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MAJOR EVENTS LAST WEEK

U. S. Congress

The Congress returned to work last week and mostly concentrated on legislation to boost the staggering housing industry. House and Senate bills are moving to provide tax breaks to businesses affected by the housing crisis and to purchasers of foreclosed homes. Provisions are also under consideration to assist current homeowners who are in immediate danger of foreclosure.

FY 2009 Budget Resolution

Work continued on resolving the differences between the House and Senate versions of the FY 2009 Budget Resolution (BR). Two major sticking points are whether or not to require offsets to the “patch” to prevent an expansion of the alternative minimum tax (AMT) and a possible second economic stimulus package. Fiscally conservative House Democrats, known as Blue Dogs, are pressing for the AMT fix to be fully offset. The Senate BR does not require offsets. Some Members of both parties in each House are also stressing the need to offset any expenses related to a second economic stimulus package that may be incorporated in the BR.

Medicaid Regulations House Moratorium Bill

The House Energy and Commerce Committee’s Health Subcommittee, chaired by Rep. Frank Pallone (D-NJ), held a hearing on the [Protecting the Medicaid Safety Net Act of 2008 \(H.R. 5613\)](#). This bill imposes a one year moratorium on Medicaid regulations including the case management, rehab option and school based administration/transportation rules. Witnesses representing the National Association of State Medicaid Directors, the National Conference of State Legislatures, the American Academy of Pediatrics, the American Hospital Association, and the American Association of School Administrators urged passage of the bill stating that the individual and cumulative impact of the regulations would be devastating to states, beneficiaries, and the providers who serve them.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.05613:/>

The Centers for Medicare & Medicaid Services' (CMS) Director of Medicaid and State Operations testified that the regulations are intended to curb abuses in the program, and that many Medicaid programs are inappropriately drawing down federal funds and claiming services that should not be covered by Medicaid. The Acting Director of the Government Accountability Office (GAO) stated that the agency has documented methods used to inflate the federal payments drawn down by the states. But, when questioned by Energy and Commerce Chairman Dingell, he acknowledged that the GAO had not studied or made any specific recommendations with regard to the regulations being addressed in the legislation.

Under “Pay-As-You-Go” budget rules Democrats implemented last year, lawmakers must couple proposals that cost money with legislation that would save or raise an equal amount. This means that the Congress must find funding to pay for the Medicaid Safety Net Act of 2008, which the Congressional Budget Office (CBO) estimates at \$1.65 billion in fiscal 2008 and 2009. The CBO says the moratoria will cost money because it has already assumed in its “baseline” financial projections that the regulations take effect, a routine practice for the agency.

Medicaid Regulations Senate Moratorium/State Fiscal Relief Bill

Sens. John Rockefeller (D-WV), Olympia Snowe (R-ME) and Edward Kennedy (D-MA) introduced the Economic Recovery in Health Care Act of 2008 (S. 2819) which imposes a one year moratorium on all seven CMS regulations. The bill also imposes a moratorium on the August 2007 State Children’s Health Insurance Program (SCHIP) guidance (which restricts eligibility) and provides approximately \$12 billion in targeted state fiscal relief, equally divided between an increase in federal Medicaid matching payments and targeted grants to states.

Medicaid

On April 4, the Centers for Medicare and Medicaid Services published proposed rules in the Federal Register to implement the Home and Community-Based State Plan Services. The new Section 1915(i) HCBS services are now available as an option to states for their Medicaid state plans as a result of enactment of the Deficit Reduction Act of 2005 in February 2006. The optional services, which are in addition to similar services provided under the Home and Community-Based Services waiver (Section 1915(c)), are simultaneously more limited than and more expansive than services available under the waiver program. For example, states may not use the option to provide the full range of services available under the waiver, yet the states may serve people under the new option who do not meet the level of need required for the waiver (otherwise eligible for institutional services). The public comment period will close at 5:00 pm on June 3. The DPC will work with other advocates to analyze the proposed regulations and send information to affiliates and chapters in advance of the closing date for comments. The proposed regulations can be found at: <http://edocket.access.gpo.gov/2008/pdf/08-1084.pdf>.

Federal Entitlements

A 16-member group of diverse and prominent economists and budget experts has proposed ending the automatic spending for large entitlement programs, such as

Social Security, Medicaid, and Medicare, and instead establishing long-term budgets (to cover 30 years) which would have to be re-examined every 5 years. The group also suggested establishing a “trigger” which would force changes to the programs when costs go beyond levels anticipated in the long-term plans. The group, which included three former Directors of the Congressional Budget Office, was convened by the Brookings Institution and the Heritage Foundation, liberal-leaning and conservative-leaning think tanks, respectively. The group worked for nearly two years on the proposal, which members of the group consider a start to a “conversation” because they believe that continuing the status is not an option. The proposal would have to be considered in Congress and by the Administration before it could become law.

U.N. Convention on the Rights of People with Disabilities

Members of the DPC attended a forum to strategize ratification of the UN Convention on the Rights of People with Disabilities (CRPD). This UN Convention aims to clearly articulate the human rights of people with disabilities throughout the world. Ecuador became the 20th country to ratify the Convention making CRPD international law. The United States has said it will not sign the convention. For the U.S. to ratify, the President must sign, and 2/3 of the Senate must vote on ratification. For more information on this critical human rights convention and what you can do to support the effort, go to www.ratifynow.org

MAJOR EVENTS AHEAD

U.S. Congress

The Iraq war and the economy will dominate the Congressional agendas. Numerous hearings are scheduled on the war effort and, given recent job loss data, Members of Congress are pressing the White House to begin negotiating on a second economic stimulus package. This package would be primarily aimed at boosting job growth and possibly helping states who are feeling the effects of the nation’s economic downturn in their state budgets. The Bush Administration has not yet signaled its intent to consider a new stimulus package, saying instead that it wants to assess the impact of the first economic stimulus package which has yet to be implemented.

ADA Restoration

The ADA Restoration Act is moving forward in preparation for an anticipated mark-up in the House of [H.R. 3195](#). Disability and civil rights groups have kept a high profile on the Hill with continued regular Congressional staff meetings. Meanwhile, the business and disability communities are maintaining productive and instructive dialogue on the bill and perspectives held by varying constituencies.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.03195:/>

Employment

The House Workplace Protections Subcommittee of the Education and Labor Committee will hold a hearing April 10th commemorating the 15th Anniversary of the Family Medical Leave Act and focusing on next steps.

Transportation

The Department of Transportation (DOT) is hosting a public meeting April 8-9 on issues raised in connection with the Notice of Proposed Ruling Making on **passenger vessel disability access guidelines**. DOT has identified a number of issues for discussion, including how crews provide assistance to individuals with disabilities, the definition of a wheelchair and other mobility devices, service animals and safety issues. DPC staff will participate in this event.

Prevention

On Tuesday, the House of Representatives is expected to vote on the [Newborn Screening Saves Lives Act of 2007 \(H.R. 3825\)](#) under suspension of the rules. 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 who screen positive.

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

The House is also scheduled to vote, under suspension of the rules, on 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.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:h.r.01418:/>

Health Care

On Wednesday, the Senate Finance Committee, chaired by Sen. Max Baucus (D-MT), will hold a hearing on the State Children's Health Insurance Program (SCHIP).

ANNOUNCEMENTS

International Human Rights Conference

The University of Washington is hosting a free conference entitled "**Framing Legal and Human Rights Strategies for Change: A Case Study of Disability Rights in Asia.**" Topics of discussion will include the UN Convention on Disability Rights and how they impact domestic norms; disability citizenship and integration into society; international disability lawyering and advocacy; disability law after conflict; integrating people with disabilities into developing economies; global health, human rights and disability; and the funder community's perspective on the future of disability human rights. Registration is open until April 10. See: http://www.uwcle.org/disability_rights_asia_2008.pdf

Report on Child Maltreatment

Child Maltreatment is an annual publication that provides national and state findings on referrals for child maltreatment, substantiated cases, and types of abuse and neglect. The report includes information on perpetrators of maltreatment, child protective services (CPS) workload, and preventive and post investigation services. Children who were reported with any of the following risk factors were considered as having a disability: mental retardation, emotional disturbance, visual or hearing impairment, learning disability, physical disability, behavioral problems, or another medical problem. In general, children with such risk factors are undercounted, as not every child receives a clinical diagnostic assessment from CPS agency staff. Nearly 8 percent (7.7%) of victims had a reported disability. In addition, children with disabilities were 52% more likely to experience recurrence of maltreatment than their peers without disabilities. Child Maltreatment 2006 is now available online at www.acf.hhs.gov/programs/cb/pubs/cm06/index.htm