

DC Update

July 27, 2007

Congress has continued work, over the last couple of weeks, on fiscal year 2008 appropriations bills along with debate, in the Senate, on the war in Iraq. In addition, both chambers have begun work on the State Children's Health Insurance Program (SCHIP) and seek to finish the legislation before the August recess. More details regarding the bills are provided below.

The House and Senate will recess August 6 – 31, 2007. NACBHDD will update members of legislative activity that takes place next week.

Fiscal Year 2008 Appropriations

The US House of Representatives passed the Labor, Health and Human Services and Education (L-HHS-Ed) spending bill (HR 3403), 276-140. The President has vowed to veto the bill largely because of the spending level.

The bill would provide a total of \$607 billion, including \$151.7 billion in discretionary spending; \$7.2 billion more than fiscal 2007 levels, \$2.3 billion more than the Senate bill (S 1710) and \$10.8 billion more than the Administration's request. At this time, the bill has not been scheduled for a vote in the Senate. However, that chamber is not scheduled to address the spending measure before the August recess.

The House also passed the Commerce, Justice and Science (CJS) Appropriation bill (HR 3093) Thursday, July 26, 2007. This spending bill also faces veto due to spending levels. The total spending level is \$53.6 billion for fiscal year 2008.

Parity Legislation

The House Committee on Education and Labor marked up the Paul Wellstone Mental Health and Addiction Equity Act of 2007, HR 1424, on Wednesday. Representative John Kline (R-MN) offered the Senate parity bill, S. 558, as an amendment. Representatives Vernon Ehlers (R-MI) and Todd Platts (R-PA) joined the majority in rejecting the amendment. The House bill was reported favorably out of committee without amendment by a vote of 33-9. There is no indication when the Energy and Commerce and Ways and Means Committees will take up this legislation.

State Children's Health Insurance Program (SCHIP)

The Senate Finance Committee passed the State Children's Health Insurance Program on Thursday, July 19, 2007. The Senate bill will cost \$35 billion over five years and be paid for with a 61-cent increase in federal tobacco tax. Of note, the legislation provides mental health parity in CHIP programs. The Senate is scheduled to debate and vote on the bill next week.

The House Energy and Commerce and Ways and Means Committees met Thursday, July 26, 2007 to consider the Children's Health and Medicare Protection Act of 2007 (CHAMP). This legislation reauthorizes the State Children's Health Insurance Program (SCHIP) as well as address issues in the Medicare program. While the Ways and Means Committee reported the bill in the early morning hours on Friday, July 27; the Energy and Commerce Committee ended late Thursday evening and resumed work Friday. Ranking member, Representative Joe Barton (R-TX), provided an amendment to the bill, which was over 400 pages, and asked that it be read in its entirety. Due to the rules of the House, the amendment was read with numerous objections and discussion taking place during the reading. It is unclear whether the committee will finish its business before the weekend.

The bill is contentious in the House as the Republicans argue they were left out crafting the legislation that would cost \$50 billion over the next five years and would be paid for by increasing the federal tobacco tax and cutting the Medicare Advantage program. NACBHDD will update members as the legislation moves forward.

Americans with Disabilities Act (ADA)

On Thursday, July 26, 2007 Representatives Steny Hoyer (D-MD) and James Sensenbrenner (R-WI) along with Senator Tom Harkin (D-IA) held a press conference to mark the 17th anniversary of the Americans with Disabilities Act and introduce legislation to strengthen protections initially intended by Congress. Some have been disappointed with courts' interpretation by which, many argue, has limited the scope and undermined the intent of the legislation.

In his remarks, Congressman Hoyer stated; "...courts have ruled that medication or other corrective measures have made ADA claimants "too functional" to be considered "disabled" under the law.

"Let me be clear: This is not what Congress intended when it passed the ADA. We intended a broad application of this law. Simply put, the point of the ADA is not disability; it is the prevention of wrongful and unlawful discrimination.

"Thus today, Congressman Sensenbrenner - the former Chairman of the House Judiciary Committee - and I will introduce the "Americans With Disabilities Restoration Act of 2007" to restore the broad reach of ADA that we believed was plain in 1990."

Senator Harkin is expected to introduce similar legislation in the Senate.

Other Legislation

Down Syndrome Awareness bill

On July 17, Senators Sam Brownback (R-KS) and Edward Kennedy (D-MA) introduced the *Prenatally and Postnatally Diagnosed Conditions Awareness Act* (S. 1810). The bill would increase supports and services for families who receive a diagnosis of Down Syndrome or any other pre-natal or post-natal conditions. S 1810 was referred to the Senate Health, Education, Labor and Pensions (HELP) Committee.

In addition, the Senate is set to consider the Higher Education Act reauthorization (S. 1642). The bill was marked up by the HELP Committee in June and included provisions for postsecondary opportunities for individuals with intellectual disabilities.

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