
VOR Weekly E-Mail Update

July 3, 2008

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FEDERAL LEGISLATION UPDATE

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1. H.R. 3995 Cosponsors: UPDATE

Here is the latest H.R. 3995 cosponsor list: <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR03995:@@P>

There are 36 cosponsors. We gained 8 new cosponsors since VOR's Washington Initiative. Please help keep up the momentum. Call your U.S. Representative today!

2. Six of seven Medicaid regulations stalled until July 09

Source: Families USA, 6/26/08

On 6/26/08, champions of health care for low income families and people with disabilities scored an important victory when the Senate approved a freeze on the implementation of six regulations that would have made steep cuts to the Medicaid program. Those provisions were part of the domestic spending portion of the Iraq war bill, which the President has indicated he will sign. The final vote was 92 to 6.

In the past year the Bush Administration issued seven sets of regulations that would have resulted in deep cuts to Medicaid. Now the Senate has voted to put those regulations on hold until April 1, 2009. One set of regulations that were not put on hold would limit hospital reimbursements for outpatient services. That regulation could result in cuts to services for Medicaid recipients in the following states: CA, CT, IL, LA, MD, MI, MO, NJ, NY, OK, PA, SD, TN, UT, VT, WA, WI.

The House passed a similar measure with regarding to freezing implementation of the six Medicaid regulations on 6/19/08.

In addition, the bill did NOT include a rescission of a harmful Bush

administration policy limiting eligibility for the Children's Health Insurance Program - the so-called "August 17 directive." It is unclear whether there will be another legislative opportunity to rescind that policy this year, although we should keep looking for opportunities to raise it.

3. Partisan Dispute Brings Abrupt End to Appropriations Markup

Summary/Update: On June 26, the Labor HHS Appropriations did clear the Senate Appropriations Committee?. The following article reports on the hold up in the House of Representatives.

CQ TODAY

6/26/08

The House Appropriations Committee abruptly adjourned in chaos Thursday before acting on two big domestic spending bills, after Republicans tried to force the committee to take up a bill covering the Interior Department they believe could be used to lower fuel prices.

The fates of all three fiscal 2009 spending bills - the Interior measure, plus the two bills scheduled for votes, covering the departments of Labor, Health and Human Services and Education, and Agriculture - were left in limbo. Appropriations Chairman David R. Obey, D-Wis., incensed at his Republican colleagues for pulling what he called a "political stunt," threatened to halt the appropriations process.

Tension began soon after the committee began meeting, when Jerry Lewis of California, the panel's senior Republican, asked Obey to give his word that he would bring the Interior spending bill up for a vote the week Congress returns from its July Fourth recess.

Obey declined, and brought up the Labor-HHS-Education measure for debate. Lewis stood and offered an amendment to strip the text from the Labor-HHS-Education bill and replace it with the Interior spending bill.

When John E. Peterson , R-Pa., tried to offer an amendment to Lewis' amendment, Rep. Norm Dicks , D-Wash., made a motion to adjourn. Obey called for a voice vote, and when it appeared to succeed, he declared the meeting adjourned.

Republicans demanded a roll-call vote; the motion prevailed, 35-27, and the meeting ended.

The Interior-Environment spending bill would provide \$27.9 billion for the Interior Department, the EPA, and other environmental and cultural agencies. It would spend \$1.3 billion more than Congress provided in fiscal 2008.

Republicans are eager to bring up the Interior bill so they can offer controversial amendments to boost domestic energy production. Lewis said he did not believe Obey ever planned to bring the bill up for a vote in the committee.

A week ago, Obey canceled a scheduled vote on the Interior bill and three others, ostensibly because the House was busy debating a supplemental spending bill for the wars in Iraq and Afghanistan. The three other bills were rescheduled for this week, but the Interior bill was not.

4. ADA Amendments Act (H.R. 3195): House Votes to Expand Civil Rights for Disabled

(The ADA Amendments Act was formerly known as the ADA Restoration Act)

June 26, 2008

By ROBERT PEAR

New York Times

June 26, 2008

WASHINGTON - The House passed a major civil rights bill on Wednesday that would expand protections for people with disabilities and overturn several Supreme Court decisions issued in the last decade.

The bill, approved 402 to 17, would make it easier for workers to prove discrimination. It would explicitly relax some stringent standards set by the court and says that disability is to be "construed broadly," to cover more physical and mental impairments.

Supporters of the proposal said it would restore the broad protections that Congress meant to establish when it passed the Americans With Disabilities Act that President George Bush signed in 1990.

Lawmakers said Wednesday that people with epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis and other ailments had been improperly denied protection because their conditions could be controlled by medication or were in remission. In a Texas case, for example, a federal judge said a worker with epilepsy could not be considered disabled because he was taking medications that reduced the frequency of seizures.

In deciding whether a person is disabled, the bill says, courts should generally not consider the effects of "mitigating measures" like prescription drugs, hearing aids and artificial limbs. Moreover, it adds, "an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active."

The chief sponsor of the bill, the House Democratic leader, Representative Steny H. Hoyer of Maryland, said the situation was now bizarre. "An individual may be considered too disabled by an employer to get a job, but not disabled enough by the courts to be protected by the A.D.A. from discrimination," Mr. Hoyer said.

The chief Republican sponsor, Representative F. James Sensenbrenner Jr. of Wisconsin, said the Supreme Court had "chipped away at the protections" of the 1990 law, leaving millions of Americans with no recourse or remedy for discrimination.

His wife, Cheryl Sensenbrenner, has testified in support of the bill as chairwoman of the American Association of People With Disabilities, an advocacy group. Mrs. Sensenbrenner suffered a spinal cord injury in 1972, when she was 22, and sometimes uses a wheelchair. In addition, she noted in an interview, she has a sister with Down syndrome.

Supporters of the bill immediately shifted their attention to the Senate, which is expected to pass a similar bipartisan measure. Senator Tom Harkin, the Iowa Democrat leading the effort, predicted that the Senate would act "in the near future."

The White House said that although President Bush "supports the overall intent" of the House bill, he was concerned that it "could unduly expand" coverage and significantly increase litigation.

The House bill reflects a deal worked out in months of negotiations by business groups and advocates for the disabled. The United States Chamber of Commerce and the National Association of Manufacturers helped shape the bill and endorsed it as a balanced compromise.

Representative Jerrold Nadler, Democrat of New York, called the Supreme Court reading of the 1990 law "cramped and misguided." Remedial legislation is needed now more than ever, Mr. Nadler said, because "thousands of men and women in uniform are returning from Iraq and Afghanistan with serious injuries, including the loss of limbs and head trauma."

The House Republican whip, Representative Roy Blunt of Missouri, said the bill "puts people to work, creates opportunity and makes America a more productive country" by unlocking new pools of talent.

The 1990 law said "individuals with disabilities are a discrete and insular minority." The bill passed Wednesday deletes that phrase, which the Supreme Court has cited as a reason for limiting the definition of disability.

The law generally prohibits an employer from discriminating against a qualified individual who has, or is perceived as having, a disability, defined as a physical or mental impairment that "substantially limits" one or more major life activities.

The Supreme Court said in 2002 that "these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled." To meet this test, the court said, a person has to have "an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives."

Under the bill passed on Wednesday, Congress would establish a less stringent standard, saying an impairment qualifies as a disability if it "materially restricts" a major life activity like seeing, hearing, eating, walking, reading or thinking.

Tamie Hopp

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You may pay by credit card or check.

TO REFER SOMEONE TO VOR: Use the form below, including the additional sections for referrals.

Mail the completed form (if joining or contributing) with payment to:

Voice of the Retarded

836 S. Arlington Heights Rd., #351

Elk Grove Village, IL 60007

847-258-5273 fax (for referrals or credit card payments)

kluck146@comcast.net (for referrals or credit card payments)

FOR REFERRALS: ____ The contact information provided is for someone I think would consider membership with VOR.

FOR REFERRALS: ____ You may use my name in any correspondence with this individual. My name is

_____.

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Phone Fax

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