

VOLUME 12, ISSUE 49

December 10, 2007

MAJOR EVENTS LAST WEEK

Medicare/Medicaid

Senate Finance Committee Chairman Max Baucus (D-MT) cancelled a scheduled markup on Medicare legislation, stating that the Senate leadership will move directly to conference negotiations with the House. The Medicare bill is intended to address a scheduled 10% cut in Medicare physician payment rates in 2008. The bill has been targeted by other stakeholders, including the disability community, who have eyed the pending package as an important and viable legislative vehicle to attach other Medicare and Medicaid priorities. For example, the DPC and others are seeking to include the moratorium on the proposed Medicaid rehab option and school based services/transportation in the legislation. House and Senate staff worked over the weekend to craft an agreement.

The Bush Administration threatened to veto any Medicare legislation that makes cuts to the Medicare Advantage program, changes the Medicare Part D prescription drug program, or places a moratorium on proposed or final Medicaid regulations.

ADA Restoration/Supreme Court

The U.S. Supreme Court announced it would hear the case “Huber vs. Wal-Mart” in the spring of 2009. The question asked of the Court involves “reasonable accommodation” under the ADA. Specifically, the dispute is whether Wal-Mart was required to provide Huber with an equivalent job after she could no longer perform her job due to disability or whether the company simply had to allow her to compete for an equivalent job. To view the petition for a writ of certiorari, go to http://www.scotusblog.com/movabletype/archives/07-480_pct.pdf.

MAJOR EVENTS AHEAD

FY 2008 Appropriations

Congress is putting together a major spending measure that is expected to be voted on in the House of Representatives on Tuesday. The bill would combine 11 separate spending bills for all federal agencies except for the Department of Defense, in hopes of averting the threat of a shutdown of government agencies. It appears that the Democrats would agree to give the President about \$70 billion he has sought in interim financing for combat operations in Iraq and Afghanistan

and not calling for a troop withdrawal in exchange for the President accepting about \$11 billion in domestic spending that he has opposed. On Saturday, the Administration warned Congress not to go too far with additional spending or the President would veto the bill. Congressional leaders are hoping to vote on an agreement before the continuing resolution that is funding the federal government expires on Friday, December 14, 2007.

Transportation

The House of Representatives will consider [H.R. 3985, the Over-the-Road Bus Transportation Accessibility Act of 2007](#). This bill clarifies that the Federal Motor Carrier Safety Administration can consider Americans with Disabilities Act compliance in determining whether a bus company is fit to operate in interstate commerce. The bill gives the Department of Transportation an extra tool to improve accessibility of the buses by making it a part of the licensing process.

ADA Restoration

The ADA Restoration Act ([H.R.3195](#) and [S. 1881](#)) continues to move forward. The House has added three new cosponsors for a total of [238](#) and maintained solid bipartisan support. Meanwhile, Senate Leadership staff will meet with members of the Disability Policy Collaboration and other CCD members to prepare for an upcoming push after the break. The DPC continues to meet with Senate and House staff to explain the need to restore Congress' initial intent for the ADA, dispel concerns raised by opposition, and maintain momentum during what is expected to be a long, uphill battle.

ANNOUNCEMENTS

Institute of Medicine Report

The Institute of Medicine issued its newest report, *The Future of Disability in America*, which reviews developments since its 1997 report entitled, “*Enabling America*.” Consistent with the charge from the Centers for Disease Control and Prevention and the National Center for Medical Rehabilitation and Research, *Disability in America* examines several specific areas including disability definitions and concepts, secondary conditions, financing of assistive services and technology, and the promotion of independence and participation in community life. The entire report can be viewed and purchased at the National Academy Press webpage at http://books.nap.edu/catalog.php?record_id=11898. Free downloadable report summaries are also available on this webpage.

Disability Policy Collaboration

The Disability Policy Collaboration Steering Committee met last week to frame the DPC Legislative Goals for the Second Session of the 110th Congress. The DPC was joined by our partner organizations - American Association on Intellectual and Developmental Disabilities, American Network of Community Options and Resources, and the Association of University Centers on Disabilities. The partners assessed input from chapters and affiliates and progress made to date in the First Session of this Congress. Following the work of the Steering Committee and the

partners, the UCP Board of Trustees and The Arc Board of Directors will vote to adopt the goals in time for the Second Session to begin, most likely in mid January.