



National Association of State Head Injury Administrators



Capitol News!

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Dear NASHIA Member,

Welcome to *Capitol News!* featuring information on current legislative activity. Several important measures are being considered this week. **The Senate Health, Education and Pensions (HELP) Committee** is scheduled to **mark up S. 2539, the Traumatic Brain Injury Reauthorization Act of 2014, tomorrow, July 23.** Today, the President is signing the Workforce Innovation and Opportunity Act (WIOA), which amends certain provisions of the Rehabilitation Act of 1973.

Also today, the Senate Foreign Relations Committee is scheduled to consider the United Nations Convention on the Rights of People with Disabilities (CRPD). National organizations have sent out alerts calling for advocates to contact members of the committee urging that they support this critical issue. Some pointers to consider are included further in this issue.

The Brain Injury Association of America (BIAA) has issued an action alert regarding the U.S. Department of Veteran Affairs' Assisted Living TBI Pilot Program, which will end September 30th, 2014, unless Congress authorizes the funding. BIAA asks advocates to call Members of Congress and make sure they know how important the program is to veterans and urge them to support extending the pilot program. You can reach your Representatives and Senators by calling the U.S. Capitol Switchboard at (202) 224-3121 where you will be transferred directly to their offices.

NASHIA maintains information and materials relating to issues outlined in its Public Policy Platform on the website: www.nashia.org. Meanwhile, should you have any questions regarding issues in this edition of *Capitol News!* or other public policy issues, please feel free to send questions or comments to publicpolicy@nashia.org.

This Week in Congress

The House and Senate are both in session this week. The House is scheduled to vote to reauthorize the National Institute of Standards and Technology, among other bills. The Senate is expected to work on the Highway Trust Fund, which the House passed last week. The Senate Veterans Affairs Committee is holding a confirmation hearing for Robert McDonald as the new head of the agency. Both houses have passed legislation addressing health care issues affecting the agency, but have not yet resolved their differences.



Legislation Passed

President to Sign WIOA at White House Signing Ceremony

President Obama is to sign the Workforce Innovation and Opportunity Act (WIOA) today between 12:00 noon and 1:00 p.m. (ET) in the White House Oval Office in Washington, D.C. The bill eliminates 15 existing job training programs and amends provisions relating to the Rehabilitation Act of 1973, including transferring the National Institute on Disability and Rehabilitation Research (NIDRR) from the U.S. Department of Education to the Administration for Community Living (ACL) housed in the U.S. Department of Health and Human Services (HSS).

The bill also renames NIDRR as the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). This means that the TBI Model Systems and the TBI Rehabilitation Research and Training Center will be housed in the ACL. The bill also renames the Rehabilitation Research Advisory Council as the Disability, Independent Living, and Rehabilitation Research Advisory Council (DILRRAC) and moves the education's independent living program to the ACL. Other provisions include:

- Applies a single set of outcome metrics to every federal workforce program under the Act.
- Creates smaller, nimbler, and more strategic State and local workforce development boards.
- Integrates intake, case management and reporting systems while strengthening evaluations.
- Eliminates the "sequence of services" and allows local areas to better meet the unique needs of individuals.
- Requires States to develop unified plans and to use common accountability measures.
- Provides the ability to fund training services through contractual arrangements, opening expanded opportunities for community colleges to participate in the federal workforce program.
- Emphasizes regional planning and service delivery and sector based strategies.

The bill amends Title V of the Rehabilitation Act of 1973:

- Establishes a Disability Employment Services and Supports Administration (DESSA) within the Office of Disability Employment Policy, Services, and Supports of the Department of Labor.
- Requires DESSA to be the principal agency to administer vocational rehabilitation services programs under Titles I, III, and VI of that Act. (Currently, these are administered by the Rehabilitation Services Administration [RSA] of the Office of Special Education and Rehabilitative Services of the Department of Education.)

-- Reauthorizes appropriations for FY2014-FY2018 for vocational rehabilitation service grants to States for individuals with disabilities.

-- Revises requirements for: (1) State plans for vocational rehabilitation services to individuals with disabilities, (2) eligibility for this assistance and individualized plans for employment, (3) monitoring and review of vocational rehabilitation programs, and (4) State allotments for them.

-- Requires: (1) States to make certain funds available to designated State units for pre-employment transition services for students with disabilities transitioning to employment from education or training, and (2) each local office of a State unit to designate staff to act as Local Pre-Employment Transition Coordinators for student with disabilities.

-- Directs the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services (HHS) each to designate a lead staff person to fulfill the responsibilities of a National Pre-Employment Transition Coordinator for Students with Disabilities.

-- Revises American Indian vocational rehabilitation services grant program eligibility requirements to permit grants to be renewed for an additional five years, provided certain conditions are met.

-- Directs the Comptroller General (GAO) to study the interaction of vocational rehabilitation programs carried out under the Rehabilitation Act of 1973 with the Ticket to Work and Self-Sufficiency Program, including its impact on beneficiaries, community rehabilitation programs, and designated State agencies.

Legislation Pending

Senate Committee to Consider TBI Act Reauthorization Tomorrow

Tomorrow, the Senate Health, Education and Pensions (HELP) Committee is scheduled to mark up S. 2539, the Traumatic Brain Injury Reauthorization Act of 2014. S. 2539 was introduced by Senators Orrin Hatch (R-UT) and Bob Casey (D-NJ) on June 26th. The bill extends authorization for TBI Act programs through Fiscal Year 2019. On July 9th, stakeholders (NASHIA, BIAA and NDRN) sent further justification for moving the program to the Administration for Community Living (ACL) as requested by bill sponsors and committee staffers for consideration. With the WIOA transferring NIDRR (including TBI Model Systems), stakeholders believe that moving the State and P&A Grant Programs further reinforces the desire to position brain injury programs with other similar programs to coordinate and maximize resources. However, S. 2539, as introduced, leaves the administration of the two grant programs within the Health Resources and Services Administration (HRSA).

Other bills to be heard by the Committee include:

- S. 315, Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education (MD-CARE) Amendments of 2013
- S. 2154, Emergency Medical Services for Children Reauthorization Act of 2014
- S. 531, Physical Activity Guidelines for Americans Act
- S. 2405, Trauma Systems and Regionalization of Emergency Care Reauthorization Act
- S. 2406, Improving Trauma Care Act of 2014
- S. 2511, A bill to amend the Employee Retirement Income Security Act of 1974

Senate Committee to Vote on Disability Treaty Ratification

Today, the Senate Committee Foreign Relations Committee, chaired by Senator Menendez (D-NJ) is to vote on the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009. The hearing will be held in the Capitol building and is not open to the public.

Republican leaders on the treaty, including Senators Ayotte (NH), Kirk (IL), Barrasso (WY), and McCain (AZ) have been negotiating with their colleagues to get support of 2/3 of the Senators present necessary to ratify the treaty before the end of this Congress. Advocates who wish to help with this effort may call their Senators, particularly if they are members of the committee, urging their support. If they are not members, you may ask that they contact committee members in support of the treaty. Below are some pointers:

- "I am calling in support of the Disability Treaty and ask that the Senator talk to the Senate Foreign Relations Committee and ask them to continue negotiations on the CRPD."
- *Ratification is critical to maintaining our leadership role and to eliminating disability discrimination throughout the world* and gives the United States legitimacy to export the model of the ADA to other countries. More than 700 disability and allied organizations support United States ratification of the treaty.
- *Major veteran and military family organizations, representing every generation, support ratification of the CRPD.* These groups recognize that our 5.5 million American veterans with disabilities, and the families of those currently serving, will have greater opportunities to work, study, and travel abroad as countries implement the CRPD with leadership from the U.S.
- *U.S. Business Supports Ratification of the CRPD to Benefit Business.* Many accessible products are engineered, manufactured, or sold by U.S. corporations that can meet the new demands for the world's population of 1 billion people with disabilities.
- *CRPD Ratification Ensures Humane and Moral Treatment.* Without laws like the Americans with Disabilities Act abroad, millions of children and adults are housed in institutions without enrichment of a family life, community resources, or access to the most basic civil rights like a birth certificate or even a name. Until it ratifies the CRPD, the United States is a bystander on these critical matters.

Senate Finance Committee Schedules Hearing on ABLE Act

The Senate Finance Subcommittee on Taxation and IRS Oversight has scheduled a hearing on the ABLE Act for Wednesday, July 23. The Achieving a Better Life Experience (ABLE) Act, S. 313, would create tax preferred savings accounts for people with disabilities while preserving access to public benefits. Witnesses include Congresswoman Cathy McMorris Rogers (R-WA), Chair of the House Republican Caucus and mother of a son with Down syndrome; Sarah Wolfe, a self-advocate from Pennsylvania and board member of the National Down Syndrome Society; and other advocates. The House version is H.R. 647.

Houses Passes Highway Transportation Bill

Last week, the U.S. House of Representatives passed the Highway Trust Fund Extension to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit and other programs funded out of the Highway Trust Fund. The bill continues funding to State transportation projects through May 2015. The House proposes to continue funding for the program by taking money from pension tax changes, customs fees and money from a fund to repair leaking underground fuel storage tanks. The bill allows employers to defer payments to their employee pension plans, resulting in a tax savings for companies and deferring those payments means they will pay more in taxes (\$6.4 billion) and increase federal revenue.

Senator Mike Lee, (R-UT), plans to seek votes on an amendment that would devolve transportation funding to the States and one that would repeal the 1931 Davis-Bacon Act, which requires workers on federally funded projects to be paid a "prevailing wage" for each type of worker on a project. The Highway Trust Fund (HTF) is funded from a federal fuel tax of 18.3 cents per gallon on gasoline and 24.4 cents per gallon of diesel fuel, and other excise taxes. The fund will run out August 1st, unless Congress fixes the problem.

Hearings and Briefings

Senate Committee Schedules Hearing on Social Security Disability Insurance

On Thursday, July 24, the Senate Finance Committee will hold a hearing on Social Security Disability Insurance (SSDI). Witnesses include Steven Goss, Chief Actuary for the Social Security Administration; Marianna LaCanfora, Acting Deputy Commissioner of Retirement and Disability Policy for the Social Security Administration; Rebecca Vallas of the Center for American Progress; and Richard Burkhauser of Cornell University and the American Enterprise Institute. The Congressional Budget Office (CBO) projects that the SSDI trust fund will be exhausted and unable to pay full scheduled benefits in FY 2017. Congressional action to address the trust fund shortfall will be required before that date.

Other

Advocates Urge Census Bureau to Retain Disability Data

NASHIA signed onto a Consortium for Citizens with Disabilities (CCD) letter calling for the Census Bureau to ensure that the six disability questions are not removed from the Census Bureau's American Community Survey (ACS). Disability advocates have long advocated for disability data to be collected and the Partnership to Improve Patient Care, along with disability organizations, are working together to defend the six disability questions that are used in the ACS. The Disability and Rehabilitation Research Coalition (DRRC), of which NASHIA is a member, is also sending a similar letter.

These questions are the backbone of the data we have about people with disabilities and help shape programs and funding. They are being threatened with removal from the survey because some survey respondents, Members of Congress and others view the questions as intrusive or unnecessary. The Census Bureau is doing a content review of the questions on the ACS and is looking for the statutory and programmatic uses/justification for why the disability (and other questions) are asked.

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*The National Association of State Head Injury Administrators assists State government
in promoting partnerships and building systems to meet the needs
of individuals with brain injuries and their families.*

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