**disABILITY LINK - Legislative and Social Policy Report – March 2017**

*“Avoiding danger is no safer in the long run than outright exposure.  The fearful are caught as often as the bold,”*

Helen Keller (1880 to 1968)

The Independent Living community has many disability rights achievements of which to be rightly proud, but everywhere there are efforts (apparently both deliberate and coincidental) to erode rights – recent examples include:

**The American with Disabilities (ADA) Education and Reform Act of 2017 (H.R. 620)** – sponsored by Rep. Ted Poe (R-TX) Rep. Scott Peters (D-CA) is coming up for markup in Judiciary Committee! - it requires a person with a disability to give a business owner (where there are barriers to access) a written notice, the business has 60 days to acknowledge that there is a problem, and then another 120 days to begin to fix it - no other civil rights group is expected to wait 180 days to enforce their civil rights – H.R. 620 weakens the ADA and puts the burden on people with disabilities! (House Judiciary Committee members: [https://judiciary.house.gov/subcommittee/full-committee/](https://remote.disabilitylink.org/OWA/redir.aspx?C=JO87b3q_MpWqziCckVDlInfCa5m2oR_w7o7XblAxfuglMUouX3TUCA..&URL=https%3a%2f%2fjudiciary.house.gov%2fsubcommittee%2ffull-committee%2f))

**The American Health Care Act** **(ACHA)** - people with disabilities have been overlooked as Congress and the Trump administration rush to repeal the Affordable Care Act (ACA) and block grant Medicaid, with potentially devastating consequences (<http://www.adapt.org/main.save_disability-specific_aspects_of_aca>) - legislation currently proposed in Congress does not address the following critical healthcare essentials for people with disabilities:

1) Insurance plans will not have minimal requirements - we could end up with coverage that doesn’t cover anything.

2) No true protection for the pre-existing conditions that all persons with disabilities have - proposed legislation indicates that we will have less coverage, pay higher premiums, and have no protection without continuous coverage.

3) There is no mention in AHCA of the Community First Choice Option (CFCO) that is contained in the ACA – the CFCO supports us to bypass nursing facilities so we can live in our own homes – (Community First Choice State plan option, which was authorized by the Affordable Care Act and provides an incentive for States to expand their Medicaid coverage for person-centered home and community-based attendant services and supports - states that elect the Community First Choice option are eligible for a 6 percentage point increase in their federal medical assistance percentage - individuals who require an institutional level of care are eligible for the services, which will be offered in community-based settings - <https://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2012-Fact-sheets-items/2012-04-262.html>)

4) Medicaid block grants mean significant cuts over time in Medicaid funding to states - to compensate, the federal government proposes giving the states complete freedom to cut services and supports as they see fit, as home and community based services (HCBS) are an optional service, this risks throwing us back to an age where people with disabilities die without healthcare, or are warehoused in horrific conditions, subject to abuse and neglect, etc. - states have a harrowing history of providing NO supports and services when regulations and funding requirements are entirely removed.

**The Trump Administration’s Budget Proposal** - cuts to domestic spending outlined in a budget plan released by the White House have big implications for people with disabilities – the proposal calls for substantial increases in defense and homeland security spending, with broad domestic cuts touching everything from education to medical research, housing and transportation programs - *“Given that people with disabilities rely on non-defense discretionary programs much more than defense, homeland security and veterans funding, having such a huge cut in (non-defense discretionary programs) funding will have a devastating impact on the programs people with disabilities use and rely on to work, receive an education (and) live in the community,”* said David Card of the National Disability Rights Network - <https://www.disabilityscoop.com/2017/03/17/trumps-uncertainty-disability/23460/> - the final impact of these cuts are unclear as yet, but a likely example is Community Services Block Grant funding, which supports local anti-poverty programs, like Meals-on Wheels for seniors and people with disabilities, "*I can't understand why something like that would be cut,"* says Dan Pruett, CEO of Meals on Wheels of Central Texas, which receives one third of its funding from the government, the meals they deliver allow many low-income seniors to stay in their own homes, something that might now be threatened - *"I would say that the number of people having to go to nursing home care or some alternate type of care that's more expensive — that's very real,"* Pruett says. *"So we save the taxpayers money, no question about it."* – NPR’s article form 3/17/17 - <http://www.npr.org/2017/03/17/520467050/advocates-say-trump-budget-cuts-will-hurt-countrys-most-vulnerable> - the National Council on Independent Living (NCIL) opposes cuts to housing and other domestic programs designed to assist low to moderate-income households, including those with disabilities.

**Supreme Court nominations** - Judge Neil Gorsuch, Trump’s Supreme Court nominee, has evinced an extremely narrow view of the Americans with Disabilities Act (and the Individual with Disabilities Education Act, IDEA), going so far as to condemn the very use of lawsuits to enforce civil rights statutes

**Conclusion** – in the recently published (3/8/17) “5 Ways President Trump’s Agenda Is a Disaster for People with Disabilities” by The **Center for American Progress**, an independent nonpartisan policy institute, dedicated to improving the lives of all Americans, illustrate the multiple ways the disability community is at grave risk for health, education, and economic security <https://www.americanprogress.org/issues/poverty/news/2017/03/08/427629/5-ways-president-trumps-agenda-disaster-people-disabilities/>

The National Council on Independent Living’s Legislative and Advocacy and Priorities Guide for 2017 (http://www.ncil.org/wp-content/uploads/2017/03/Policy-Priorities-February-2017.pdf ) – just published, it includes information and analysis on topics such as; Reform Medicaid, Don’t Gut It!; The Disability Integration Act (DIA) clarifying the right to HCBS; housing; transportation; education, mental health; employment and economic equity; access to technology; access to voting; freedom from violence and abuse; the Convention on the Rights of Persons with Disabilities (CRPD); and much more - NCIL was founded to embody the values of disability culture and Independent Living philosophy, which consumer control, the idea that people with disabilities are the best experts on their own needs, having crucial and valuable perspective to contribute and deserving of equal opportunity to decide how to live, work, and take part in their communities, particularly in reference to services that powerfully affect our day-to-day lives and access to independence.

Linda Pogue – Disability Rights and Program Director – 404-687-8890 x114 – [GreenPogue@disABILITYLINK.org](mailto:GreenPogue@disABILITYLINK.org)