

The Capitol Insider for the Week of December 5

Action Alert

[We need you to keep standing up for CLASS!](#)

Major Events Last Week

Civil Rights - New report released by The National Disability Rights Network

The National Disability Rights Network (NDRN) released a [report](#) summarizing two community monitoring projects supported with funding from the Administration on Developmental Disabilities (ADD). The protection and advocacy (P&A) programs in Alabama and North Carolina tracked individuals leaving institutions and moving into the community to determine if their lives had improved, if they had new opportunities, and if they were safe. The programs found that people were generally happy and enjoyed their greater independence and freedom. However, they also found safety issues (hornets' nest above the front door, broken wheelchair tray) that were promptly addressed by service providers. In Alabama, several individuals with medically complex needs died shortly after moving out of the Partlow state institution. The P&A worked with the state to implement more stringent transition protocols and no one has since died. The report recommends additional monitoring of community based settings by protection and advocacy programs.

Regulatory Reform Passes in the House of Representatives

On Friday, December 2, the House of Representatives passed H.R. 3010 with a vote of 253-167. This bill will radically reform the federal rule-making procedures to make them more complex and require additional analysis and justification for rules. Federal rules are developed to implement and explain federal legislation. Often major laws such as the recent Affordable Care Act leave important definitions and provisions to the regulatory process. The intent of this legislation is to make it much harder to produce regulations, particularly those that protect the public health, the environment, and workplace safety - areas that major businesses and industries feel are over regulated - and require agencies to choose the least costly rules. The Arc is concerned that this legislation could make it difficult to produce critical regulations and would weigh too heavily in favor of special interests who oppose many regulations that we have supported. The President has announced his intent to veto the legislation.

Long Term Services and Supports - House Energy and Commerce Committee votes on CLASS Program repeal

On November 30, the House Energy and Commerce Committee, chaired by Rep. Fred Upton (R-MI), approved H.R. 1173, the Fiscal Responsibility and Retirement Security Act of 2011, which repeals the Community Living Assistance Services and Supports (CLASS) Program, by a vote of 33 to 17. The CLASS program would help working adults prepare for their future in the event they need help maintaining independence in the community. It was also intended to take the pressure off Medicaid, so that Medicaid can better serve the needs of low income communities. Without a program like CLASS, the Medicaid program will continue to take on the load of long term service needs for many Americans, who will be forced into a lifetime of poverty to qualify for this assistance. The Administration has halted implementation of the CLASS program due to problems it

encountered which it believes need resolution before implementation can move forward. The Arc will continue to support the CLASS program and has urged that Members of Congress reform, rather than repeal, the program.

Social Security - House hearing on Social Security Disability Insurance (SSDI)

The House Committee on Ways and Means, Subcommittee on Social Security, chaired by Rep. Sam Johnson (R-TX), has announced a hearing series on Securing the Future of the Social Security Disability Insurance (SSDI) Program. The first hearing was held on Friday December 2nd. Witnesses testified about the goals of SSDI, the income security it provides, trends in SSDI beneficiaries, and financing challenges. Visit the Committee web site to view the [hearing advisory and testimony](#) and archived [video](#).

Medicaid - New Administrator for Federal Medicaid Office

President Barack Obama announced his intention to nominate Marilyn Tavenner to succeed Donald M. Berwick as administrator of the Centers for Medicare and Medicaid Services.

Tavenner will serve as administrator on an acting basis during the confirmation process, which would be handled by the Senate Finance Committee. Berwick's resignation was effective Dec. 2. Tavenner, who has served as principal deputy administrator since joining CMS in February 2010, starts as acting CMS administrator Dec. 5.

Major Events Ahead

Social Security - Congress considering extensions of payroll tax holiday, unemployment insurance

Last week, two bills to extend or expand the 2011 payroll tax holiday into 2012 failed in the Senate ([S. 1917](#); [S. 1931](#)). Congressional leaders are now considering ways to advance payroll tax holiday extension legislation by the end of the year, including combining it with an extension of unemployment insurance for long term unemployed workers. Social Security payroll taxes paid by employees and employers provide dedicated funding for the Social Security Trust Funds. To stimulate the economy, for 2011 Congress reduced the payroll tax paid by employees by 2 percent, from 6.2 to 4.2 percent of payroll (on up to \$106,800 of earnings). Congress also directed general revenues into the Social Security Trust Funds to cover the 1-year reduction in payroll tax revenues. This payroll tax holiday will expire on December 30, 2011. The President and Congressional leaders have expressed a desire to extend the payroll tax holiday into 2012. However, Congress has not reached agreement on the size of a potential payroll tax holiday, or how to pay for it. Some Members are also expressing concerns about the effects of a continued payroll tax holiday on the Social Security Trust Funds.

Announcements

Civil Rights - President Obama declares December 3 "The International Day of Persons with Disabilities"

President Obama proclaimed December 3 the International Day of Persons with Disabilities. In issuing the [proclamation](#), the President said, “(W)e press forward, renewing our dedication to embrace diversity, end discrimination, remove barriers, and uphold the rights, dignity, and equal opportunity of all people.” It is anticipated that the President will send the Convention on the Rights of Persons with Disabilities to the Senate for ratification in the near future.

Education - More states submit No Child Left Behind waivers

Eleven states submitted No Child Left Behind waiver applications to the Department of Education. The applications are posted on the Department’s website. A list of peer reviewers is also available on the website: www.ed.gov/esea/flexibility