration Act of 2003 (*Rep. McInnis / Agriculture / Resources / Judiciary*) (Subject to a Rule). This conference report authorizes the U.S. Forest Service and the Bureau of Land Management (BLM) to remove vegetation that could cause or facilitate the spread of wildfires, disease or insect infestation (forest thinning). The conference report gives priority to projects that protect at-risk communities and imposes a 20-million-acre overall cap on the amount of land that could be included in forest thinning projects. Each project requires public notice and public meetings during the



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planning phase and the Forest Service is directed to develop an administrative process to allow individuals to challenge the approval of specific thinning projects. The conference report also limits environmental reviews of forest thinning projects and insect infestation field research projects.

H.J.Res. 78 - Making Further Continuing Appropriations for FY04 (Subject to a Rule) (Rep. Young (FL) / Appropriations Committee). The Senate amended the measure adopted by the House yesterday and it now provides temporary funding for the Federal government through Monday, November 24.

Conference Report on H.R. 1 - Prescription Drug and Medicare Privatization (Rep. Hastert / Ways and Means Committee / Energy and Commerce) (Subject to a Rule).

The Conference Report includes the most controversial provisions in the House bill:

- **Privatization:** It includes a massive premium support "demonstration" which would subject millions of beneficiaries in six areas to privatization beginning in 2010. HHS estimates that full-blown premium support would increase Part B premiums for some beneficiaries by as much as 88%, with drastic variations in premiums from one region to the next.
- **Health Savings Accounts (HSAs):** It includes \$6.7 billion in HSAs. These new tax shelters for higher-income individuals have nothing to do with Medicare and are not targeted to seniors.

The Conference Report falls short on key items included in the bipartisan Senate bill:

- **Weakens the "fallback"** to provide coverage in rural areas where private plans do not offer coverage. The new fallback would be triggered less often and protect fewer seniors.
- **Widens the coverage gap** by including a benefit design similar to the House bill, with a far larger gap than the Senate bill. The agreement includes a \$35 estimated premium, \$275 annual deductible, with beneficiaries paying 25% up to \$2,250 in drug costs. There is a gap between \$2,250 and \$5,100 where seniors would continue to pay premiums while receiving no assistance. After \$5,100 in drug costs, seniors would then continue to pay 5%.
- **Weakens low-income protection** by setting a restrictive assets test and lowering the income eligibility level to 150% of poverty. It also increases out-of-pocket costs for poor seniors, and precludes Medicaid from covering medicines that Medicare will not cover.

The Conference Report retains flaws that plagued both the House and Senate bills:

- **Reliance on private insurance:** Rather than providing a drug benefit under Medicare, this bill relies on private insurers to set premiums and deductibles and decide what drugs to cover and what pharmacies seniors can visit.
- **Loss of Retiree Coverage:** Both bills discriminate against employer-sponsored retiree plans, encouraging employers to drop the good drug coverage they currently provide (more than 2 million retirees will still lose their drug coverage under the agreed-upon proposal).
- **Fails to Lower Drug Prices** by prohibiting the Secretary of HHS from using the bargaining power of millions of seniors to negotiate better drug prices.
- **No Reimportation:** This bill fails to include a meaningful reimportation provision. In addition, it retains language requiring HHS to certify safety, which HHS has already refused to do, and will simply authorize a study by the Secretary on the matter.

The Conference Report includes major changes to the Medicare program that are far outside the scope of the conference and were never debated in either the House or the Senate:

- **So-called "cost containment" provisions** that arbitrarily signals a manufactured "crisis" when general revenues account for 45% or more of overall Medicare spending. Congress would specially consider legislation to limit Medicare spending, cut benefits, increase premiums, or raise payroll taxes.
- **Income-Relating Medicare Part B:** The conference report will link the Part B premium to income beginning in 2007. Seniors earning over \$80,000 would pay higher premiums.

The Conference Report includes provider payments that are no better, or in some cases worse, than improvements that Democrats have already voted repeatedly to support. Democrats are urged to VOTE NO on Final Passage.

Daily Quote...

"It contains several Trojan horse provisions that are clearly intended to undermine Medicare over time - it will allow private insurers to cherry-pick healthy clients in selected cities, and it will heavily subsidize private plans competing with traditional Medicare."

Paul Krugman in *The New York Times* today