

Congressional Closeup by Carl Osgood

HMO ad attacked by patients' rights backers

A bipartisan grouping of members of the House condemned a new ad campaign against health maintenance organization (HMO) reform, being run by the American Association of Health Plans, the trade group for HMOs, at a press conference on April 5. Essentially, the slickly produced 30-second spot argues that it's the doctors who make mistakes, and so they should be sued, not HMOs.

Congressional supporters of real HMO reform are incensed about the ad. Rosa DeLauro (D-Conn.) called it "part of a special interest air attack designed to distort the facts about the Patients Bill of Rights and scare the American people." Frank Pallone (D-N.J.) called the ad "deceitful," because it tries to "muck up" the conference on the Patients Bill of Rights, by entering into that debate the issue of medical mistakes, which he sees as separate from that of HMO reform. He accused the HMO lobby of trying to break up the coalition that ensured passage of the Patients Bill of Rights, by saying that the problem is doctors and other health care professionals who are making mistakes.

On the Republican side, Greg Ganske (Iowa) warned that the ad "will reinforce the idea, and the truth, I think, that the HMO industry will stop at nothing to try to delay the enactment of the real patient protection legislation."

Ganske acknowledged, when the question was raised by this reporter, that the cost-cutting regime of managed care is itself a factor in medical errors. He referred to staff cuts that have reduced the number of trained nurses per patient and their replacement by aides who have much lower levels of training. "That can be a factor in medical errors," he said. "It's the

fact that the HMOs have squeezed down the hospitals so much that in order for them to even survive, they are getting into areas that they're concerned about."

Jackson would impose death penalty moratorium

Rep. Jesse Jackson, Jr. (D-Ill.) introduced a bill on April 5, that would impose a seven-year moratorium on use of the death penalty. The moratorium would allow time for the development of standards "to provide overwhelming confidence that innocent parties will not suffer the death penalty." These standards are to include assurance of pre-trial discovery of all exculpatory evidence in possession of the prosecution, post-conviction access to DNA or similar evidence not available at time of trial, and effective judicial vitiation when the reviewing court determines there is reasonable doubt that the individual was guilty as convicted.

At a press conference, Jackson laid responsibility for the problem his bill is intended to address on the 1996 Anti-Terrorism and Effective Death Penalty Act, which limits an inmate's right to appeal a capital conviction. "However," he said, "in limiting an inmate's rights to appeal the death sentence, Congress also limited the ability of innocent Americans wrongfully convicted to prove their innocence." He said that this "almost guarantees that innocent people will be executed."

Appearing with Jackson were Sen. Russ Feingold (D-Wisc.), who announced that he will introduce a companion bill in the Senate, and Reps. Jan Schakowsky (D-Ill.) and Danny Davis (D-Ill.), two of the ten co-sponsors on the bill. Also present was a coalition of anti-death penalty organizations

and activists, including former Southern Christian Leadership Conference leader Joseph Lowery, a representative from the National Association for the Advancement of Colored People's Washington office, and three former Illinois death-row inmates.

Terrorist threat taken up by House panel

The preparedness of the Federal government to deal with a terrorist attack on U.S. soil was the subject of a hearing on April 6 by the House Investigations, Oversight, and Emergency Management Subcommittee of the Transportation and Infrastructure Committee, chaired by Tillie Fowler (R-Fla.). In her opening remarks, Fowler said that all the Federal agencies that have anti-terrorist responsibilities are engaged in a "turf battle" over funding, which has resulted in confusion among state and local emergency management agencies and services about what they should be doing.

Fowler, and the subcommittee's ranking member, James Traficant (D-Ohio), have introduced a bill to create an office within the Executive Office of the President "with the necessary authority to provide effective and timely assistance and training to local responders." This office, which is modelled somewhat on the Office of National Drug Control Policy, would be empowered to develop a national strategy for defending against terrorist attacks and to coordinate the policies and activities of the many agencies now involved in fighting terrorism.

Endorsing Fowler's view and her bill from the witness table was Lt. Gen. James Clapper, former head of the Defense Intelligence Agency and vice-chairman of the Congressionally man-

dated Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. "The possibility that terrorists will use weapons of mass destruction' in this country . . . presents a genuine threat to the United States," he said. "The stark reality is that the face and character of terrorism are changing and that previous beliefs about the restraint on terrorist use of chemical, biological, radiological, and nuclear devices may be disappearing." He warned, "The country's seeming inability to develop and implement a clear, comprehensive, and truly integrated national domestic preparedness strategy means that we may still remain fundamentally incapable of responding effectively to a serious terrorist attack."

Budget debate colored by Presidential race

The Senate passed its version of the fiscal year 2001 budget resolution on April 7, by a vote of 51-45. That the debate took place during a Presidential election year was very much in evidence, with each party taking potshots at the other, in the form of amendments, on everything from the budget surplus, to prescription drug benefits, to tax cuts.

Republicans boosted their plan with claims that it protects Social Security and Medicare, balances the budget without using the Social Security trust fund, and retires debt—\$174 billion this year and \$1.1 trillion over the next five years. The resolution includes a \$40 billion reserve fund for prescription drug benefits; increased funding for the Women, Infants and Children feeding program, low-income housing assistance, and highways and airports; and \$5.5 billion in

income support for the agricultural sector. It also includes \$150 billion in tax cuts.

Democrats argued that the resolution does none of those things. Frank Lautenberg (D-N.J.), the ranking member on the Budget Committee, said that it would "use virtually the entire non-Social Security surplus for tax breaks that disproportionately benefit the wealthy" and require "deep and unrealistic cuts" in domestic programs, including education. He argued that the plan can't support a tax cut and the domestic spending increases that the GOP claims to support, but that the Republicans "sidestep the problem by assuming huge unspecified cuts in domestic programs" of 6.5% over the next five years, cuts Lautenberg called "totally unrealistic."

Among the many amendments to the resolution was one sponsored by Robert Byrd (D-W.V.) and John Warner (R-Va.), which called on the Senate not to repeal the 1993 4.3¢ per gallon gasoline tax increase. Byrd argued that it would have little or no effect on gasoline prices at the pump, and that it would have a devastating effect on the highway trust fund. The amendment passed by a vote of 65-35, but this did not discourage Majority Leader Trent Lott (R-Miss.) from pushing for a vote on a bill that would repeal the 4.3¢ tax. Lott dismissed the vote on CBS's "Face the Nation" on April 9, and said that his proposal would not come out of the highway trust fund, but rather, the budget surplus.

Organ transplant bill passes House

On April 4, the House voted 276-147 to reauthorize and extend the Organ Procurement and Transplantation Network, the system by which donated or-

gans are matched up with patients who need them. The debate, however, was more about the role, if any, the Federal government should play in setting the standards for how such a system should operate. The bill included language that was a response to the recent promulgation by the Department of Health and Human Services (HHS) of organ procurement regulations.

Commerce Committee Chairman Tom Bliley (R-Va.) argued that Congress's intent in establishing the network in 1984 was that HHS would not have policy authority over it. He said that the bill would "safeguard" the independence of the network and "ensure that decisions regarding organ procurement are placed in the hands of the medical community, patients, and donor families." He argued that allocating organs to the sickest patients, as the new HHS regulations require, would "increase wait list mortalities, waste organs, and increase retransplantation rates."

Democrats argued that the bill should include the recommendations of a recent Institute of Medicine (IOM) study of the organ transplant system. Sherrod Brown (D-Ohio) said that the bill gives the United Network for Organ Sharing, the private contractor that runs the system, "carte blanche to spend taxpayers' money and determine which individuals will receive donated organs and which individuals will not receive donated organs." He added that the bill undercuts the authority of HHS "to represent the public interests" in the development of organ procurement and allocation policies. He called for the inclusion of the IOM's recommendation that "the Federal government must exercise more oversight over the organ allocation system to ensure that individuals in need of donated organs are treated fairly."