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Distribute Annual Meeting/Initiative Flyers and Sponsorship Flyers  
Put information about these opportunities in your newsletters.

Sponsor someone from your group to attend the meeting.  
Contact Tamie at 605-399-1624; Tamie327@hotmail.com for information

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**VOR Weekly E-Mail Update**  
**April 3, 2009**  
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1. H.R. 1255: IF NOT YOU, WHO? Anti-choice advocates issue anti-H.R. 1255 alert. CONTACT YOUR U.S. Representative today.
  2. H.R. 1255 Advocacy Materials Now Available Online
  3. H.R. 1255 COSPONSOR UPDATE
  4. A Rebuttal to the Opposition: H.R. 1255: What the bill WILL and WILL NOT do
  5. Charitable Donations Deductions Update: Thune amendment to keep deductions passes Senate

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**1. H.R. 1255: IF NOT YOU, WHO? Anti-choice advocates issue anti-H.R. 1255 alert. CONTACT YOUR U.S. Representative today.**

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Recently, a national organization issued an anti-H.R. 1255 action alert. This alert, as well as other statements by opponents of H.R. 1255, misrepresent the fundamental, but very narrow, rights proposed by the bill. It is up to VOR members and others who support H.R. 1255 to make calls, schedule visits, send faxes - and do it all over again if your Member of Congress and his/her staff is unresponsive.

**If not you, who? Our opposition, that's who.**

It is critically important that each and every Member of Congress hear from CONSTITUENTS who recognize the common-sense, fundamentally important, principles supported by H.R. 1255: Notice and opt out rights before a federally funded lawsuit involving ICFs/MR homes is filed. Simply, ICFs/MR residents and their guardians deserve to know about a lawsuit before reading a headline in the paper, and, like any other citizen, should have a right to say whether or not they want to be part of the lawsuit. (For a brief rebuttal to some misrepresentations, see below, "H.R. 1255: What the bill WILL and Will NOT do.")

**REQUEST YOUR MEETING TODAY:** Personal visits are by far the easiest way to secure support for H.R. 1255. Congress will be working in their district offices **April 6 - 17.**

To identify your U.S. Representative and/or find phone numbers and addresses for his/her office near you, visit <http://www.congress.org>. At the top right of the screen enter your zip code. You can also call the capitol switchboard, 202-224-3121, ask for your U.S. Representative.

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**2. H.R. 1255 Advocacy Materials Now Available Online**  
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For your one stop H.R. 1255 advocacy destination visit <http://vor.net/HR1255positions.htm>. Position papers, an Action Alert (with template messages), and VOR's March 2009 letter to Congress are posted.

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**3. H.R. 1255 COSPONSOR UPDATE**  
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**VOR members are doing great! Congress is listening!  
Keep up the advocacy! Maintain the momentum!**

Since the H.R. 1255 was introduced on March 3, the efforts by VOR members and others supporting H.R. 1255 has resulted in 22 cosponsors, with Rep. Peter Roskam (R-IL) and Rep. John Lewis (D-GA) joining just this week. Here is the current list:

**Sponsor:** Rep. Barney Frank (D-MA)

**Democrats**

Rep. James Moran (D-VA)\*  
Rep. Steve Cohen (D-TN)\*  
Rep. Paul Kanjorski (D-MI)\*  
Rep. Debbie Wasserman Schultz (D-FL)\*  
Rep. Michael Capuano (D-MA)  
Rep. John Olver (D-MA)  
Rep. John Barrow (D-GA)  
Rep. Luis Gutierrez (D-IL)  
Rep. John Larson (D-CT)  
Rep. James McGovern (D-MA)  
Rep. Pete Stark (D-CA)  
Rep. Charles Gonzalez (D-TX)  
Rep. John Lewis (D-GA)

**Republicans**

Rep. Ted Poe (R-TX)\*  
Rep. Ron Paul (R-TX)\*  
Rep. Bob Goodlatte (R-VA)\*  
Rep. David Dreier (R-CA)\*  
Rep. Daniel Lungren (R-CA)\*  
Rep. Frank Wolf (R-VA)  
Rep. John Culberson (R-TX)  
Rep. Charles Boustany (R-LA)  
Rep. Peter Roskam (R-IL)

\*= **Original Cosponsors**, joining with Rep. Barney Frank on day of introduction.

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**4. A Rebuttal to the Opposition: H.R. 1255: What the bill WILL and Will NOT do**  
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## **Support H.R. 1255, a bill to assure individual and guardian decision-making in class action lawsuits:**

### **What the bill WILL and Will NOT do**

**Please show your support for H.R. 1255. Cosponsor this legislation today.**

#### **H.R. 1255 WILL:**

? **Apply** only to class action lawsuits that are filed by federally-funded entities using federal dollars against Medicaid-licensed and certified Intermediate Care Facilities for the Mentally Retarded (ICFs/MR).

? **Require** that prospective plaintiffs (mostly people with severe or profound mental retardation) and their legal guardians receive notice before an ICF/MR class action suit is filed. Advance notice is not required by current law.

? **Require** that prospective plaintiffs and their legal guardians be given a time-limited opportunity to "opt out" (not be included in) the class action lawsuit. Opting out of these lawsuits is not now an option.

? **Address** the unwillingness of most federally-funded lawyer groups to involve guardians (including families) of people with severe and profound mental retardation. These lawyers avoid informing and involving the families and do only what is required by current law - no advance notice, no right to opt out.

? **Address** the distrust federally-funded lawyer groups display of guardian ability and/or motives with regard to acting in the best interests of their loved ones. They go so far as to characterize families and guardians as "clueless" (see e.g., Consortium for Citizens with Disabilities (CCD), July 13, 2007).

? **Address** the anti-ICF/MR bias of most federally-funded lawyer groups that sue ICFs/MR. Ignoring the wishes of guardians, these attorneys (e.g., Protection & Advocacy or "P&As") oppose the ICF/MR option for any person with mental retardation.

#### **H.R. 1255 Will NOT:**

? "Fly in the face of disability policy," as opponents of H.R. 1255 have alleged. H.R. 1255 is consistent with federal disability policy which embraces choice and family decision making (see e.g., The Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 15001(c)(3)(2000) (emphasis added): "Individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive. . .")

? **Affect** any other activities of P&A on behalf of people with developmental disabilities and in no way prevent the filing of class action lawsuits on behalf of a consenting class of individuals. The impact of H.R. 1255 on P&A programs would be remarkably small. According to the CCD, in 2006, "Only five percent of [P&A] cases resulted in legal action being taken" (CCD, July 13, 2007), and not all "legal action" was a class action.

? **Affect** Rule 23 of the Federal Rules of Civil Procedure, relating to class action lawsuits. The notice and opt out benefits of H.R. 1255 apply only when a federally-funded entity proposes to bring a class action using federal funds and only before a lawsuit is actually filed.

? **Change** in any way state law with regard to the appointment or removal of guardians. Every state has a legal process concerning guardianship.

? In any way "open up" opportunities for class action changes for other constituencies. H.R. 1255 addresses only the specific injustice of attorneys making decisions for the most vulnerable members of our society and their legal guardians - nothing more or less.

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### **5. Charitable Donations Deductions Update: Thune amendment to keep deductions passes Senate**

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**Summary:** The March 14, 2009 Weekly E-Mail Update (<http://www.vor.net/March132009.htm>) provided information about a proposal in President Obama's budget that would impose new limits on charitable tax deductions. This week, an amendment from Senator John Thune (R-SD) to keep the full federal income tax deduction for giving to charities passed. A short article providing details follows.

**Thune amendment to keep deductions passes Senate**  
**The Associated Press - April 3, 2009**

The U.S. Senate has approved an amendment from Sen. John Thune to keep the full federal income tax deduction for giving to charities.

The measure passed Thursday 94-3. It was a blow to President Barack Obama's plan to help pay for his health care initiative by reducing the tax benefits wealthier people take on itemized deductions.

Thune cited studies that estimated it would cut charitable donations by as much as \$8 billion to \$16 billion annually.

The South Dakota Republican said private charities and nonprofit organizations help meet the needs of the less fortunate, especially during tough times.  
The amendment would create a budget point of order that requires 60 votes in the Senate to reduce the current income tax deduction for charitable donations.

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Tamie Hopp

**VOR MEMBERSHIP/CONTRIBUTION FORM  
THANK YOU FOR YOUR SUPPORT!**

**TO JOIN OR CONTRIBUTE:** \$25 per individual, \$150 per family organization, or \$200 per provider/professional organization. Extra donations are welcome!

You may pay by check or credit card

VOR (Voice of the Retarded)

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Name

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Address (if paying by credit card, use billing address). All forms must include complete address including zip code)

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City St Zip

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Phone Fax

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E-Mail

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Family/Professional Organization Affiliation (if applicable)

If paying by credit card, please provide the following information:

Amount to charge to card: \$\_\_\_\_\_

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Card Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_  
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