

FEDERAL POLICY UPDATE



**AMERICAN
SENIORS
HOUSING
ASSOCIATION**
Living Longer Better

August 1, 2016

» **CONGRESS RECESSES LEAVING UNFINISHED WORK FOR SEPTEMBER**

Congress adjourned on July 14th and will not return from its summer recess until September 6th. They were able to make some progress on appropriations bills before departing town, with the House and Senate Appropriations Committees having completed action on all 12 of their funding bills. However, this success is unlikely to be duplicated on the House and Senate floors. We still expect that Congress will have to rely on a single spending bill to fund the federal government for Fiscal Year 2017. That bill will be the major item confronting Congress when it returns in September. A key question will be whether the bill is an omnibus bill containing many specific changes in spending priorities, or whether it will simply be a continuing resolution to keep the government running temporarily that is based largely on priorities established in last year's funding legislation.

» **NATIONAL LABOR RELATIONS BOARD**

NLRB Reverses Existing Precedent on Organizing Temporary Employees

The NLRB has issued a decision that would enhance the ability of unions to organize workers provided by a staffing company by overturning a 2004 ruling that required a union seeking to represent workers at a supplier and a contracting firm to obtain the consent of both employers. In the decision (Miller & Anderson, Inc.) released on July 11, 2016, the NLRB ruled that employer consent is no longer necessary for a union to represent both permanent employees and temporary staffing employees in a single bargaining unit provided the employees in the unit share a "community of interest" and the user employer and the staffing agency meet the joint employer test established by the National Labor Relations Act. The NLRB also noted that its July 11th decision would not alter the ability of the temporary staffing employees and permanent employees to organize separately if they would prefer to do so.

House Appropriations Committee Approves Bill Restricting Use of Appropriated Funds by the NLRB and the Department of Labor

The Fiscal Year 2017 Labor, Health and Human Services, and Education spending bill approved by the House Appropriations Committee includes several policy provisions to "stop the NLRB's harmful antibusiness regulations." Specifically, the bill would prohibit the NLRB from using appropriated funds to (1) issue new regulations that would allow electronic voting in union elections, (2) implement or enforce its ambush election rule, which reduces the amount of time between a union filing a representation petition and an election taking place, (3) enforce its expanded joint employer liability standard, and (4) enforce its revised standard for determining which employees should be included in a bargaining unit (the "micro-union" decision).

The Committee-approved bill also would prohibit the Department of Labor (DOL) from using appropriated funds to implement its new overtime rule that would increase to \$47,476 the salary threshold under which workers qualify for overtime pay. However, there does not appear to be any realistic path forward for the enactment of these changes this year.

» **HOUSING FINANCE REFORM**

Bipartisan Group of Senators Advise Federal Housing Finance Agency (FHFA) Director Watt Not to Release Fannie and Freddie from Conservatorship

On July 7th, six members of the Senate Banking, Housing, and Urban Affairs Committee sent a letter to FHFA Director Mel Watt urging him to avoid taking any steps that would facilitate the release of Fannie Mae and Freddie Mac from conservatorship without comprehensive reform of the housing finance system. The Senators said that significant changes are needed to the existing housing finance structure, but argued that such changes should be made through legislation, not unilateral action by this or any future Ad-



ministration. The Senators also wrote, “We are hopeful that housing finance reform will be on the agenda for the next Congress and Administration...”

» **REPUBLICANS AND DEMOCRATS WORK TOGETHER ON ALZHEIMER’S ISSUES**

House Appropriators Approve Bill Increasing Funding for Alzheimer’s Research

The House Appropriations Committee has joined its Senate counterpart in approving a Fiscal Year 2017 Labor, Health and Human Services, and Education spending bill that would increase funding for the National Institutes of Health (NIH) and Alzheimer’s research initiatives supported by ASHA. The funding levels in the House bill are smaller than those in the Senate version that we reported on last month, but they are above current law levels. The House bill would provide a total funding level of \$33.3 billion for the NIH, an increase of \$1.25 billion over last year’s funding level. The bill includes a \$350 million increase for Alzheimer’s disease research (\$1.26 billion) and a \$45 million increase for the BRAIN initiative to map the human brain (\$195 million).

Centers for Medicare and Medicaid Services (CMS) Proposes Covering Care Planning for Patients with Alzheimer’s

On July 7th, the CMS released for comment a proposal to cover new care planning sessions under Medicare for Alzheimer’s patients and their families in order to provide an early assessment of the disease and possible treatment options. The CMS proposal would effectively implement the Health Outcomes, Planning and Education (HOPE) for Alzheimer’s Act, which requires Medicare to pay for a care planning

session. The HOPE for Alzheimer’s Act was introduced in Senate by Debbie Stabenow (D-MI) (S. 857) and in the House by Christopher Smith (R-NJ) (H.R. 1559).

Bipartisan Bills Supporting Alzheimer’s Patients and Caregivers Introduced

Legislation that would expand training and support services for families and caregivers of patients with Alzheimer’s disease and other forms of dementia was recently introduced in the House and in the Senate. Sen. Susan Collins (R-ME) and Sen. Amy Klobuchar (D-MN) introduced S. 3113, the Alzheimer’s Caregiver Support Act, and Rep. Maxine Waters (D-CA) and Rep. Christopher Smith (R-NJ) introduced the House counterpart (H.R. 3090). The bills would authorize the Department of Health and Human Services to make grants to public and nonprofit health care providers that agree to employ a comprehensive approach to Alzheimer’s care that integrates the treatment of patients with training and support services for the patients’ families and caregivers.

Bipartisan Bill Introduced to Give Medicare Beneficiaries Easier Access to home-Based Health Care Services

Legislation was introduced that would provide certain Medicare beneficiaries easier access to health care services in their own homes. S. 3130, the Independence at Home Act, would convert the Centers for Medicare and Medicaid Services’ Independence at Home (IAH) demonstration project into a permanent nationwide program. IAH is an innovative, team-based model that is bringing measurable, high-quality care to patients suffering from multiple debilitating diseases such as Alzheimer’s, ALS, congestive heart failure, diabetes, and Parkinson’s, while significantly lowering costs for the Medicare program.

For further information on any of the topics in this *Federal Policy Update*, please contact:

David Schless
202.885.5560
dschless@seniorshousing.org

Randy Hardock
202.662.2293
rhardock@davis-harman.com

Jeanne McGlynn Delgado
202.885.5561
jeanne@seniorshousing.org

To access the digital version of this Federal Policy Update login to the “Members Area” of the ASHA website.

For login credentials, contact Meghan at
admin@seniorshousing.org