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## What Did Not Happen:

### **Question 1: So many Republicans and Democrats said they wanted to pass a Medicare drug benefit this year, but they didn't. Why not?**

Answer: There were so many reasons. Politics played a huge role. The Republican-controlled House moved a bill before the July 4 recess, in part because they wanted their members to have a Medicare drug bill they could talk about in the fall elections. That measure, however, went nowhere in the Democratic controlled Senate, in part because the House bill would have looked to private insurers to design and run the benefit. Democrats in both chambers wanted the government to play the dominant role, and they wanted a more generous benefit than many Republicans did. So money was also a key factor, as well as the structure of how the benefit would have looked.

### **Question 2: Earlier in the year, a Medicare "giveback" bill that would have given more funding to physicians, hospitals and other Medicare providers looked like a must-pass measure. But Congress ended the year without doing anything. Why?**

Answer: They couldn't agree on the size of a "giveback" bill, nor could lawmakers agree on who should get the money. Some members thought it wasn't fair to give physicians - who lobbied hard until the end to stop a scheduled cut in their payments - more money, but not do so for hospitals and other providers. Some legislators thought the providers were doing just fine financially and that no extra money was needed. And some members felt it was inappropriate to give providers more money but not give seniors drug coverage. All of those factors combined to kill the "giveback" bill.

### **Question 3: After years of talking about a patients' bill of rights, why didn't Congress finally pass one?**

Answer: Both the House and the Senate passed patients' bill of rights legislation, but the chambers never convened a House-Senate conference so the bill died. Democrats and Republicans could not compromise over the issue of liability. Democrats generally want to give patients a broader right to sue their health insurers in disputes over coverage and treatment. Republicans often favor a more limited right to sue. That has stopped agreement before and did so again this time. Party differences over liability also helped defeat legislation that would have capped punitive damages and attorneys' fees in medical malpractice lawsuits. The American Medical Association lobbied hard for the bill - and it passed the House. A more limited version of the House bill failed in the Senate.

### **Question 4: Despite heavy lobbying from governors, Congress did not pass any legislation that would help cash-strapped states cope with their rising Medicaid costs. What happened?**

Answer: Although Congress is filled with former (and future) Governors, the federal government is having its own money problems, with deficits projected for the next several years. So it was difficult for members to give the states more money when Democrats and Republicans alike

wanted to create new, expensive federal health programs like adding prescription drugs to Medicare.

Question 5: Why didn't Congress approve legislation that would have increased U.S. support for overseas HIV and AIDS programs?

Answer: Differences over how much money to spend, as well as the scope of the bill, proved to be insurmountable. The Senate's bill was far larger than the House's bill and negotiators couldn't reach a deal before the end of the session.

Question 6: The Senate considered three different bills that dealt with the issue of human cloning yet took no action. What happened?

Answer: Proponents of a broad ban on cloning wanted to pass a measure similar to a ban the House had passed in 2001. Others favored a bill that would have permitted cloning to extract cells for biomedical research. None of the proposals had enough support - or 60 votes - to cut off a filibuster. So the chamber took no action.

Question 7: The Senate passed legislation that would have made it more difficult for brand-name drug makers to extend their patent protection, which makes it harder for lesser-priced generics to come on the market. The House did not take action, but President Bush released his own proposal shortly before the election. What's the bottom line?

Answer: House Republican leaders wanted to keep the focus on the fact that they had passed a Medicare drug bill and the Senate, where the Democrats were in charge, had not. So GOP leaders had little interest in moving legislation dealing with patents and generics. Just before the election, however, President Bush announced proposed regulations that would use Food and Drug Administration (FDA) rules to restrict brand-name drugmakers from repeatedly blocking generic manufacturers' attempts to put a generic version of a brand name drug on the market. Congress could try to pass legislation that compliments Bush's move or that tries to usurp it, but Bush would have to be on board for that to happen.

Question 8: Finally, let's talk about the uninsured. Congress did take action to help workers who lost their jobs -- and their health insurance -- as a consequence of a sweeping trade bill cleared earlier this year. But lawmakers failed to enact a broader relief package as part of economic stimulus legislation, nor did they reach any deal on tax credits or an expansion of public health programs. Why didn't lawmakers do more to help the uninsured?

Answer: Part of the problem was funding. Most of the money they had to spend this year was dedicated to the Medicare prescription drug benefit, leaving few dollars for other health initiatives. There also was a philosophical split over how to solve the uninsured problem. Republicans prefer to use tax credits to help the uninsured purchase coverage, while Democrats often believe that expanding public health programs such as Medicaid or the State Children's Health Insurance Program is the best way to go. Some lawmakers in both parties favor a combination of the two. As you noted, as part of the trade bill lawmakers did create a refundable tax credit to help trade-displaced workers cover 65 percent of the cost of their monthly health insurance premiums. Expect the problem of covering the uninsured to be with us for a long while, and it should receive plenty of attention in the 108th Congress.