**May 2014 PUBLIC POLICY UPDATE**

**By: Brian Lindberg and Marly Flores**

**Big Picture**

The House has decided that more time and money should be spent investigating the terrorist attack in Benghazi and has created the House Select Committee on Benghazi. House Speaker John Boehner (R, OH-8th) named Rep. Trey Gowdy (R, SC-4th), a former federal prosecutor, to lead the Committee. This along with Karl Rove’s comments questioning whether former Secretary of State Hillary Clinton suffered brain damage from her earlier concussion has kept the talking heads busy and speculation about who will run for president a hot topic.

Unfortunately, there will be few legislative accomplishments to discuss prior to the November elections.

**President’s Budget**

Every year the Congressional Budget Office (CBO) analyzes the President’s proposed spending plan. According to CBO, President Obama’s fiscal 2015 budget would result in larger deficits than originally claimed by the Obama Administration. CBO says the President’s budget would produce deficits of $6.6 trillion over the next decade - $1.6 trillion more than the White House originally estimated. The President’s budget has gained little traction on Capitol Hill. Read CBO’s analysis of the President’s 2015 budget [here](http://www.cbo.gov/publication/45230). Read an overview of the budget [here.](http://www.whitehouse.gov/omb/budget)

**Older Americans Act**

In October, the Older Americans Act Reauthorization Act of 2013 (S. 1562) was passed by the Senate Committee on Health, Education, Labor and Pensions (HELP). Not much positive has happened since. Senate staff has been unsuccessful in negotiating an agreement on the OAA funding formula for the future. Aides affiliated with the working group said the group developed a tentative proposal, but in late March announced they could not find a way forward based on Senator Burr’s (R-NC) objections. Senator Harkin is still hopeful that an agreement can be reached and considers the reauthorization a high priority.

Senator Sanders (I-VT), Chair of the Primary Health and Aging Committee, and 26 Democratic Senators, have requested an increase in financial support from the Senate Committee on Appropriations for the Older Americans Act. The group requested a 12% funding increase above fiscal year (FY) 2014 levels. This would equal a $225 million increase in funds. In the letter to Chairman Harkin and Ranking Member Moran, the lawmakers noted that the modest increase would still be insufficient but an “important step toward meeting existing demand.” Read the letter [here](http://www.sanders.senate.gov/download/older-americans-act-letter?inline=file). Read a report by the AARP Public Policy Institute on the [Older Americans Act](http://www.aarp.org/content/dam/aarp/research/public_policy_institute/health/2014/the-older-americans-act-AARP-ppi-health.pdf).

**FY 2015 Appropriations**

The Fiscal Year (FY) 2015 appropriations process has already begun in the House. The House Appropriations Chairman Harold Rogers (R, KY-5th) proposed to cut FY 2015 funding for the Labor-Health and Human Services-Education title. Chairman Rogers proposed a $1 billion cut to Labor-HHS-Education from the enacted FY 2014 levels. Although the overall cut is much smaller than the one he proposed for FY 2014, the cut will affect aging and health programs that fall under the Labor-HHS-Education spending bill. Since 2010, the Labor, Health, and Education allocation has been reduced by roughly $6 billion. On May 8th, the House Appropriations Committee approved (25-20 vote) the top-line discretionary spending limits, which included the Labor-HHS-Education $1 billion reduction.

In the Senate, the 12 Senate Appropriations subcommittee chairmen are gearing up to begin writing and negotiation their individual draft spending bills. The Senate is expected to release its 302(b)s during the mark up of the FY 2015 Military Construction-VA spending bill on May 22nd. In the meantime, it is reported that the Senate Appropriations Chairwoman Barbara Mikulski (D-MD) has issued tentative allocation. Labor-HHS-Education is reported to be very similar to last year’s allocation of $156.8 billion, but it is subject to change as the chairwoman seeks to fill a $4 billion funding gap across all 12 spending bills (non-defense programs). The first full Senate Appropriations Committee markup is scheduled for May 22nd. Senate committee members will have less than 90 days to markup and debate as many as 12 spending bills before the August recess. With a hectic summer for Senate appropriators, Chairwoman Mikulski has suggested to move “minibuses” (combined spending bills) before October 1st.

**CMS**

The Centers for Medicare and Medicaid Services (CMS) issued a proposed rule that would update fiscal year (FY) 2015 Medicare payment rates and the wage index for the Medicare Hospice Benefit. Under the [proposed rule](https://s3.amazonaws.com/public-inspection.federalregister.gov/2014-10505.pdf), CMS has proposed raising reimbursements for hospice care providers by 1.3% in 2015. The modest increase would equal about $230 million in increased payments. The proposed rule also solicits comments on the process and appeals for Part D payment for prescription drugs while beneficiaries are under a hospice election. CMS also announced [payment rate increases](http://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2014-Fact-sheets-items/2014-04-30.html) for acute-care and long-term care hospitals, as well Medicare skilled nursing facilities.

**Supporting the $25 Million Elder Justice Initiative**

The President’s FY 2015 budget proposed a $25 million in first-time discretionary funding for an Elder Justice Initiative. These funds will be used to implement a national APS data system, research to translate promising interventions from other violence prevention areas to elder abuse, and evaluate the effectiveness of the intervention. Currently, there is no comprehensive system designed to serve as a coordinated and seamless response to assist victims of abuse, nor to prevent abuse before it happens. Support the President’s budget request for the elder justice initiative by contacting congress! Use the Elder Justice Coalition website to access letters, lists of Labor, Health and Education Subcommittee members and to identify your member of Congress.

<http://www.elderjusticecoalition.com/current-issues>

**Protect the Rights of People with Disabilities**

Advocates are calling on the Senate to ratify the Convention on the Rights of Persons with Disabilities (CRPD), commonly known as the Disability Treaty. The treaty would help other countries develop laws and policies based on the Americans with Disabilities Act, designed to support accessibility and limit discrimination against people with disabilities worldwide. The treaty is widely supported by disability groups, including NAELA, veterans’ service organizations, and business and faith groups. [Take action](http://r20.rs6.net/tn.jsp?f=0012TRxiqI2y8TpAzxiowFhm6GAWAjdLEXQE01zBKkr_0V8ekr1yTbF_qKSdIT2n_2spxEb65MPPm42ggNXR03huRJjnGFde8xny6uxgLhyHW721s4Bt098zpZW-OLpsW1XOSQwMenw5hVKU8ZrDaJ1E_NUUH1ORZLJx43PsuPLs4CxeZTug_-KVw==&c=Mkf8Ew-cwU9nEKeHJoq65zVVahGUxmJpEYinA4S8LS1q8VUwsj0dtw==&ch=qVf4Q9p6zm8oQqIRI52lgOTpMsexIPoVsXn9EQwWJyhmnxXLD1iGIQ==) and ask you senator ratify the Disability Treaty.

<http://www.disabilitytreaty.org/>

**ACL Releases Guidance on United States v. Windsor**

The Administration for Community Living (ACL) has issued guidance to advice ACL grantees of the Federal government’s policy regarding same-sex marriages.

<http://www.acl.gov/Funding_Opportunities/Grantee_Info/docs/Community_Living_Guidance.pdf>

**Senators Murray and Udall Introduce the SAME Act**

On May 7th, Senators Murray and Udall Introduced the SAME Act of 2014 to ensure equality for same-sex spouses. This legislation would amend the Social Security Act so that all marriages are appropriately recognized, regardless of where you live.

<http://www.murray.senate.gov/public/index.cfm/newsreleases?ContentRecord_id=d8e52ba2-4ac3-459c-ac5d-429f2cc548f0>

**Social Security’s Disability Awareness Campaign**

The Social Security Administration (SSA) has launched a disability education and awareness initiative, “The Faces and Facts of Disability.” Through the Campaign, SSA hopes to educate the public about the Social Security Disability Insurance (SSDI) program and dispel common misconceptions.

<http://www.socialsecurity.gov/disabilityfacts/>

**CMS Proposed Updates to the Wage Index and Payment Rates for the Medicare Hospice Benefit**

The Centers for Medicare and Medicaid Services (CMS) has proposed raising reimbursements for hospice care providers by 1.3% in Fiscal Year (FY) 2015.

<http://www.cms.gov/Center/Provider-Type/Hospice-Center.html>

**CMS Proposed Payment and Policy Changes for Medicare Skilled Nursing Facilities**

The Centers for Medicare and Medicaid Services (CMS) issued a proposed rule for FY 2015 Medicare payment rate increases for skilled nursing facilities (SNFs).

<http://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2014-Fact-sheets-items/2014-04-30.html>

**World Elder Abuse Awareness Day is June 15**

The Administration for Community Living (ACL) has created a World Elder Abuse Awareness Day (WEAAD) toolkit to help individuals engage their communities, educate others, raise awareness and empower people to take a stand against elder abuse.

<http://acl.gov/newsroom/observances/WEAAD/index.aspx>

**New Resources on the Older Americans Act**

The AARP Public Policy Institute has released two new resources on the Older Americans Act (OAA): a new report on the Older American act and an AARP blog post on why Congress must act to reauthorize the Older Americans Act.

<http://www.aarp.org/content/dam/aarp/research/public_policy_institute/health/2014/the-older-americans-act-AARP-ppi-health.pdf>

**Resource for Veterans Applying for Supplemental Pension Benefits**

The Federal Trade Commission has created an online resource to protect veterans and their families from dishonest advisers trying to sell Aid and Attendance benefits.

<https://www.consumer.ftc.gov/articles/0349-veterans-pensions>