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MAJOR EVENTS LAST WEEK

Fiscal Year 2009 Budget Resolution

The Congress took the first steps in crafting a Fiscal Year 2009 Budget Resolution (BR). A BR forms the budget blueprint for spending and revenue policy for the next fiscal year. The Senate and House Budget Committees adopted separate versions of the BR. However, both Budget Committees rejected the program eliminations and deep cuts in human services programs recommended by the Bush Administration. Both versions call for FY 2009 expenditures of \$3.1 trillion, including only \$70 billion for the wars in Iraq and Afghanistan. Additional war emergency funding will be necessary later this year.

The Senate BR calls for domestic spending at a level \$18 billion above the Administration's budget request. The House BR, meanwhile, would increase domestic spending to \$22 billion more than the Administration requested. The Senate bill also sets aside \$35 billion for a second economic stimulus package which could include aid to states for Medicaid, extended unemployment benefits and food stamps.

The House bill contains [reconciliation instructions](#) to pay for the pending expansion of the alternative minimum tax (AMT) that is increasingly affecting middle class earners. About \$62 billion would be needed to offset the AMT expansion. The House bill would require that this extra spending be offset with new revenues. The Senate bill, meanwhile, addresses the AMT without any offsets. Thus, the Senate bill does not contain any reconciliation instructions. No major legislative changes can be made to Medicaid or Medicare without going through a reconciliation process.

http://www.senate.gov/reference/glossary_term/reconciliation_instruction.htm

FY 2009 Budget Resolution Summary

	House BR	Senate BR
2009 Total Expenditures	\$3.1 trillion, including only \$70 billion for the wars in Iraq and Afghanistan	\$3.1 trillion, including only \$70 billion for the wars in Iraq and Afghanistan
Domestic spending	\$22 billion more than the Administration requested	\$18 billion more than the Administration requested
Second economic stimulus package	No provision	\$35 billion which could include aid to states for

		Medicaid, unemployment benefits and food stamp extensions.
Reconciliation instructions to pay for the pending expansion of the alternative minimum tax (AMT) - about \$62 billion would be needed to offset the AMT expansion	Requires that this extra spending be offset with new revenues.	Not included as the Senate version AMT is addressed without any offsets.

http://www.senate.gov/reference/glossary_term/reconciliation_instruction.htm

Medicaid

The House Oversight and Government Reform Committee, chaired by Rep. Henry Waxman (D-CA), released *The Administration's Medicaid Regulations: State-By-State Impacts*. The report is based on responses from state Medicaid Directors to the Committee's request for information on state specific impacts of the Administration's Medicaid regulations. Forty-three (43) states plus the District of Columbia responded. Alabama, Arkansas, Mississippi, Nebraska, Vermont, West Virginia, and Wyoming did not respond to the request. According to the states, the fiscal impact of the regulations would be much greater than the Administration has estimated. Even though states that were not able to provide specific estimates for each regulation having an effect on the state, to the extent they were able to provide estimates, the cumulative negative impact on states was \$49.7 billion over 5 years, over three times the amount the Administration estimated. The Centers for Medicare & Medicaid Services (CMS) charged that the reports are based on non-reliable data. The report can be accessed at <http://oversight.house.gov/features/medicaid08/>. Click on the interactive map to see the impact of these regulations in your state.

The states of Maine, Maryland, New Jersey and Oklahoma filed a lawsuit in United States District Court for the District of Columbia against the United States Department of Health and Human Services and Michael Leavitt in his capacity as Secretary of that Department. The lawsuit challenges the Centers for Medicare & Medicaid Services' (CMS – a division of the Department of Health and Human Services) case management rule, which became effective on March 3. The lawsuit alleges that portions of CMS' case management Interim Final Rule are arbitrary, capricious, an abuse of discretion and not in accordance with the 2005 Deficit Reduction Act or any of the provisions of the Medicaid statute. The lawsuit also alleges that CMS violated the rule making requirements of the federal Administrative Procedure Act (APA) and that the Interim Final Rule does not provide a reasonable transition period for the states to modify their case management programs.

Mental Health Parity

The [Paul Wellstone Mental Health and Addiction Equity Act of 2007 \(H.R. 1424\)](#) passed last week by a vote of 268-148, but obstacles remain with Senate negotiations and the White House. The House bill would require health insurers to offer mental health benefits equal in cost and scope to medical and surgical benefits. The bill would also bar insurers from requiring larger co-payments or imposing lower reimbursement ceilings for mental health conditions. Unlike the Senate bill (S. 558) which has the support of business and insurance companies, HR 1424 would bar insurers from requiring larger co-payments or

providing lower reimbursement for mental health conditions. It would also require insurers to cover a broad variety of mental health conditions while the Senate bill gives insurers the option.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.01424:/>

The White House said it will not support a bill that goes beyond the Senate bill's recommendations. In addition, it specifically opposes the offsets outlined in HR1424, including an increase in drug company required rebates to state Medicaid programs and a ban on so-called specialty hospitals which often are for-profit operations owned, at least in part, by physician-investors. Closed-door negotiations are expected this week.

Education

On Friday the Senate passed a one month extension of the Higher Education Act.

The extension (S. 2733) would give the House and Senate until April 30 to resolve the differences between the comprehensive reauthorizations passed by each chamber. The current extension expires March 31. Both the House and Senate reauthorization bills contain important provisions for people with disabilities, including a new demonstration program to expand access to postsecondary education for students with intellectual disabilities.

ADA Restoration

The Disability Policy Collaboration, along with others in the disability community, recently met with White House representatives to discuss the ADA Restoration Act.

In chorus with the Department of Justice letter to Congress "strongly opposing the ADA," the White House opposes the ADA Restoration Act as it's been introduced in the House and suggests a narrow adjustment to include only some of the people with disabilities Congress intended to cover when it passed the ADA in 1990. Their proposal is to protect from workplace discrimination individuals who "mitigate" or manage their disabilities through medication, the use of prosthetics, and other measures. The White House proposal would not protect individuals who cannot mitigate their disabilities and those who are asked to prove to the court's satisfaction that their disability substantially limits a major life activity. An example of someone still not protected by the White House's proposed fix: Mr. Littleton, a man with an intellectual disability, who was told it was "unclear if thinking, communicating, and social interaction are major life activities under the ADA."

Genetic Non Discrimination

In an attempt to get the [Genetic Information Nondiscrimination Act of 2007 \(GINA, HR 493\)](#) moving forward, the House attached GINA to its mental health parity bill, H.R 1424. But with strong opposition facing the House version of mental health parity, and a signal from Senate leadership that it wouldn't go into conference, it appears GINA is at a standstill again. Supporters of GINA, which would prohibit companies or insurers from discriminating or making business decisions using data from genetic tests, will be looking for another vehicle to get it through Congress.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.00493:/>

Disability Policy Seminar

Over 500 disability leaders and advocates, including over 50 self advocates, from 43 states journeyed to Washington, D.C. to learn about priority national disability policy and then visit their national legislators to tell of the needs of the disability community back home. Seminar participants visited several hundred offices of Members of Congress, telling their personal stories and dropping off fact sheets on key pending legislation affecting people with disabilities and their families. Connie Garner, Disability Policy Director for the Senate Health, Education, Labor and Pensions Committee, was given a Leadership Award in National Disability Policy by the Seminar sponsors: The Arc of the U.S., the American Association for Intellectual and Developmental Disabilities, the Association of University Centers on Disability, United Cerebral Palsy and the National Association of Councils on Developmental Disabilities. Speaker presentations are available on The Arc's and UCP's websites at: <http://www.thearc.org/NetCommunity/Page.aspx?&pid=1642&srcid=183> and http://www.ucp.org/ucp_generalsub.cfm/1/8/12477. Save the date for the 2009 Disability Policy Seminar which will be held on April 27-29 again at the Hyatt Regency in Washington, DC.

MAJOR EVENTS AHEAD

Fiscal Year 2009 Budget Resolution

The U. S. Senate will spend practically all week debating, amending and voting on its version of the FY 2009 Budget Resolution (BR). Consideration of the BR begins this afternoon under a 50-hour debate limitation. Final votes, stacked together in what is often called a vote-a-rama, will likely be held on Thursday. The House, meanwhile, will consider its BR on the House floor Wednesday or Thursday.

With close votes anticipated on key controversies such as the elimination of earmarked spending, war funding, health care and selected increases in human services programs, Presidential candidates Senators McClain (R-AZ), Clinton (D-NY) and Obama (D-IL), who have not cast many votes this year, will likely be available to vote. With the anticipated absence of 90 year old Sen. Robert Byrd (D-WV) due to illness, the Democrats will be hard pressed to prevail on some votes since they have only a one vote majority. Senator Bernard Sanders (I-VT) intends to offer an amendment that would raise over \$32 billion over the next three years by restoring the top tax bracket to 39.6%. Those funds would be devoted to human service expansion, including adding \$10 billion to the IDEA State Grant.

House Democratic leaders are signaling the possibility of eliminating all earmarked spending in their bill, instead using those funds for designated infrastructure improvements.

President Bush has already sent out strong threats of vetoes of any FY 2009 appropriations bills that spend above the levels he has requested. Similar veto threats he made last year were carried out and the Congress was unable to override those vetoes. These continued threats could lead to a decision by the House and Senate Democratic majority to delay final decisions on FY 2009 spending until President Bush leaves office in January next year.

The DPC sent letters of support for the Sanders amendment and for the overall House & Senate resolutions.

Housing

On Tuesday, the House Financial Services Committee, chaired by Rep. Barney Frank (D-MA), will hold an oversight hearing on the U.S. Department of Housing and Urban Development and its proposed budget for FY 2009. HUD Secretary Alphonso Jackson will testify.

Employment

The DPC's Marty Ford is attending the Social Security Administration's (SSA) Ticket Partners Summit in Louisville Kentucky March 10-13. This event represents the launch of SSA's new Ticket to Work Program - a program that increases opportunities for success for those serving as Employment Networks and for beneficiaries assigning their Tickets.

Prevention

The House Energy and Commerce Committee's Health Subcommittee, chaired by Rep. Frank Pallone (D-NJ), will mark up the [Newborn Screening Saves Lives Act of 2007 \(H.R. 3825\)](#). This bill authorizes funding to help states expand and improve their screening programs, provide educational materials to families and improve follow-up care and treatment of newborns that screen positive for a treatable condition.
<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.03825/>

ANNOUNCEMENTS

Free National Symposium on Direct Support Workforce

The symposium will showcase best practices in home- and community-based direct service workforce development, and highlight Federal and state workforce initiatives. A primary theme of the event will be the importance of addressing workforce issues across age and disability consumer populations. It will take place on May 8-9, 2008 in Baltimore, MD. For more information, see
<https://www.regonline.com/builder/site/Default.aspx?eventid=169041>

Free Audio conference on ADA/Transportation

As part of Easter Seals Project ACTION's Distance Learning Seminar Series, David Knight, Americans with Disabilities Act team leader with the Federal Transit Administration's Office of Civil Rights, will discuss fixed-route driver responsibilities under the ADA. The Audio conference will take place at 2 p.m. Eastern time, Wednesday, March 26, 2008. Registration and detailed information are available at:
http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_distance_learning_2008_Driver_responsibilities

Report on Youth with Disabilities in Foster Care

The National Council on Disability (NCD) released Youth with Disabilities in the Foster Care System: Barriers to Success and Proposed Policy Solutions. The report focuses on the unique challenges older youth with disabilities face as they negotiate the foster care system. See the report at:http://www.ncd.gov/newsroom/publications/2008/FosterCareSystem_Report.html

U.S. Dept of Education Website

The U.S. Department of Education's ED Pubs (Education Publications) web site has undergone an extensive redesign. The redesign is intended to improve the process of ordering publications. See <http://www.edpubs.ed.gov>