

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

February 16, 2021

**DISSENTING VIEWS ON SUBTITLE D.  
BUDGET RECONCILIATION LEGISLATIVE RECOMMENDATIONS RELATING TO  
ELDER JUSTICE AND SUPPORT GUARANTEE**

Last year, the 116<sup>th</sup> Congress was able to unify and enact five different bipartisan COVID-19 relief measures geared towards crushing the COVID-19 virus and rebuilding the United States economy. However, in this reconciliation bill, the Majority aims to make partisan funding mandatory for programs that can and should go through the annual appropriations process.

For instance, Subtitle D of Budget Reconciliation Legislative Recommendations Relating to Elder Justice and Support Guarantee obligates a total of \$276 million towards programs under the Elder Justice Act in fiscal years 2021 and 2022. On a bipartisan basis, the Consolidated Appropriations Act of 2021 invested \$100 million to administer those very programs, a significant increase in funding. But while the ink is still drying on that deal, the majority is using what should be a COVID-19 relief package to break that December 2020 bipartisan agreement. While combating elder abuse is a worthy endeavor, it is one that can be addressed on a bipartisan basis through the regular appropriations process.

Given the ongoing pandemic, Republicans believe the \$276 million spend as part of this subtitle could be better directed towards COVID-19 diagnostics and testing; vaccine distribution to seniors in rural and underserved areas; and improving vital mental health programs. In the zero-sum game that is the Democrats' partisan budget reconciliation process, any dollar that is not spent on these priorities is frankly a dollar misspent.

There are numerous emerging technologies that have been proven to help seniors during the COVID-19 pandemic, such as at-home COVID-19 testing<sup>20</sup>; medical alert necklaces that detect falls; and bracelets that can monitor vital signs. As these remote patient monitoring tools become more widely available, Congress should expand the resources available to assist the elderly in accessing these diagnostics and methods of COVID-19 testing.

Moreover, data has shown that hospitalization rates for adults 65-74 is more than 2.5 times higher than for adults between 40-49 years old.<sup>21</sup> And as of February 8, 2021, the majority of older adults have still not yet received one or more doses of the COVID-19 vaccine.<sup>22</sup> There is nothing in this committee's reconciliation recommendations that addresses solutions to bolster COVID-19 vaccine distribution to seniors who are higher at risk for COVID-19 illness.

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<sup>20</sup> <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-antigen-test-first-over-counter-fully-home-diagnostic>

<sup>21</sup> <https://www.kff.org/coronavirus-covid-19/issue-brief/at-this-early-stage-of-the-covid-19-vaccine-roll-out-most-older-adults-have-not-yet-been-vaccinated-as-supply-remains-limited/>

<sup>22</sup> Ibid

As our schools remain closed and our communities continue to implement social distancing guidelines and stay at-home orders in the wake of the COVID-19 pandemic, we have seen a rise in children and young adults struggling with mental health issues. According to the CDC, the proportion of mental health related emergency department visits increased in April 2020 and remained elevated through October 2020.<sup>23</sup> Additionally, in this past June, it was reported that 31% of U.S. adults struggled with anxiety and depression symptoms, while 13% of U.S. adults started or increased substance use.<sup>24</sup> Preliminary data from the CDC shows that in the first three months of 2020, an estimated 19,416 individuals died of a drug overdose in the U.S., almost 3,000 more adults than the same time period in 2019.<sup>25</sup>

As this country continues to fight the COVID-19 pandemic, it is important to remember our nation is still in a long battle with the opioid epidemic. Congress must focus on prioritizing funding for mental health and behavioral health programs, as just over \$400 million (less than 10%) of the \$4.7 billion for these programs has been utilized.

One last consideration that the committee reconciliation recommendations ignore is common sense liability protections for nursing homes and front-line health care workers. There have been over 525,000 confirmed cases of COVID-19 amongst nursing home staff members, 1,499 of whom have sadly passed away. Our health care heroes should not need to be worried about a wave of frivolous lawsuits while scrabbling to provide care during this public health emergency. During a Ways and Means Health Subcommittee Hearing in June 2020, members heard testimony detailing everything some front-line health care workers were doing to stretch limited resources to provide the best care they could.<sup>26</sup> These workers should not now be legally liable for doing their best. The funds provided in Subtitle D are far more than enough for state agencies to investigate and pursue the real and legitimate cases of malpractice and elder abuse. But Republicans believe good actors must be protected as well. An amendment to condition the funding provided in Subtitle D to those states that put liability protections in place for health care workers was rejected by all the committee Democrats.



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Republican Leader  
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<sup>23</sup> <https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm>

<sup>24</sup> <https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm>

<sup>25</sup> [https://www.cdc.gov/nchs/data/health\\_policy/Provisional-Drug-Overdose-Deaths-by-Quarter-Demographic-Characteristics-Q1-2020.pdf](https://www.cdc.gov/nchs/data/health_policy/Provisional-Drug-Overdose-Deaths-by-Quarter-Demographic-Characteristics-Q1-2020.pdf)

<sup>26</sup> <https://gop-waysandmeans.house.gov/event/hearing-on-examining-the-covid-19-nursing-home-crisis/>