2016 FEDERAL LEGISLATIVE PRIORITIES

ECONOMIC SECURITY
StateWide believes that economic security should be defined as having the income, resources, services and supports necessary to meet all basic
needs, including housing, health care, transportation, food, miscellaneous
essentials, and, when necessary, long term care. We believe more realistic
tools are needed to assess elders’ economic needs and well-being.

- StateWide recommends that the federal government use 200% of the
  federal poverty level (FPL) as a closer approximation of economic security
  rather than 100% of FPL, to shape planning efforts as well as eligibility for
  service delivery.

- StateWide will fight federal cuts to food programs, heating assistance and
  other important human service programs that provide assistance so that
  seniors and their families can live with dignity in the community.

- StateWide supports the National Council on Aging (NCOA) Public Policy
  Priorities to urge Congress to set the right priorities.
  http://www.ncoa.org/assets/files/pdf/public-policy--action/Public-Policy-
  Priorities-113th-Congress.pdf

- StateWide urges Congress to protect pension benefits for workers.

- StateWide supports farm legislation that funds the Supplemental Nutrition
  Assistance Program (SNAP) program to provide adequate food security
  for all Americans. SNAP must be authorized at levels necessary to meet
  the needs of a hungry nation, with the funding levels appropriated in the
  American Recovery & Reinvestment Act restored. Further, StateWide
  urges the loosening of federal rules that prevent online supermarkets from
  accepting public assistance as payment.

- StateWide urges Congress to require employers to provide paid family
  and medical leave.
- StateWide supports the Recognize, Assist, Include, Support, and Engage Family Caregivers Act to require the development, maintenance and updating of a national strategy to recognize and support family caregivers.

- StateWide supports The Schedules That Work Act to protect working people who request a change in their schedule from retaliation from their bosses.

- StateWide supports efforts to ensure equal pay for equal work.

- StateWide urges an increase in the minimum wage, and to ensure a livable wage, future increases should be indexed to the rate of inflation.

- **Supplemental Security Income (SSI)**
  
  *StateWide supports modernization of the SSI program in order to reduce or end poverty among persons with disability and the elderly and the blind in this nation. StateWide urges action to update the income and asset limits to better reflect reasonable assistance in today’s dollars.*

  - Raise the Federal Benefit Rate for SSI to 100% of the FPL and undertake a re-evaluation of the FPL.
  
  - Raise the income to offset inflation since 1974.
  
  - Raise the allowable resource limits to offset inflation since 1989.
  
  - Treat defined contribution pension plans in the same manner as defined benefit pension plans.
  
  - Restore full eligibility to all otherwise eligible immigrants lawfully admitted for permanent residence or with permanent residence under color of law (PRUCOL).
  
  - Restore eligibility to otherwise eligible persons whose qualifying disability is drug addiction or alcoholism.
  
  - Provide funding for community outreach and assistance with applications and appeals to currently eligible low-income people who are not receiving SSI benefits.
  
  - Encourage states to provide or improve state supplementary payments, at least until there is a full federalization of an adequate SSI benefit (recommendations 1 – 3 above), by:
    - Authorizing the disregard of state SSI supplements in calculating SNAP eligibility.
- Raising the federal match for Medicaid payments for SSI Medicaid eligible persons.

- Increase the personal needs allowance for residents of Long Term Care facilities.

- Raise the resources limit and increasing the general income disregard imposed on people with disabilities receiving Supplemental Security Income

**SOCIAL SECURITY**

Social Security is a promise to generations of people who have contributed through dedicated taxes that there will be protection against lost wages due to old age, disability or death. Social Security did not cause the federal deficit. The Social Security Board of Trustees found that Social Security can pay 100% of promised benefits until 2033 from dedicated revenues and reserves of $2.76 trillion.

Social Security benefits are a lifeline for retirees as well as surviving children and spouses and persons with disabilities. There are 3,444,200 Social Security beneficiaries in New York. Social Security is a driving force to the economy, contributing to the spending power in communities. New York residents receive Social Security benefits totaling over $49 billion per year.

- StateWide will urge Congress to oppose all efforts to privatize Social Security and reduce benefits for future generations of retired workers and their families.

- StateWide is part of two national campaigns to ensure that Social Security is maintained and enhanced for future generations. StateWide has endorsed the Principles of the Strengthen Social Security campaign.

- StateWide supports gradually eliminating the cap on Social Security payroll contributions (currently $118,500) which would eliminate 95 percent of the projected shortfall.

- StateWide opposes adoption of the Chained CPI for a cost of living adjustment and supports the CPI-E methodology that includes health care costs that lead to economic insecurity for older Americans.

- StateWide opposes any further adjustments that increase the retirement age.
• StateWide opposes reduced services, including closure of Social Security offices, elimination of benefit verification letters and a reliance primarily on web-based information.

• StateWide supports providing credits for those who have had to leave the workforce to volunteer as a caregiver for a family member or friend.

• StateWide urges Congress to responsibly reallocate funds between the Old-Age and Survivors trust fund and the Disability Insurance trust fund. Further, we support combining the Social Security Old Age and Disability Trust funds to ensure that both remain solvent through 2033.

• StateWide opposes any use of the Social Security Trust Fund other than to fund earned entitlements and opposes any reduction below actuarial requirement to support the program for 75 years.

○ OLDER AMERICANS ACT (OAA)
StateWide supports Senator Bernie Sanders legislation to reauthorize the OAA which:

• Re-defines “greatest economic need” to 200% of FPL; and

• Clarifies the definition of economic security to having the income necessary to pay for housing, health care, transportation, food, long-term care, and goods & services to meet basic needs.

• StateWide supports investment in the modernization of senior centers.

• StateWide supports restoration of the sequestration cuts to aging services so that the federal budget funding baseline does not start at the lower sequestration levels that were effective March 2013.

• StateWide supports efforts to address the erosion of the purchasing power of aging services that has occurred during the past decade due to increasing cost of providing service and the rapidly growing number of older adults in need.

• StateWide supports a new emphasis on evidence-based health and wellness program and coordination of human service transportation programs.

○ ELDER JUSTICE ACT
According to a recent National Institute of Justice study, almost 11% of people ages 60 and older (5.7 million) faced some form of elder abuse. Financial exploitation of older adults is increasingly alarming. A 2009 report by the MetLife...
Mature Market Institute and the National Committee for the Prevention of Elder Abuse (NCPEA) estimates that seniors lose a minimum of $2.5 billion each year.

Elder abuse, neglect and exploitation are serious and widespread social justice problems and major health issues. Victims of elder abuse are often abused by family members or someone close to them and victims tend to be older, frail and often dependent on their abusers for life’s basic necessities and care. Victims of elder abuse, neglect and financial exploitation have three times the risk of dying prematurely. To this day, elder abuse is the only form of family violence for which the federal government provides virtually no resources.

- StateWide encourages members of Congress to allocate $21 million for the Elder Justice Act which was passed without any support for an ongoing funding stream.
- StateWide supports expansion of the federal definition of elder abuse, neglect and exploitation.
- StateWide supports incorporation of elder abuse prevention training, screening and reporting protocols into all senior services access points that receive federal funding.
- StateWide urges congress to direct funding from the Elder Justice Act to grassroots organizations which reach marginalized populations which do not necessarily access services from traditional sources and agencies – to provide outreach, education, information and services to this population.

HEALTH CARE SYSTEM

The escalation of health care costs and failure of existing legislation to achieve universal coverage require continued emphasis on this vital issue. The best protection for Medicare, which now covers the most medically challenged part of the population, is to expand the risk pool to all, including younger, healthier Americans. StateWide supports federal Universal Health Insurance, the expansion of Improved Medicare for All, as the most effective vehicle for achieving universal coverage and cost control.

- StateWide supports the expansion of the Medicare program to provide universal health care for all.
- StateWide will monitor the implementation of the Affordable Care Act to ensure that it is fair and realistic for senior citizens and their families.
StateWide will support efforts to maximize funding opportunities for aging and disability home and community based services through the Affordable Care Act.

StateWide supports The Community Integration Act (CIA) to create a new Title of the Americans with Disabilities Act (ADA), to require states to provide community-based services first, and offer home and community based services (HCBS) to people currently in institutions as a civil right.

StateWide supports revised standards for staffing in nursing homes to require a professional registered nurse (RN) be on duty 24 hours a day/7 days a week and ensure 4.1 hours per day of total nursing time per resident.

StateWide calls on the Center for Medicare and Medicaid Services (CMS) to ban the use of pre-dispute, forced arbitration clauses in nursing home contracts as part of its revisions to the federal nursing home regulations.

StateWide will fight federal cuts to Medicaid and attempts to block grant state payments.

StateWide supports efforts to improve palliative care by investing in a trained workforce to expand health care system capacity, enhancing research in pain management and providing a public awareness campaign.

StateWide supports ending age discrimination against low-income individuals over the age of 65 by providing Medicaid expanded coverage, as provided to those under the age of 65, to 138% of the federal poverty level with no asset test.

StateWide supports enhanced funding for the Centers for Disease Control (CDC) to ensure that the CDC is prepared to deal with the effects of natural or manmade disasters, and to effectively prevent the spread of communicable disease.

Medicare

While StateWide supports the expansion of the Medicare program to provide universal health care for all, in the context of the current program:

- StateWide supports the preservation of Medicare as a program available to everyone age 65 and older, and persons with disabilities, without discrimination.

- StateWide opposes the creation of a voucher system that forces future beneficiaries to shop for coverage rather than obtaining coverage as provided by the current Medicare program.
- StateWide supports Congress to ensure that the health care system does not further deteriorate, ensuring that enrollee premiums and co-payments remain affordable.

- StateWide supports giving Medicare the authority to maximize negotiating power to achieve fair and affordable prices for medicines.

- StateWide opposes reduction of income level (currently $85,000 for individual and $170,000 for couple) for additional means testing.

- StateWide supports action to make permanent the Therapy Cap Exceptions Process.

- StateWide supports removing social security numbers as the unique identifier for Medicare enrollees as a means of reducing identity theft.

- StateWide opposes deemed status of nursing home providers to ensure, high, government controlled, standards.

- StateWide supports expanding benefits to include Long Term Care, eyeglasses, eye exams, hearing aids, and cavity fillings and dentures.

- StateWide opposes combining the Part A and B deductibles, shifting additional costs on to beneficiaries who do not use hospital care.

- StateWide urges the Center for Medicare and Medicaid Services (CMS) to immediately implement reforms to help people with Medicare better navigate Part D denials and appeals.

- StateWide urges the Department of Health and Human Services, the Department of Labor and the Social Security Administration to implement a system for notifying individuals approaching Medicare eligibility to inform them of their rights and obligation as they near enrollment.

- StateWide supports ensuring that hospital stays defined as observation status are counted toward coverage for nursing home/rehabilitation services in the same manner as inpatient stays.

- StateWide supports changes in Medicare policy to allow for appeal rights relating to observation status.

- StateWide supports federal efforts to implement new CMS regulations requiring that patients be automatically granted admission status if they remain in the hospital for over 48 hours.
- StateWide urges Congress to prohibit Medicare Advantage organizations ability to remove a service provider or supplier from a plan network without cause, and require disclosure of information on the measures used in establishing or modifying the plans provider network.

- StateWide supports simplifying and aligning the LIS and MSP programs so that if an enrollee is qualified for the LIS program they would be automatically enrolled in the appropriate MSP program.

- StateWide supports inclusion of coverage for removal of polyps during screening colonoscopies.

- StateWide opposes any use of the Medicare Trust Fund other than to fund earned entitlements and opposes any reduction below actuarial requirement to support the program for 75 years.

○ **Prescription Drugs**

*Congress must improve the Medicare prescription drug benefit to simplify access to the benefit, lower drug prices for all beneficiaries, protect vulnerable beneficiaries, and support state programs such as Elderly Pharmaceutical Insurance Coverage (EPIC).*

- StateWide works to promote and protect American consumer access to sources of safe, affordable prescription drugs. We partner with RxRights, a national coalition dedicated to raising awareness and spurring action around safe prescription drug importation, to provide legal access to safe and affordable drugs from abroad.

- StateWide supports the disclosure of gifts to prescribers from pharmaceutical industry representatives.

- StateWide supports a cap on the amount that the pharmaceutical industry can charge for prescription drugs.

- StateWide supports the proposed Medicare Drug Savings Act that would lower Rx costs for Medicare beneficiaries through rebates and other similar proposals and correct payments to drug companies.

- StateWide supports giving the federal government the authority to negotiate Medicare drug prices similar to the Veterans Administration.

- StateWide urges the federal government to establish a Medicare run drug plan to compete with Part D insurance models.
• StateWide supports assuring access to prescription medicines for the six protected classes of vulnerable patients under Medicare Part D.

• StateWide urges the end of “pay for delay” a practice in which brand name prescription drug companies pay other companies not to manufacture cheaper generic drugs.

• StateWide opposes the recently signed Trans Pacific Pact which promotes new monopoly protections for pharmaceutical firms that would extend patent terms, shut out generic competition and raise medicine prices.

HOUSING
• StateWide urges funding the National Housing Trust Fund (NHTF) through two basic modifications to mortgage interest tax benefit: converting the benefit from a deduction to a 15% tax credit (which, in addition to providing important resources for extremely low income rental housing, would make the benefit available to approximately 16 million more low and moderate income homeowners who do not currently benefit), and reducing the cap on the size of mortgage eligible for the benefit from $1 million to $500,000.

StateWide supports the National Community Reinvestment Coalition’s housing agenda:

• **Restore Housing Counseling Funding in the Fiscal Year (FY) 2014 Budget.**
  Supported by Department of Housing and Urban Development (HUD), housing counseling services help individuals navigate a complicated market on topics ranging from mortgage delinquency and default resolution to accessing safe reverse mortgages. Housing counseling has proved a critical resource during the foreclosure crisis and must be maintained. The $88 million dollars devoted to these services must be restored in the FY2013 budget.

• **Protect Affordable Housing for Older Americans.**
  Seniors’ access to affordable housing units is at risk in ongoing debt negotiations. Housing programs operated by HUD and other federal agencies are further threatened in the event of sequestration should the Joint Committee on Deficit Reduction fail to meet its established goals. Affordable housing programs should be funded at no less than FY2010 levels to ensure an appropriate stock of affordable housing is available for today and for future generations of older adults.

• **Expedite Database Development on Foreclosure Trends and HMDA Enhancements.**
One charge of the newly developed Consumer Financial Protection Bureau (CFPB) and HUD involves the development of a database allowing the public to track foreclosure trends by census tract. Database development should be accelerated to better understand the affects of foreclosure in census tracts with concentrations of older adults in the aftermath of the Great Recession. In addition, the CFPB is responsible for enhancing the Home Mortgage Disclosure Act (HMDA) to include the age of the borrower as well as more information on loan terms and conditions. The CFPB should expeditiously propose changes to HMDA so that researchers, agencies, stakeholders and the general public can track whether older Americans continue to receive loans with onerous terms and conditions.

- **Establish “elderliness” or “older Americans” a Protected Class of the Fair Housing Act (Title VIII).**
  To date, no federal protections against discrimination on the basis of age exist in the fair housing or fair lending arena. Federal acknowledgement of older adults as a protected class will strengthen the ability of local advocates and service providers to protect seniors from financial abuses tied to housing.

- **Reconvene a Bi-Partisan Commission to Explore Senior Housing Trends.**
  In 2002, the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century released a summative analysis on the nation’s growing aging population and the lack of affordable housing, A Quiet Crisis in America. The affect of the Great Recession on housing for older adults has likely worsened this quiet crisis. We recommend establishing a bi-partisan commission to re-examine senior housing trends to both increase the visibility of this crisis and to devise cost-effective solutions for the long-term. This bi-partisan commission should assess how cost burdens for older renters and homeowners can be most effectively addressed with either demand-side interventions (more Section 8 vouchers) and/or supply-side interventions (increasing the supply of affordable renter housing, for example through construction of Section 202 units).

**WEATHERIZATION PROGRAM [Home Energy Assistance Program (HEAP)].**
*We urge that the state plan be changed to restore this program through the State Office for the Aging.*

StateWide is also concerned about the funding reduction in the Weatherization Referral Assistance Program (WRAP). This program has always had an earmark for seniors for “last resort” help to prevent emergency heating situations. This funding has now been cut in the state plan presented by the NYS Office of
Temporary and Disability Assistance (OTDA), leaving no ready source of emergency help for older persons should their heating system and equipment need immediate repair or replacement. Not only was the federal funding amount reduced by 25% but the State OTDA also changed the State Plan so that there is 5% less for conservation than in 2011. So even if they put more money back in the program there is still less money that will be available.

NOTE: Up to now we have reported on federal legislation concerned with senior issues. But there are broader issues relating to the needs of all ages in our population which we are also vitally concerned about and require action on our part:

**REVENUE**

*StateWide promotes tax fairness. Congress should look to fair financing to maintain the guaranteed benefits under Social Security for retirement, disability and survivors.*

- Congress should end the “Bush” tax cuts for those earning more than $250,000 annually.
- Congress should end oil and gas subsidies.
- Congress should eliminate tax loopholes, such as inversion, and foreign tax shelters for big business and corporations. Corporate tax reform should raise a significant amount of revenue over the long term, not be revenue neutral, in order to help meet our country’s critical needs. Further, the tax code should not permit corporations to invest in foreign countries rather than the United States, such as by allowing them to pay a lower tax rate on their offshore profits than on their domestic profits.
- StateWide supports reforms that would tax capital gains at the same rate as earned income.

**ENVIRONMENTAL ISSUES**

NOTE: We also recognize that our planet is facing its most serious threat in terms of the effect of climate change. Although there is no specific legislation regarding this problem, StateWide promotes the spreading of information about this crisis, and encourages positive action as a way of preventing increased problems of climate change.
• Ban hydraulic fracturing on public lands in areas where it pollutes the water supply or is near faults.

• Ban fracking, keep fossil fuels in the ground, stop building fossil fuel infrastructure and rapidly transition to 100 percent renewable energy.

• StateWide urges Congress to close loopholes in governance of hazardous wastes so that those associated with the exploration, development or production of crude oil, natural gas or geothermal energy are identified.

• Repeal the “Monsanto Protection Act,” that prohibits federal courts from being able to halt the sale or planting of controversial genetically modified or genetically engineered seeds, no matter what health issues may arise in the future.

• StateWide urges Congress to temporarily halt the use of certain pesticides while safe pesticides are being developed that do not cause risk to honeybees, inherently important to our food supply.

• StateWide opposes federal action that would prevent states from passing legislation requiring Genetically Modified Organisms (GMO) labeling or GMO product sales.

**GUN CONTROL**

• StateWide supports a more rigorous enforcement of background checks of people seeking to purchase guns according to federal law including closing background check loopholes for Internet and gun show sales, expanding the background check database and cracking down on the illegal gun market.

**BANKING**

• StateWide opposes overturning the Credit Union Tax Exemption

• StateWide supports enactment of consumer protection rules for the debt collection market, including the accuracy of information used by debt collectors, how to ensure consumers know their rights, and the communication tactics collectors employ to recover debts, and adding consumer complaints about debt collections to the federal Consumer Financial Protection Bureau’s public Consumer Complaint Database.

• StateWide urges passage of the 21st Century Glass-Stagall Act to decrease the likelihood of future financial crises by separating traditional
banks with savings and checking privileges insured from the FDIC from riskier financial institutions that offer investment banking and hedge funds.

CAMPAIGN FINANCING

StateWide supports passage of a constitutional amendment to overturn the Citizens United Supreme Court decision.

IMMIGRATION

StateWide opposes diminution of current law that allows immigrants to receive credit toward future Social Security benefits for wages earned prior to being granted lawful presence, when and if they acquire lawful presence.

StateWide supports efforts to allow lawfully present individuals who are working and paying all applicable taxes to be able to access the federal safety net programs they have contributed toward through taxation, particularly Medicare and Medicaid.

StateWide supports providing legal status and citizenship to the undocumented population to allow these aspiring Americans to collect benefits upon retirement.

CONCLUSION

Finally, StateWide recognizes the need for a solid educational program which is vital if our democratic system is to survive. We need a well educated population, therefore we support budgets for local school systems and programs which would improve this system.