

**VOLUME 13, ISSUE 11**  
**MARCH 17, 2008**

## ACTION ALERTS



ACTION ALERTS are messages for you to send to elected officials and need your IMMEDIATE RESPONSE. Click on the link(s) below to take action on current DPC action alerts.

**\* An extremely important Action Alert on Medicaid Regulations will be posted on March 18 \***

## MAJOR EVENTS LAST WEEK

### Fiscal Year 2009 Budget Resolution

**Both Houses of Congress narrowly adopted their versions of the Fiscal Year 2009 Budget Resolution (BR).** The House adopted its Resolution on March 13 by a vote of 212 to 207 on a mostly party line vote. The Senate voted 51 to 49 at 2 a.m. on March 14 to adopt its version. Despite support from the three remaining Presidential candidates, all of whom are Senators (McCain (R-AZ), Clinton (D-NY) and Obama (D-IL), a one year moratorium on earmarked spending was shot down convincingly in both Houses (29-71 in the Senate, 157 – 263 in the House). There are several major differences in the BRs outlined by section below.

**Domestic Spending.** Both bills would spend more money on domestic spending than the White House budget. The House BR would provide \$3.5 billion more than the Senate for domestic spending. The House would allow for \$25.4 billion for non emergency discretionary spending while the Senate would spend \$21.8 billion over the Bush Administration request.

**Alternative Minimum Tax (AMT).** In attempting to fix the AMT that is increasingly hurting middle income tax payers, each House would provide a one year patch. The House would require the lost tax revenue to be offset by other revenue sources while the Senate does not require any offsets.

**Medicaid Regulations.** Senator Charles Grassley (R-IA) ultimately did not offer an amendment imposing restrictions on the budget resolution's reserve fund for moratoria on Medicaid regulations.

A Sense of the Senate [Concurrent Resolution](#) (S. Con. 70) , offered by Budget Committee Chairman Kent Conrad (D-ND) on behalf of Finance Committee Chairman Max Baucus (D-MT), to “express the sense of the Senate that Medicaid administrative regulations should not undermine Medicaid's role in our Nation's health care system, cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, or undermine the Federal guarantee of health insurance coverage Medicaid provides” did pass.

[http://www.senate.gov/reference/glossary\\_term/concurrent\\_resolution.htm](http://www.senate.gov/reference/glossary_term/concurrent_resolution.htm)

**Reconciliation Instructions.** The BRs differ in [reconciliation instructions](#) given to committees of jurisdiction to reshape entitlement spending. Reconciliation is the usual procedure used to modify entitlement spending such as Medicaid, Medicare and Social Security. The House bill instructs the Ways and Means Committee to produce \$750 million in savings over the next six years from entitlement programs. These savings would be used to prevent a looming ten percent reduction in Medicare payments to physicians. The Senate BR has no reconciliation instructions.

[http://www.senate.gov/reference/glossary\\_term/reconciliation\\_instruction.htm](http://www.senate.gov/reference/glossary_term/reconciliation_instruction.htm)

**FY 2001 & 2003 Budget Cuts.** During debate on the BRs, the Senate spent considerable time debating the fate of the Bush budget cuts enacted to 2001 and 2003, many of which are set to expire in 2010. Specific action on these cuts is expected to be delayed until next year.

**Lifespan Respite.** The Senate passed an amendment by unanimous consent reserving \$53 million for Lifespan Respite. Currently Lifespan Respite, although authorized, has no funding. The amendment was offered by Senate Lifespan Respite champions Senators Hillary Clinton (D-NY) and John Warner (R-VA). While this amendment does not guarantee an appropriation for the program, it is an important step in the process and signals support to appropriators as they craft spending bills.

**Education.** An amendment offered by Senator Bernie Sanders (I-VT) that would have added \$10 billion to IDEA funding as well as other increases to human services programs was defeated by a vote of 43 to 55.

The House and Senate will attempt to reconcile the differences in these bills in April.

## Medicaid

**House Energy and Commerce Committee Chairman John Dingell (D-MI) and Rep. Tim Murphy (R-PA) introduced legislation ([H.R. 5613](#)) to impose a one year moratorium on the seven Medicaid regulations recently issued by the Centers for Medicare and Medicaid Services (CMS).** The bill would prohibit CMS from taking action to implement these regulations until April of 2009. The regulations include CMS regulations limiting Medicaid payments for case management/targeted case management

services, rehabilitative option services, school-based administration/transportation and regulations affecting Medicaid providers. A Senate companion bill is expected to be introduced soon.

[http://energycommerce.house.gov/MedicaidProtection\\_110/HR5613.pdf](http://energycommerce.house.gov/MedicaidProtection_110/HR5613.pdf)

## Disability Savings Accounts

**On March 11, Senators Dodd (D-CT), Casey (D-PA) and Hatch (R-UT) introduced legislation to allow families to create disability savings accounts for their children with disabilities.** Senator Dodd's bill is the [Disability Savings Act of 2008 \(S. 2741\)](#), and the Casey-Hatch bill is the [Financial Security Accounts for Individuals with Disabilities Act of 2008, \(S. 2743\)](#). Similar to the Section 529 accounts to save for future higher education, these accounts would be designed for long-term savings to assist an individual with disabilities in meeting his/her future needs. A House bill, [Financial Security Accounts for Individuals with Disabilities Act of 2007, H.R. 2370](#), was introduced by Representative Crenshaw (R-FL) in May, 2007. DPC staff is working with sponsors to ensure that the bills meet the needs of people with disabilities without creating barriers within means-tested programs such as Supplemental Security Income and Medicaid.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:s.02741:/>

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:s.02743:/>

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.02370:/>

## Ticket to Work

**The Social Security Administration and its numerous partners on the Ticket to Work program met in Louisville, KY last week to re-energize the Ticket to Work program in anticipation of the release of new regulations governing the program.** Although a success for some individuals seeking to leave the Social Security disability programs for work, the Ticket program has been more limited than was expected by advocates in 1999 during passage of the authorizing legislation. SSA met with representatives of state vocational rehabilitation agencies, other rehabilitation service providers and employment networks, businesses, Work Incentives Planning and Assistance Programs, Protection and Advocacy Systems, consumers, and national organizations to stimulate more interest and to share opportunities for improved cooperation among the various players. UCP and The Arc were represented. Final regulations that are expected to further improve the mechanics of the Ticket program are expected to be published within the next month or so.

## Prevention

**The House Energy and Commerce Committee passed 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. The full House is expected to vote on the bill, under suspension of the rules, shortly after its spring recess.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.03825:/>

**The Energy and Commerce Committee also passed the reauthorization of the [Traumatic Brain Injury Act \(H.R. 1418\)](#) which authorizes research and public health activities related to trauma and traumatic brain injury.**

## Education

**On March 12, the House of Representatives passed a one month extension of the Higher Education Act, clearing the way for Presidential approval.** 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.

## **MAJOR EVENTS AHEAD**

### U. S. Congress

**The Congress is now on a two week spring recess.** When they return to work on March 31, they will face an uninterrupted eight week session where practically all “must pass” bills will need to progress in order to have a chance to become law before the scheduled adjournment in early October.

### No Child Left Behind

**Tomorrow, U. S. Secretary of Education Margaret Spellings will join Minnesota Governor Tim Pawlenty and Senator Norm Coleman (R-MN) in Saint Paul to make what is being couched as a major national policy announcement on No Child Left Behind.**

### 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 (HUD) and its proposed budget for FY 2009.** HUD Secretary Alphonso Jackson will testify.

### Employment

**The Senate Special Aging Committee will hold a hearing on Wednesday July 18th entitled “Abuse of Our Elders: How Can We Stop It?”** The focus will be on national background checks for long term care workers.

## **ANNOUNCEMENTS**

## Disability Blog and News Clipping Service

**PatriciaEBauer.com, a collection of news and commentary about disability issues drawn from news organizations, has recently been revamped.** The website draws on a wide range of newspapers, magazines and other media resources to bring readers current reports on issues of interest to the disability community. Each of the posts includes a summary of the original item, a short excerpt and a link that allows readers to access the original item in its entirety. See: <http://www.patriciaebauer.com/about/>