

# LEGISLATIVE MONITOR

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A Report on State and Federal Legislation  
Affecting Persons with Disabilities  
A Publication of The Arc of Tennessee

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Tennessee Council on Developmental Disabilities*

## United States 111th Congress

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Health, Education, Labor and Pensions (HELP)–  
\* Subcommittees: Children and Families – Ranking Member; Retirement and Aging  
Appropriations  
· Subcommittee: Transportation, Housing and Urban Development  
Budget  
Rules and Administration  
Environment and Public Works  
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### U.S. REPRESENTATIVES

To contact Representatives by email go to individual homepages or use: <https://writerep.house.gov/writerep/welcome.shtml>

#### District 1

##### Phil Roe [R]

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website: <http://roe.house.gov/>  
*Key Committees:*  
Agriculture  
Education and Labor – Subcommittees:  
\* Healthy Families and Communities  
\* Higher Education, Life Long Learning and Competitiveness  
\* Health Employment, Labor and Pensions Subcommittee  
Veterans Affairs  
*District Office:*  
P. O. Box 1176  
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#### **John J. Duncan [R]**

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#### *Key Committees:*

Transportation and Infrastructure – Subcommittees:

- \* Water Resources and Environment, Chair
- \* Highways and Transit
- \* Aviation

Oversight and Government Reform

#### *District Offices:*

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Knoxville, TN 37902  
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website: <http://www.house.gov/wamp>

#### *Key Committees:*

Appropriations – Subcommittees:

- \* Military Construction and Veterans Affairs, Ranking Member;
- \* Energy and Water

Coalition on Autism Research and Education

#### *District Offices:*

900 Georgia Avenue, Suite 126  
Chattanooga, TN 37402  
Chattanooga: (423) 756-2342 Fax: (423) 756-6613  
Oak Ridge: (865) 576-1976 Fax: (865) 576-3221

### **District 4**

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Washington, DC 20515  
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website: <http://www.house.gov/lincolndavis/>

#### *Key committees:*

Appropriations  
Science and Technology

#### *District Offices:*

1804 Carmack Blvd., Suite A  
Columbia, TN 38401  
Columbia: (931) 490-8699, Fax: (931) 490-8675  
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McMinnville: (931) 473-7251 Fax: (931) 473-7259  
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#### *Key Committees:*

Armed Services  
Oversight and Government Reform  
Blue Dog Coalition

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#### *Key Committees:*

Energy and Commerce – Subcommittees:

- \* Health
  - \* Telecommunications and the Internet
- Science and Technology, Chairman

#### *District Offices:*

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Murfreesboro, TN 37130  
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Cookeville: (931) 528-5907  
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#### *Key Committees:*

Energy and Commerce – Subcommittee:

- \* Health
- \* Energy and Air Quality

#### *District Offices:*

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*Key Committees:*

Ways and Means - Subcommittees:

- \* Trade
- \* Oversight

Blue Dog Coalition

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**Steve Cohen [D]**

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(202) 225-3265 Fax: (202) 225- 5663  
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*Key Committees:*

Judiciary – Subcommittees:

- \* Courts, the Internet, and Intellectual Property;
- \* Constitution, Civil Rights, and Civil Liberties

Transportation and Infrastructure - Subcommittees:

- \* Highways and Transit;
- \* Development, Public Buildings and Emergency Management

*District Office:*

167 North Main Street, Suite 369  
Memphis, TN 38103  
(901) 544-4131 Fax: (901) 544-4329

**2009 KEY U.S. SENATE COMMITTEES**

**Committee on Appropriations**

Jurisdiction: To write legislation allocating federal funds to government agencies, departments, and organizations on an annual basis as well as supplemental spending bills, as needed. Appropriations are limited to the levels set by a Budget Resolution, drafted by the Senate Budget Committee.

S 128 Capitol Building  
Washington D.C. 20510-6025  
(202) 224-7363

Chairman: Daniel Inouye (D-HI)  
Ranking Member: Thad Cochran (R-MS)  
Member: Lamar Alexander (R-TN)

Subcommittees: Transportation Housing and Urban Development; Commerce, Justice, Science; Labor, Health and Human Services, Education  
Lamar Alexander, (R-TN)

**Committee on Banking, Housing, and Urban Affairs**

Jurisdiction: along with banking and insurance, includes control of prices of commodities, rents and services; public

and private housing (including veterans housing); urban development and urban mass transit.

534 Dirksen Senate Office Building  
Washington D.C. 20510-6075  
(202) 224-7391 Fax: (202) 224-5137  
Chairman: Christopher Dodd (D-CT)  
Ranking Member: Richard Shelby (R-AL)  
Member: Bob Corker (R-TN)

**Committee on the Budget**

Jurisdiction: responsible for drafting Congress' annual budget plan and monitoring action on the budget for the Federal Government; has jurisdiction over the operation of the Congressional Budget Office (CBO).

624 Dirksen Senate Office Building  
Washington D.C. 20510-6100  
(202) 224-0624

Chairman: Kent Conrad (D-ND)  
Ranking Member: Judd Gregg (R-NH)  
Member: Lamar Alexander (D-TN)

**Committee on Commerce, Science, and Transportation**

Jurisdiction: includes communications and transportation

508 Dirksen Senate Office Building  
Washington D.C. 20510-6123  
(202) 224-5115

Chairman: John D. Rockefeller, IV (D-WV)  
Ranking Member: Kay Bailey Hutchinson (R-TX)

**Committee on Finance**

Jurisdiction: includes health programs under the Social Security Act and health programs financed by a specific tax or trust fund; national social security; revenue measures

219 Dirksen Senate Office Building  
Washington, D.C. 20510-6125  
Majority phone: (202) 224-4515

Minority phone: (202) 224-5315  
Chairman: Max Baucus (D-MT)  
Ranking Member: Charles E. Grassley (R-IA)

Subcommittee on Health Care  
Subcommittee on Social Security and Family Policy

**Committee on Health, Education, Labor and Pensions (HELP)**

Jurisdiction: measures relating education, labor, health, and public welfare; Aging; Equal Employment opportunity; Handicapped individuals, Labor standards and statistics; Occupational safety and health; Public health; Wages and hours of labor.

428 Dirksen Senate Office Building  
Washington D.C. 20510-6300  
Phone: (202) 224-5375 TDD: (202) 224-1975

Chairman: Edward Kennedy (D-MA)  
Ranking Member: Mike Enzi (R-WY)  
Member: Lamar Alexander (R-TN)

*Subcommittee on Children and Families*

Jurisdiction includes Head Start, Family Medical Leave

Act, child care and child support and other issues involving children, youth and families

Chair: Christopher Dodd (D-CT); Lamar Alexander, (R-TN), Ranking Member

*Subcommittee on Employment and Workplace Safety*

Jurisdiction includes labor issues employment trends and workforce training

Chair: Patty Murray (D-WA)

*Subcommittee on Retirement and Aging*

Jurisdiction includes Older Americans Act, long-term care services for older Americans and family care giving

Chair: Barbara Mikulski (D-MD)

Member: Lamar Alexander (R-TN)

### **Special Committee on Aging**

Special committees have no legislative authority but can study issues, conduct oversight of programs, and investigate reports of fraud and waste. The Special Committee on Aging serves as a focal point for discussion and debate on matters relating to older Americans, including Medicare, and conducts oversight of the administration on major programs like Social Security and the Older Americans Act.

G31 Dirksen Senate Office Building  
Washington, DC 20510-6400

(202) 224-5364 Fax: (202) 224-9926

Chairman: Herb Kohl (D-WI)

Ranking Member: Mel Martinez (R-FL)

Member: Bob Corker (R-TN)

### **Senate Leadership**

Sen. Harry Reid (D-NV) Majority Leader

528 Hart Senate Office Building

Washington DC 20510

(202) 224-3542

Web Form: [reid.senate.gov/email\\_form.cfm](http://reid.senate.gov/email_form.cfm)

Sen. Mitch McConnell (R-KY) Minority Leader

361-A Russell Senate Office Building

Washington DC 20510

(202) 224-2541

email: [senator@mccconnell.senate.gov](mailto:senator@mccconnell.senate.gov)

Sen. Dick Durbin (D-IL) Assistant Majority Leader

332 Dirksen Senate Office Building

Washington DC 20510

(202) 224-2152

Web Form: [durbin.senate.gov/sitepages/contact.cfm](http://durbin.senate.gov/sitepages/contact.cfm)

Sen. John Kyl (R-AZ), Assistant Minority Leader

730 Hart Senate Building

Washington, D.C. 20510

(202) 224-4521

### **Committee on Appropriations**

Jurisdiction: Appropriations, broad responsibility for the Federal budget

H-218 U. S. Capitol

Washington, D.C. 20515

(202) 225-2771

Chairman: David Obey (D-WI)

Ranking Member: Jerry Lewis (R-CA)

Member: Lincoln Davis (D-TN)

Member: Zach Wamp (R-TN)

*Subcommittee on Labor, Health, HHS and Education*

Chair: David Obey (D-WI)

*Subcommittee on Transportation, Housing and Urban Development,*

*and Related Agencies*

Chair: John Olver (D-MA)

### **Committee on Budget**

207 Cannon House Office Building

Washington D.C. 20515

(202) 226-7200 Fax: (202) 225-9905

Chairman: John Spratt (D-SC)

Ranking Member: Paul Ryan (R-WI)

### **Committee on Energy and Commerce**

Jurisdiction: Includes Health and health facilities; public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance;

Chairman: Henry Waxman (D-CA)

Ranking Member: Joe Barton (R-TX)

Members: Bart Gordon (D-TN)

Marsha Blackburn (R-TN)

*Subcommittee on Communications, Technology, and the Internet*

Chair: Rick Boucher (D-VA)

Member: Bart Gordon (D-TN)

Marsha Blackburn (R-TN)

*Subcommittee on Health*

Chair: Frank Pallone (D-NJ)

Member: Bart Gordon (D-TN)

Marsha Blackburn (R-TN)

### **Committee on Education and Labor**

Jurisdiction: Measures relating to education or labor generally, including No Child Left Behind Act and IDEA; Vocational rehabilitation; Wages and hours of labor; Work incentive programs, including WIA.

2181 Rayburn House Office Building

Washington D.C. 20515

(202) 225-3725

Chairman: George Miller (D-CA)

Ranking Member: Howard P. "Buck" McKeon (R-CA)

Member: Phil Roe (R-TN)

*Early Childhood, Elementary and Secondary Education*

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*Subcommittee* ( Includes education from early learning through the high school level including, but not limited to, elementary and secondary education, education of the disabled, the homeless and migrant and agricultural labor; includes early care and education programs and early learning programs, including the Head Start Act and the Child Care and Development Block Grant Act.

Chair: Dale Kildee (D-MI)

*Higher Education, Lifelong Learning, and Competitiveness Subcommittee* (Education and training beyond the high school level including, postsecondary career and technical education, training and apprenticeship including the Workforce Investment Act, rehabilitation; pre-service and inservice teacher training, including Title II of the Elementary and Secondary Education Act and Title IX of the Education Amendments of 1972; all welfare reform programs including, work incentive programs, and welfare-to-work requirements)

Chair: Ruben Hinojosa (D-TX)

Member: Phil Roe (R-TN)

*Healthy Families and Communities Subcommittee* (includes school lunch and child nutrition, poverty programs including the Community Services Block Grant Act, and the Low Income Home Energy Assistance Program (LIHEAP); all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act)

Chair: Carolyn McCarthy (D-NY)

Member: Phil Roe (R-TN)

*Health, Employment, Labor and Pensions Subcommittee* (includes all matters dealing with relationships between employers and workers generally including, pension, health and other employee benefits, the Employee Retirement Income Security Act (ERISA); all matters related to equal employment opportunity and civil rights in employment, including affirmative action.

Chair: Robert Andrews (D-NJ)

Member: Phil Roe (R-TN)

*Workforce Protections Subcommittee* (includes wages and hours of labor including, Family and Medical Leave Act)

Chair: Lynn Woolsey (D-CA)

### **Committee on Financial Services**

Jurisdiction: Financial services industry, including the securities, insurance, banking, and housing industries.

2129 Rayburn House Office Building

Washington D.C. 20515

(202) 225-4247

Chair: Barney Frank (D-MA)

Subcommittee on Housing and Community Opportunity

Chair: Maxine Waters (D-CA)

### **Committee on the Judiciary**

Jurisdiction: Over matters relating to the administration of justice in Federal courts, administrative bodies, and law enforcement agencies.

2138 Rayburn House Office Building

Washington, DC 20515

(202) 225-3951

Chairman: John Conyers (D-MI)

Ranking Member: Lamar Smith (R-TX)

Member: Steve Cohen (D-TN)

### **Committee on Transportation and Infrastructure**

Jurisdiction: Federal management of emergencies and natural disasters; Transportation

2165 Rayburn House Office Building

Washington, D.C. 20515

(202) 225-4472

Chairman: James Oberstar (D-MN)

Ranking Member: John Mica (R-FL)

Members: John Duncan (R-TN)

Steve Cohen (D-TN)

*Subcommittee on Highways, Transit and Pipelines*

Ranking Member: John Duncan (R-TN)

Member: Steve Cohen (D-TN)

*Subcommittee on Economic Development, Public Buildings and Emergency Management*

Chair: Eleanor Holmes Norton (D-District of Columbia)

### **Committee on Ways & Means**

Jurisdiction: Includes federal revenue measures generally; National Social Security programs — Old-age, survivors, and disability insurance (Title II), Medicare (Title XVIII), Supplemental security income (SSI) (Title XVI), Temporary Assistance for Needy Families (TANF) (part A of Title IV), Child support enforcement (part D of Title IV, Child welfare, foster care, and adoption assistance (parts B and E of Title IV, Unemployment compensation programs (Titles III, IX, and XII), Social services (Title XX)

1102 Longworth House Office Building

Washington D.C. 20515

Phone: (202) 225-3625 Fax: (202) 225-2610

Chairman: Charles Rangel (D-NY)

Ranking Member: Dave Camp (R-MI)

Member: John Tanner (D-TN)

*Subcommittee on Health*

Chair: Pete Stark (D-CA))

*Subcommittee on Social Security*

Chair: John Tanner (D-TN)

*Subcommittee on Income Security and Family Support*

Chair: Jim McDermott (D-WA)

### **House of Representatives Leadership**

(Note: To contact Representatives by email go to: <https://writerep.house.gov/writerep/welcome.shtml>)

Nancy Pelosi (D-CA), Speaker

Office of the Speaker

H-232, US Capitol

Washington, D.C. 20515

Phone: (202) 225-0100

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## **The CLASS Act of 2009 Community Living Assistance Services and Supports Act**

The CLASS Act was introduced in the Senate (S. 697) by Senator Ted Kennedy (D-MA) and in the House (H.R. 1721) by Representative Frank Pallone (D-NJ). The bill would establish a national public long term services insurance program that would pay cash benefits to eligible individuals. The benefits would not be means-tested and would not require that people become impoverished in order to receive services. The CLASS Act is expected to take some of the pressure off of the Medicaid program which has become the only significant source of public long term services supports in the nation.

### *Purpose of the Bill*

To help adults with severe functional impairments obtain the services and supports they need to stay functional and independent, while providing them with choices about community participation, education and employment.

### *Background*

Most Americans who have or develop severe functional impairments can only access coverage for the services critical to their independence (such as housing modifications, assistive technologies, transportation, and personal assistance services) through Medicaid. Their reliance on Medicaid for critical support services creates a strong incentive for them to “spend down” assets and remain poor and unemployed. With Medicaid paying 50% of the costs of long term services, increased expenditures on long term services are expected to add \$44 billion annually to the cost of Medicaid over the next decade.

### *Overview of the Legislation*

The CLASS Act will offer an alternative path. It will create a new national insurance program to help adults who have or develop functional impairments to remain independent, employed and stay a part of their community.

Financed through voluntary payroll deductions (with opt-out enrollment like Medicare Part B), this legislation will help remove barriers to independence and choice (e.g., housing modification, assistive technologies, personal assistance services, transportation), that can be overwhelmingly costly, by providing a cash benefit to those individuals who are unable to perform 2 or more functional activities of daily living.

The large risk pool to be created by this program approach will make added coverage much more affordable than it is currently, thereby reducing the incentives for people with severe impairments to “spend down” to Medicaid. It will give individuals added choice and access to supports without requiring them to become impoverished to qualify.

The CLASS Act is an important step in the evolution of public policy toward a new focus on helping individuals overcome barriers to independence that they may confront due to severe functional impairments. It is an important extension of concepts embodied in the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act of 1990 (ADA), and Ticket to Work and Work Incentives Improvement Act of 1999.

Source: [www.passtheclassact.org](http://www.passtheclassact.org)

## **Community Choice Act of 2009 Introduced**

A measure introduced March 24, 2009, in both the U.S. Senate and U.S. House will offer choice and independence for people with disabilities. The Community Choice Act, legislation sponsored by Senator Tom Harkin (D-IA) and Congressman Danny Davis (D-IL), will bring people with disabilities into the mainstream of society and provide equal opportunity for employment and full involvement in community activities. It allows people with disabilities who need an institutional level of care the choice of receiving their services and supports in their own communities rather than in an institution.

The House bill, H.B 1670, has 41 co-sponsors, including Rep. Steve Cohen (D-TN); S. 683 has 13 co-sponsors.

“The legislation sends a message to the rest of Congress and to America: We want real homes, not nursing homes,” said Senator Harkin, one of the authors of the Americans with Disabilities Act. “Our current system effectively forces people into institutions and requires them to impoverish themselves in order to become eligible for the assistance they need. It is wrong – and this legislation changes it.”

“This legislation allows States and consumers to obtain more cost effective long-term services in the most appropriate setting for the individual. Individuals with disabilities will be able to choose between services in an institution or services at home permitting more independence, more dignity and reduced cost,” said Congressman Davis. “Without any new entitlements, The Community Choice Act will allow the dollars to follow the person, and allow individuals, or their representatives, to choose where and how to best receive services and supports.”

Under the U.S. Supreme Court’s decision in *Olmstead v. L.C.* (1999), individuals with disabilities have the right to choose to receive their long-term services and supports in the community rather than in an institutional setting. The Community Choice Act would amend Title XIX of the Social Security Act to make community-based attendant care services an alternative for Medicaid recipients who are “institutionally eligible” for nursing home care.

Source: Harkin Press Staff, March 24, 2009

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## Vice President Joe Biden Announces Kareem Dale as Special Assistant to the President for Disability Policy

First Time a President has had a Special Assistant Focused Exclusively on Disability Policy

On February 12, 2009, Vice President Joe Biden announced the appointment Kareem Dale as Special Assistant to the President for Disability Policy. "This is our first step to ensure that we have a strong advocate for people with disabilities at the highest levels of our Administration."

Mr. Dale, who is partially blind, will have direct access to the President in this role and he will coordinate the Administration's efforts to see that people with disabilities are on a level playing field with all Americans.

Originally from Chicago, Illinois, Mr. Dale previously served as the National Disability Director for the Obama for America campaign. He also served on the Arts Policy Committee and the Disability Policy Committee for then-Senator Obama.

Mr. Dale graduated from the University of Illinois at Urbana-Champaign with a Bachelor's degree in Advertising in May 1995. He received his JD/MBA in May 1999 from the University of Illinois at Urbana-Champaign, graduating Cum Laude. While attending law school, Mr. Dale was also active in community service, including serving as president of two organizations, the Black Law Students' Association and Open Forum.

On March 24, 2009, *Disability Scoop* ([www.disability-scoop.com](http://www.disability-scoop.com)) had an exclusive interview with Kareem Dale. Below are a few excerpts from that interview. The full interview can be found at: <http://www.disabilityscoop.com/2009/03/24/kareem-dale/2639/>

**Disability Scoop:** What is your role as special assistant to the president for disability policy?

**Kareem Dale:** I sit in the office of public liaison here at the White House and also sit in the Domestic Policy Council working on disability policy. I'm responsible for disability outreach to the community, letting the community know what's going on and the administration related to disability issues and disability policy.

I'm also responsible for making sure that folks with disabilities are included into what we do here at the White House in terms of public events like inviting people to participate in our regional health care summit or fiscal summit or (bill) signings such as the stem cell signing, SCHIP legislation signing and things of that nature. Also, working from the policy angle and making sure the policy folks know about the real important policy issues as related to education and employment for people with disabilities.

**Disability Scoop:** Last month the Department of Labor began releasing employment data on people with disabilities. The unemployment numbers for this population are quite extraordinary. What can be done to reverse this trend?

**Kareem Dale:** I think there are a lot of things that we're going to be looking at. Honestly the president is still putting together a comprehensive team related to his administration across the federal government. There's a lot that can be done but I think that some of the things that can be done is a change of perception of hiring people with disabilities. I think that the president at least in the first few months has started to demonstrate that folks with disabilities should be and can be hired. Just by appointing three folks to deal with disability issues at the White House, I think he set a personal example. You start with an example and then others will follow.

There are many more things that can be done in terms of changing perception. There's an education component too in terms of educating companies and corporations about the benefits of hiring people with disabilities in terms of diversity, in terms of some of the business credits and some of the other benefits that are out there for people with disabilities. But it's got to be an overall comprehensive effort across the government and I think there are going to be many good things to come from this administration for employment of people with disabilities. We're looking forward to working on it.

Sources: Office of the Vice President, February 12, 2009; *Disability Scoop*, March 24, 2009

### New ARRA medicaid Guidance

The Centers for Medicare and Medicaid released a new Fact Sheet and Frequently Asked Questions (FAQ). The new information basically informs states what they are prohibited from doing (e.g. eliminating eligibility for groups or subgroups) in order to be eligible to receive the enhanced state Medicaid match under the American Recovery and Reinvestment Act (ARRA). See: <http://www.astho.org/pubs/ARRASection5001-FMAP-FactSheet.pdf?PHPSESSID=0b638f2962cf1b7410312513cd5f0a6>

Source: Capitol Insider, March 30, 2009

**The Arc** *The Arc of Tennessee*  
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