

VOLUME 13, ISSUE 18
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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.



NEW

**[Urge Your Senators to Protect Medicaid
All Seven Medicaid Regulations Moratoria Must be Passed](http://ucpact.convio.net/site/MessageViewer?em_id=2782.0)**
http://ucpact.convio.net/site/MessageViewer?em_id=2782.0

MAJOR EVENTS LAST WEEK

Medicaid Moratorium Bill

Senate Majority Leader Harry Reid (D-NV) attempted to put the Medicaid Moratorium bill on a fast track by bypassing committee consideration. That tactic failed when Senator Tom Coburn (R-OK) objected. The next step for the bill is unclear. One possible alternative is the passage of a cloture petition to proceed. Another option is to add the bill to another “must pass” bill, such as the Emergency War Spending bill.

Civil Rights

After a 13-year crusade by supporters in both chambers, the Genetic Information Nondiscrimination Act (GINA, H.R.495) has passed out of the House and Senate and is poised for Presidential signature. Senator Tom Coburn (R-OK) released his long-time hold on the bill after negotiations with Senator Olympia Snowe (R-ME) and the Departments of Labor and Health and Human Services resulted in a compromise “firewall” to protect companies from lawsuits by the insurers with which they contract. Senator Coburn was unsuccessful, however, in securing a “business necessity” provision that would allow employers to collect and use genetic information in cases in which it was “job related

and consistent with business necessity.” GINA will prevent employers from engaging in discriminative practices including firing, refusing to hire, or otherwise discriminating with respect to compensation, terms, conditions or privileges of employment based on genetic information. Similarly, this bill will prohibit insurance companies, including Medigap, from basing eligibility determinations or adjusting premiums or contributions on the basis of genetic information. Enactment of this bill will accomplish one of the key legislative goals of the Disability Policy Collaboration.

Voting/ U.S. Supreme Court

The U.S. Supreme Court upheld an Indiana state voting law requiring a government issued photo ID to cast a ballot. The opinion left open the possibility that voters who had proof that they were adversely affected by such laws could petition the courts, but made it clear that it would be difficult for such voters to prevail. Falling largely on partisan lines, conservatives feel this law will protect the “integrity of elections” and reduce voter fraud. Disability rights and other civil rights groups argue Indiana offered no evidence of the type of voter fraud it hopes to alleviate, and requiring this type of identification would impose a considerable burden on would-be voters who are already disenfranchised. Indiana claims it has alleviated the burden of the ID requirement by offering a free ID card from the state motor vehicle agency, but obtaining that free card requires a “primary document” like an original birth certificate or passport. These are documents that many people with disabilities don’t have, may not have the money or support to acquire, and may lack the knowledge or grasp of the requirement.

Social Security

ADAPT was in Washington, DC, last week celebrating 25 years of activism, progress, and victories. As part of the celebration, ADAPT members conducted sit-ins at the Republican National Committee offices, the office of presidential hopeful Senator John McCain (R-AZ), and the Department of Health and Human Services (HHS). ADAPT members were urging Senator McCain to publicly support the [Community Choice Act \(S.799\)](#), which would provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports. They were also pushing HHS officials to do more about the thousands of people with disabilities admitted to or remaining in nursing homes and other institutions despite their expressed wishes to live in their homes and communities. Some of the sit-ins resulted in arrests while others resulted in meetings or promised meetings. ADAPT also released a list of the [Ten Best - Ten Worst](#) States in Home and Community Services and Supports in front of the National Governors Association (NGA) offices.

<http://www.thomas.gov/cgi-bin/bdquery/z?d110:s.0799:/>

http://jfactivist.typepad.com/jfactivist/files/TEN_WORST-BEST_2008.Print.doc

Emergency War Supplemental Funding

House and Senate Democrats could not reach consensus on a strategy to pass an emergency war spending bill. Facing a veto threat from the White House for any non-war related spending, Democrats in both Houses want to add domestic spending but can’t agree on which programs to increase and by how much. Congressional procedures, such as bypassing the regular committee process and considering the bill directly on the House and Senate floors, are also under consideration.

Employment

The Rehabilitation Services Administration (RSA) released a draft strategic performance plan for comments from the public. The intent of the plan is to continue a long-term strategic focus on program performance, program improvement and outcomes for individuals with significant disabilities. The draft plan establishes long term performance goals, objectives and measures related to employment and earnings for individuals with significant disabilities and to receipt of VR services by transition aged youths. The DPC will provide comments on the draft plan.

MAJOR EVENTS TODAY

Education

Today the House of Representatives is expected to vote on an extension of the Higher Education Act until May 31. The Senate passed the extension (S. 2929) on April 29 the day before the current extension expired. This will give House and Senate negotiators more time to come to agreement on the overhaul of the Higher Education Act which includes several new provisions benefiting students with disabilities.

MAJOR EVENTS AHEAD

Emergency War Supplemental Funding

Congressional leaders may finalize strategies on emergency war spending. This bill may well be the only appropriations bill to pass this year. Priority non-defense spending increases are likely to be added in the House and Senate. The Medicaid regulations moratorium bill is another likely candidate to be added to the war spending bill. President Bush has threatened to veto the war spending bill if it contains non-war related spending.

Medicaid

On May 5 and 7, the House Oversight and Government Reform Committee, chaired by Rep. Henry Waxman (D-CA), will hold hearings on "The Lack of Hospital Emergency Surge Capacity: Will the Administration's Medicaid Regulations Make It Worse?"

Medicare

The Health Subcommittee of the House of Representatives Ways and Means Committee, chaired by Rep. Pete Stark (D-CA), is holding a hearing on May 6 on Medicare's new competitive bidding program for durable medical equipment.

Health Care

The Senate Finance Committee, chaired by Sen. Max Baucus (D-MT), will hold a hearing entitled “Seizing the New Opportunity for Health Reform.” The hearing will be held on May 6.

Social Security

The House Ways and Means Subcommittee on Social Security will hold a hearing on Tuesday on *Employment Eligibility Verification Systems and the Potential Impact on SSA’s Ability to Serve Retirees, People with Disabilities, and Workers*. Under current law, all employers are required to request that employees, once hired, produce documents, such as a Social Security card, that show they are authorized to work in the United States. Employers may participate in an electronic employment verification program known as E-Verify, jointly operated by the Social Security Administration (SSA) and the Department of Homeland Security. A number of immigration reform proposals would require that all public and private sector employers use the E-Verify system to verify the eligibility of new hires to work. Given the current inaccuracy rate (4.1 percent) in the SSA database, a significant number of the verifications would be expected to require in-person contact with SSA staff. The hearing will focus on the impact of such a mandate on SSA, which is already struggling with a crisis in backlogged disability claims.

The Senate Finance Committee will hold a hearing on May 8 on *More Work, Less Resources: Social Security Field Offices Struggle to Deliver Service to the Public*. This hearing will focus on the impact of the shortfall in administrative resources on SSA field offices. The Government Accountability Office will be presenting a report and other witnesses will cover the perspectives of the Office of Operations for the Social Security Administration, the National Council of Social Security Management Associations, and the National Council of Social Security Administration Field Operations Locals.

Employment

DPC Staff will be attending the National Symposium on Strengthening the Home and Community Based Direct Service Workforce. The symposium, sponsored by the Centers for Medicare and Medicaid Services, will take place on May 8-9.

ANNOUNCEMENTS

DPC

The Disability Policy Collaboration Steering Committee will meet by conference call Wednesday afternoon. In addition to a policy issues update, the Committee agenda includes an evaluation of the 2008 Disability Policy Seminar.

DD Act Study Proposal

The National Council on Disability (NCD), an independent, bi-partisan Federal agency, just released a request for proposal to study the DD Act. Specifically this study will examine how the Administration on Developmental Disabilities (ADD) administers, supports, monitors, evaluates, and holds accountable programs and services under the DD Act. Those services and programs include: State DD Councils, Protection and Advocacy programs, Centers for Excellence in Developmental Disabilities, Projects of National Significance, separate Family Support grants, and the Program of Direct Support for workers who support individuals with developmental disabilities. For more information, go to www.ncd.gov

State Budget Update

Thirty one states are already mired in or anticipating serious budget problems. Of those, 25 states and the District of Columbia faced or are facing \$40 billion in combined '09 budget shortfalls. Delaware, Georgia and Tennessee recently joined this list. See the update at:

<http://www.cbpp.org/1-15-08sfp.htm>

Publication on Income Trends

The publication, entitled “Pulling Apart: A State-By-State Analysis of Income Trends” provides an in-depth analysis of inequality trends over the past two business cycles. It shows that income inequality has been growing wider, further separating those at the very top from our Nation's poor and middle class. In this paper, the Center on Budget and Policy Priorities explains the causes of rising inequality and offers suggestions for reducing these trends and lessening their negative impact. See the report at:

www.cbpp.org/4-9-08sfp.pdf

Publication on Funding of Children’s Programs

The book, entitled “First Focus,” provides an analysis of the over 180 federally funded programs that assist America's children. Over the past five years, only one percent of every new, real non-defense dollar has been spent on children. For additional information, see: www.firstfocus.net/pages/3391/