

**VOLUME 13, ISSUE 6**  
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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.

**A targeted alert on the bill for a moratorium on the new Medicaid case management regulation was sent last week to chapters of the Arc and affiliates of UCP:**

**Protect Medicaid Reimbursement for Case Management**  
[http://ga4.org/campaign/medicaid\\_reimbursement](http://ga4.org/campaign/medicaid_reimbursement)

## **MAJOR EVENTS LAST WEEK**

### State of the Union Address

**President Bush gave his last State of the Union Address to the nation on January 28.** Among the key points made by the President related to human services and disability policy included:

- his intent to release a Fiscal Year 2009 budget proposal that will cut entitlement programs and level fund many domestic discretionary program;
- veto threats to any appropriations bill adopted by the Congress that would spend more than the amount in his budget;
- forcing at least a fifty percent reduction in earmarked spending and his intent to sign an Executive Order disallowing any earmarks that are contained in report language accompanying appropriations bills;
- pressing the Congress to enact an economic stimulus package along the lines of the package passed by the House of Representatives;
- renewing all expiring tax cuts; and
- reauthorizing the No Child Left Behind Act.

The President apparently has given up on reforming the Social Security system during his presidency.

### Economic Stimulus Package

**The House of Representatives passed its version of an economic stimulus package by a vote of 386 to 35 on January 29.** The bill would cost \$145.9 billion this year, provide tax rebates to low and middle income tax payers and tax breaks to businesses. The Senate Finance Committee adopted its version of an economic stimulus package on January 30. Voting 14 to 7, with three Republicans endorsing the measure, the Committee would add just over \$12 billion over the House package. In addition to larger income tax rebates, the Finance Committee version adds new provisions to extend unemployment benefits and energy related tax benefits.

### ADA Restoration

**ADA Restoration is moving forward in both Houses.** The Senate has added a fourth co-sponsor, Senator Ted Stevens (R-AK). Meanwhile, the House Education and Labor Committee held a hearing January 29 which 28 committee members (18 Democrats and 10 Republicans) attended. Witnesses in support of [H.R. 3195](#) included House Majority Leader Steny Hoyer (D-MD), Andy Imparato, President of AAPD, Carey McClure an electrician who had his employment offer revoked by General Motors due to his muscular dystrophy, and Robert Burgdorf, Professor of Law at the University of the District of Columbia. David Fram, Director of the National Employment Law Institute, offered an opposing view including several questions regarding the role of employers' accommodation for conditions such as chipped teeth and hair loss in addition to the flu and sprained ankles.

Questions and comments from members were abundant. Ranking Member Howard McKeon (R-CA) expressed dismay with outcomes such as Mr. McClure's. He added that while a fix was needed, H.R.3195, as written, was too broad. Representative Andrews (D-NJ) disagreed and reminded the Committee that many states have a broader definition of disability and have yet to experience claims consistent with the hypothetical examples provided by Mr. Fram. At the end of the hearing, Representative Lynn Woolsey (D-CA) cited her 20 years of experience in human resources and offered that companies already have policies related to flu and minor injuries. She dismissed Mr. Fram's examples of chipped teeth, baldness, and paper cuts as horrible illustrations and asked him to propose examples of reasonable accommodations to which he had no answer. She added that employees taking advantage of the system are the exception, not the rule, and companies successfully deal with those exceptions in a variety of areas, not just disability.

### Social Security

**On January 30, Michael J. Astrue, Commissioner of the Social Security Administration, notified Congressional leaders that the agency would suspend some parts of a controversial proposed regulation that would have restricted appeal rights for people with severe disabilities applying for Supplemental Security Income (SSI) and Social Security disability benefits.** The public comment period for the notice of proposed rulemaking closed on December 28 and SSA received nearly 500 sets of comments on the proposal, including letters from key leaders in the House and Senate. On behalf of

The Arc and UCP, the DPC had expressed substantial concerns about the potential negative impact of the proposed regulation and the likelihood that people could be found “not disabled” based in part on their inability to navigate the complex appeals procedures. Commissioner Astrue has scheduled a meeting on Thursday (2/7) with disability advocates regarding next steps. The DPC’s Marty Ford will participate in the meeting.

### Medicaid

**Senator Norm Coleman (R-MN) and 7 original cosponsors and Rep. Keith Ellison (D-MN) and 8 original cosponsors introduced legislation ([S. 2578](#)/[H.R. 5173](#)) to impose a one year moratorium on the Medicaid interim final case management/targeted case management rule.**

### No Child Left Behind

**Disability Policy Collaboration staff were among a small group of special education advocates who participated in a dialogue with top level U.S. Department of Education officials to review concerns related to the possible reauthorization of the No Child Left Behind Act.** Topics discussed were long standing NCLB issues, including appropriate assessments, access to the general curriculum, the absence of highly qualified teachers, the use of growth models and adequate funding of the law.

## **MAJOR EVENTS AHEAD**

### Fiscal Year 2009 Budget Proposal

**The Bush Administration releases its FY 2009 Budget Request today.** Most components of the budget are expected to be rejected by the Democratically controlled Congress. President Bush is again seeking deep cuts in entitlement programs, especially Medicare and Medicaid. Some of the entitlement “savings” would require legislative action while other savings could be accomplished through regulatory reform. Domestic spending is limited to less than a one percent increase, well below the cost of living adjustment.

Funding would be increased for the No Child Left Behind act and the Individuals with Disabilities Education Act (IDEA) State Grant program. All four Developmental Disabilities Act programs are frozen at FY 2008 levels. The IDEA Preschool and Early Intervention programs are cut. The Title XX Social Services program is reduced by \$500 million while other block grants (Maternal and Child Health and Child Care) are frozen.

Cabinet secretaries will fan out across Capitol Hill this week to defend the President’s budget and several Congressional hearings will be held on the budget: On Tuesday and Wednesday the Senate Finance Committee, chaired by Sen. Max Baucus (D-MT), will hold a hearing; Also on Tuesday and Wednesday, the Senate Budget Committee, chaired by Sen. Kent Conrad (D-ND), will hold a hearing. On Thursday, the House Ways and Means Committee, chaired by Rep. Charles Rangel (D-NY), and the House Budget Committee, chaired by Rep. John Spratt (D-SC), will hold hearings on the budget.

The next edition of Washington Watch will contain a detailed summary of the Bush Administration's FY 2009 budget proposal.

### Economic Stimulus Package

**The full Senate holds a cloture vote this afternoon to allow consideration of the economic stimulus package reported last week out of the Finance Committee.**

Should the cloture vote fail, the Democratic Majority is expected to bring a series of amendments to the floor. These amendments include adding certain elderly Social Security recipients and disabled veterans, boosting low income energy assistance and food stamp eligibility. A major effort by Medicaid advocates, including United Cerebral Palsy, The Arc, the National Governors Association and others, apparently have failed in a concerted effort to obtain consideration of a Medicaid increase in the package.

## **ANNOUNCEMENTS**

### Disability Policy Seminar

**As of today, 313 people have registered for the 2008 Disability Policy Seminar.**

Registration fees increase by \$55 after this Thursday, February 7. For all Seminar information, including lists of registrants by state, please see: <http://www.thearc.org/NetCommunity/Page.aspx?pid=1642&srcid=183> and [http://www.ucp.org/ucp\\_generalsub.cfm/1/8/12477](http://www.ucp.org/ucp_generalsub.cfm/1/8/12477) in addition to the web pages of our Seminar partner organizations – AAIDD, AUCD, & NCADD. Seminar attendees are strongly encouraged to coordinate their Hill visits with the other registered attendees from their state.

### Webinar on the President's FY 2009 Budget

**The Coalition on Human Needs is sponsoring a free webinar on Friday February 8, 1:00-2:00 p.m. Eastern Standard Time to brief advocates on the President's Budget Request.** Register at: [www.bostonconferencing.com/chn/1](http://www.bostonconferencing.com/chn/1)

### Accessibility Guide for Congress

A manual entitled, "Guidelines for Assisting Those with Accessibility Needs" was released by the Office of Ranking Member Senator Michael B. Enzi (R-WY) of the Health, Education, Labor and Pensions Committee. The 25-page guide is available at: [http://help.senate.gov/Min\\_press/Final%20Disability%20Manual.doc](http://help.senate.gov/Min_press/Final%20Disability%20Manual.doc)