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ACTION ALERTS



NONE

[HTTP://WWW.UCP.ORG/UCP_GENERALSUB.CFM/1/8/11981](http://www.ucp.org/ucp_generalsub.cfm/1/8/11981)



MAJOR EVENTS LAST WEEK

Emergency War Supplemental Appropriations/Medicare Regulations Moratoria

Both Houses of Congress have crafted significantly different bills to continue to fund the war in Iraq. The differing versions pose significant challenges to creating a compromise bill that President Bush would sign into law. Both bills include the critical language that would put a moratorium on the seven sets of regulations that would require huge cuts to Medicaid programs.

The Senate Appropriations Committee passed the emergency war supplemental bill. The full House voted [256-166](#) to pass an amendment to the bill that contains a one year moratorium on seven Center Medicare and Medicaid Services (CMS) Medicaid regulations, including the rehab option, case management and school based services rules. Unfortunately this margin is not sufficient to override a threatened veto by President Bush. The House will be given another opportunity to vote on the bill after the Senate votes.
<http://clerk.house.gov/evs/2008/roll330.xml>

The House bill stays within the Administration's \$183.8 billion request while the Senate added another \$9 billion to increase spending on a number of domestic programs. Both Houses adopted several provisions impacting on the Iraq war, including goals for troop removal and leave extensions for soldiers returning from the war. The Bush Administration is pressing the Congress, via veto threats, to send to the White House a "clean" bill that only addresses the war funding.

The Arc and United Cerebral Palsy, in concert with many health groups and the nation's Governors, are working feverishly to preserve the Medicaid moratorium in the final bill.

FY 2009 Budget Resolution

House and Senate conferees reached an agreement on a Fiscal Year 2009 Budget Resolution, although details were not made public.

Medicaid

On May 15, the House Energy and Committee's Oversight and Investigations Subcommittee held a hearing on: In the Hands of Strangers: Are Nursing Home Safeguards Working? The Subcommittee has begun to review the issue of veiled or hard to track ownership of nursing homes and its impact on quality of care for people who are frail and elderly or who have disabilities. Witnesses included nursing home residents' advocates; the Inspector General of the Department of Health and Human Services; Attorney General of Connecticut; Long-Term Care Ombudsman from Baltimore, MD; President of the Pennsylvania Service Employees International Union; and Kerry Weems, Acting Administrator of the Centers for Medicare and Medicaid Services. Connecticut Attorney General Richard Blumenthal pointed out that the current nursing home regulatory system is inefficient and inconsistent and based on past models of nursing home ownership by small companies. He pointed out that the system is inadequate to address problems posed by "mammoth multi-state corporations, LLCs [limited liability companies] and private equity firms that dominate the industry." Testimony from all the witnesses is available at: http://energycommerce.house.gov/cmte_mtgs/110-oi-hrg.051508.NursingHomes.shtml

MAJOR EVENTS AHEAD

U.S. Congress

This is the final week the Congress is in session prior to the week long Memorial Day recess.

Budget Resolution

Both Houses are expected to vote on the FY 2009 Budget Resolution (BR) this week. Even if passed, the BR may have little practical effect since the Democratic leadership in both Houses has sent signals that few, if any, FY 2009 appropriations bills will be seriously addressed until President Bush leaves office next January.

Emergency War Supplemental Appropriations/Medicaid Regulations Moratoria

The Senate, as part of the domestic spending package in its Emergency War Supplemental Appropriations bill, is expected to vote on a one year moratorium on seven CMS Medicaid regulations, including the rehab option, case management and school based services/transportation rules. Work on the Emergency War Supplemental Appropriations bills will continue although a compromise may not be reached and adopted until after the Memorial Day recess. Reaching agreement will be politically difficult since

there are very different perspectives on the war funding bill in Congress. Anti-war Democrats may not vote for the final bill unless strong provisions are attached setting goals for ending the war. Fiscal conservatives will insist that all non war related spending be stripped from the bill. Many Members will insist that key human service provisions such as the Medicaid moratorium, the extension of unemployment benefits and an expanded GI education bill be kept in the bill. These competing factions will make compromise almost impossible. Looming in the background is the threat of a veto from the White House if the bill includes funding levels over the Administration's request or extraneous provisions unrelated to the war.

Medicare

On Wednesday, the House Small Business Committee's Subcommittee on Urban and Rural Entrepreneurship, chaired by Rep. Heath Shuler (D-NC), will hold a hearing on Medicare's competitive bidding for durable medical equipment program. For a record of the hearing, see <http://www.house.gov/smbiz/> after the event.

Civil Rights

The Genetic Information Nondiscrimination Act (GINA) may be signed into law as early as this Wednesday. If signed by the President, GINA (H.R. 493) will prevent employers from engaging in discriminatory 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 Arc and United Cerebral Palsy.

ADA Restoration Act (ADARA)

Negotiations continue on the ADARA, and time is of the essence. The business and disability communities continue to meet to draft mutually-agreed upon language in an effort to move ADARA forward in a bipartisan fashion this year. Without this consensus, it is unlikely ADARA will garner the support it needs to be signed into law. Not only is mutually agreed upon language critical to ADARA's success, but so is timing. For a bill - especially one as controversial as ADARA - to make it through the legislative process and be signed into law this late in the year, it should have major action and momentum by the end of May. Why so early? Not only do lawmakers have extended leave to their home states in the summer, but many are up for reelection and must spend time campaigning. The Congress is expected to adjourn early for the year - in September or October. Under these circumstances, only bills that have broad support and strong momentum will get the attention of lawmakers and the White House.

Transportation

On Tuesday, May 20, 2008, the House Subcommittee on Railroads, Pipelines and Hazardous Materials, chaired by Rep. Brown (D-FL), is scheduled to mark up H.R. 6003, the Passenger Rail Investment and Improvement Act. The bill reauthorizes Amtrak and provides an authorization of \$68.5 million in FY 2009 for compliance with the

Americans with Disabilities Act. Like the Senate bill, it also requires the Amtrak to report to Congress on the status of ADA implementation.

Autism

Today the House of Representatives is expected to pass House Resolution 1106 expressing support for designation of April 2008 as "National Autism Awareness Month." The Resolution supports efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism.

Research

The DPC provided comments to the National Institute for Disability and Rehabilitation Research (NIDRR) on issues to be included in the long range plan. A letter will also be sent in support of the proposed priority focusing on developing technologies for successful aging of individuals with a disability within the Rehabilitation Engineering Research Centers Program.

ANNOUNCEMENTS

Housing

The U.S. Department of Housing and Urban Development has issued its notice of funding availability (SuperNOFA) for the Section 811 Supportive Housing for Persons with Disabilities program. A total of \$99,345,000 is available. The application deadline is July 16. Applications must be filed electronically. See:

PDF: <http://edocket.access.gpo.gov/2008/pdf/E8-8863.pdf>

Text: <http://edocket.access.gpo.gov/2008/E8-8863.htm>

The May 2008 issue of *Opening Doors* focuses on the Frank Melville Supportive Housing Investment Act of 2008 (H.R. 5772). *Opening Doors* is a joint publication of the Consortium for Citizens with Disabilities Housing Task Force and the Technical Assistance Collaborative. It can be accessed at:

<http://www.tacinc.org/Docs/HH/OpeningDoors/HTML/Issue31.htm>.

Medicare

A webinar for consumers on the new CMS competitive bidding program for durable medical equipment will be held on Tuesday, May 20 at 2:00 pm EDT. Speakers include an industry representative who also serves as the Co-Chair of the CMS Program Advisory and Oversight Committee, a physical therapist, and a consumer who chairs the Health & Welfare Committee of the Ohio Governor's Council on People with Disabilities.

To register go to:

<http://recp.rm05.net/ctt?kn=2&m=1072605&r=NzI0MjYwNDE2MgS2&b=0&j=MTA3ODM3NDMyS0&mt=1>