



## The National Organization of Portuguese Americans

### Legislative Alert ©

March 23, 2010

As a part of NOPA's mission to empower Portuguese-Americans, this Legislative Alert is sent out every two weeks as pertinent developments occur in order to keep the community informed of legislative action at the national level. This objective, non-partisan report aims to educate those interested about action on Capitol Hill that may affect the Portuguese-American community at large.

If you have any questions about this or other legislation, please contact NOPA's Government Affairs Team at [info@nopa-us.org](mailto:info@nopa-us.org) or 703-389-3512.

## Senate Confirmed Allan Katz as the U.S. Ambassador to the Portuguese Republic

CONFIRMATIONS -- (Senate - March 19, 2010)

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**Executive nominations confirmed by the Senate, Friday, March 19, 2010:**

DEPARTMENT OF STATE

DAVID ADELMAN, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER--COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

**ALLAN J. KATZ, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PORTUGUESE REPUBLIC.**

## Major Legislative Action

Much has happened since the last update two weeks ago. There were a couple major pieces of legislation that have been passed by Congress and signed by the President.

### The 'HIRE' Act

The first (and smaller piece of legislation) is the HIRE Act (H.R. 2847). On Wednesday, March 17<sup>th</sup>, the Senate passed it 68-29 after it was passed by the House on March 4<sup>th</sup> 217-201. The President signed it into law late last week. The HIRE Act *includes* a \$13 billion tax credit to encourage businesses to hire workers who have been unemployed for at least 60 days, an extension of Build America Bonds used by state and local governments to cut



financing costs for infrastructure projects, and an extension of increased expensing limits for small businesses.

### **Health Reform Legislation**

On Sunday night, the House passed the Senate's Health reform bill (Patient Protection and Affordable Care Act) by a vote of 219-212. President Obama will sign the bill into law today. The Senate still has one final step in needing to pass the reconciliation bill which contains 'fixes' to the bill passed on Sunday night. Below are a couple links and breakdowns of the impact of the Health Reform legislation. If you have any questions, please contact us.

**The Energy and Commerce Committee** has released this piece on 18 Immediate Benefits that Americans will have available to them:

#### **KEY PROVISIONS THAT TAKE EFFECT IMMEDIATELY UNDER SENATE BILL AS AMENDED BY RECONCILIATION BILL**

Below are some of the **key provisions that will take effect immediately**, under the legislative package the House passed this weekend (the Senate health bill as amended by the reconciliation bill).

1. **SMALL BUSINESS TAX CREDITS:** Offers tax credits to small businesses to make employee coverage more affordable. Tax credits of up to 35 percent of premiums will be immediately available to firms that choose to offer coverage. *Effective beginning for calendar year 2010.* (Beginning in 2014, the small business tax credits will cover 50 percent of premiums.)
2. **BEGINS TO CLOSE THE MEDICARE PART D DONUT HOLE:** Provides a \$250 rebate to Medicare beneficiaries who hit the donut hole in 2010. *Effective for calendar year 2010.* (Beginning in 2011, institutes a 50% discount on brand-name drugs in the donut hole; also completely closes the donut hole by 2020.)
3. **FREE PREVENTIVE CARE UNDER MEDICARE:** Eliminates co-payments for preventive services and exempts preventive services from deductibles under the Medicare program. *Effective beginning January 1, 2011.*
4. **HELP FOR EARLY RETIREES:** Creates a temporary re-insurance program (until the Exchanges are available) to help offset the costs of expensive health claims for employers that provide health benefits for retirees age 55-64. *Effective 90 days after enactment*
5. **ENDS RESCISSIONS:** Bans health plans from dropping people from coverage when they get sick. *Effective 6 months after enactment.*
6. **NO DISCRIMINATION AGAINST CHILDREN WITH PRE-EXISTING CONDITIONS:** Prohibits health plans from denying coverage to children with pre-existing conditions. *Effective 6 months after enactment.* (Beginning in 2014, this prohibition would apply to all persons.)
7. **BANS LIFETIME LIMITS ON COVERAGE:** Prohibits health plans from placing lifetime caps on coverage. *Effective 6 months after enactment.*
8. **BANS RESTRICTIVE ANNUAL LIMITS ON COVERAGE:** Tightly restricts new plans' use of annual limits to ensure access to needed care. These tight restrictions will be defined by HHS. *Effective 6 months after enactment.* (Beginning in 2014, the use of any annual limits would be prohibited for all plans.)



9. **FREE PREVENTIVE CARE UNDER NEW PRIVATE PLANS:** Requires new private plans to cover preventive services with no co-payments and with preventive services being exempt from deductibles. *Effective 6 months after enactment.*

10. **NEW, INDEPENDENT APPEALS PROCESS:** Ensures consumers in new plans have access to an effective internal and external appeals process to appeal decisions by their health insurance plan. *Effective 6 months after enactment.*

11. **ENSURING VALUE FOR PREMIUM PAYMENTS:** Requires plans in the individual and small group market to spend 80 percent of premium dollars on medical services, and plans in the large group market to spend 85 percent. Insurers that do not meet these thresholds must provide rebates to policyholders. *Effective on January 1, 2011.*

12. **IMMEDIATE HELP FOR THE UNINSURED UNTIL EXCHANGE IS AVAILABLE (INTERIM HIGH-RISK POOL):** Provides immediate access to insurance for Americans who are uninsured because of a pre-existing condition through a temporary high-risk pool. *Effective 90 days after enactment.*

13. **EXTENDS COVERAGE FOR YOUNG PEOPLE UP TO 26TH BIRTHDAY THROUGH PARENTS' INSURANCE:** Requires health plans to allow young people up to their 26th birthday to remain on their parents' insurance policy, at the parents' choice. *Effective 6 months after enactment.*

14. **COMMUNITY HEALTH CENTERS:** Increases funding for Community Health Centers to allow for nearly a doubling of the number of patients seen by the centers over the next 5 years. *Effective beginning in fiscal year 2010.*

15. **INCREASING NUMBER OF PRIMARY CARE DOCTORS:** Provides new investment in training programs to increase the number of primary care doctors, nurses, and public health professionals. *Effective beginning in fiscal year 2010.*

16. **PROHIBITING DISCRIMINATION BASED ON SALARY:** Prohibits new group health plans from establishing any eligibility rules for health care coverage that have the effect of discriminating in favor of higher wage employees. *Effective 6 months after enactment.*

17. **HEALTH INSURANCE CONSUMER INFORMATION:** Provides aid to states in establishing offices of health insurance consumer assistance in order to help individuals with the filing of complaints and appeals. *Effective beginning in FY 2010.*

18. **CREATES NEW, VOLUNTARY, PUBLIC LONG-TERM CARE INSURANCE PROGRAM:** Creates a long-term care insurance program to be financed by voluntary payroll deductions to provide benefits to adults who become functionally disabled. *Effective on January 1, 2011.*

## Health Care Bill Summary Resources

The **New York Times** has an interactive tool that breaks down the **Proposed Changes in the Final Health Care Bill**: <http://www.nytimes.com/interactive/2010/03/19/us/politics/20100319-health-care-reconciliation.html>

Also



**Congressional Quarterly (CO) Today** provided this brief breakdown of the reconciliation bill that was voted on in the Senate this past week/weekend:

The reconciliation bill (HR 4872) House Democrats introduced to amend the Senate-passed health care bill (HR 3590) would ultimately create Democrats' final health care overhaul package. Among other things, it would:

**Extend health insurance coverage** to about 32 million people who currently lack it, leading to coverage of about 94 percent of Americans.

**Create state-based exchanges**, or marketplaces, where individuals without employer-provided insurance could buy health care coverage. Federal subsidies would be available to help cover the cost for individuals who earn between 133 percent and 400 percent of the federal poverty level (or \$24,352 to \$73,240 for a family of three in 2010). In the first five years of the exchanges, the subsidies would be more generous than the Senate bill proposed. But the rate of growth of the subsidies would decline in 2019 to something closer to that in the Senate bill.

**Revise the penalties** for people who do not buy insurance. Individuals who earn enough to pay taxes would pay either \$325 or 2 percent of income, whichever is higher, in 2015. Fines would increase in subsequent years.

**Strike a provision in the Senate bill** that would pay all of the costs of Medicaid coverage for newly eligible beneficiaries in Nebraska. Instead, the federal government would pay higher Medicaid matching rates for all states that have not yet expanded their coverage to new federally required levels. The federal government would pay all the costs in 2014 and gradually phase down to 90 percent in 2020. States that have expanded their coverage also would get additional federal aid.

**Index to inflation only**, rather than inflation plus 1 percentage point, the threshold at which high-cost "Cadillac" health insurance plans would trigger an excise tax. That means the tax's scope could eventually grow faster than in the Senate bill, because health insurance premiums tend to rise faster than inflation. But the tax was delayed and scaled back in several ways. It would go into effect in 2018 and apply to plans costing \$10,200 and up for individuals and \$27,500 and up for families. The thresholds are higher (\$11,850 for individuals and \$30,950 for families) for retirees and employees in certain professions

**Pare the annual growth in Medicare expenditures** by an average of 1.4 percentage points per year when combined with the Senate bill.

**Impose fines on employers** of 50 or more full-time workers if the employer does not provide health insurance coverage. Fines would have to be paid if one or more workers obtains federal subsidies for insurance, at a rate of \$2,000 for every worker beyond the first 30 employees.

**Increase the Medicare payroll tax** for individuals making more than \$200,000 and couples making more than \$250,000 and impose an additional 3.8 percent surtax on investment income.

**Provide a \$250 rebate to seniors** who reach a gap in Medicare prescription drug coverage known as the "doughnut hole," beginning in 2010. The doughnut hole would be phased out and be closed by 2020.

## Events of Interest

### Commerce



White House Director of Urban Affairs Adolfo Carrion

03/16/2010 at 12:00 pm

White House Director of Urban Affairs Adolfo Carrion delivers remarks on "the 2010 census, education, housing, and the impacts of urban policies on Hispanic communities."

Location: NDN, 729 15th Street NW, 2nd Floor, Washington, D.C.

Information: 202-544-9200

**Citizenship and Immigration Services Budget**

House Appropriations Committee - Hearing

03/16/2010 at 2:00 pm

Homeland Security Subcommittee hearing on "FY2011 Citizenship and Immigration Services Budget."

Witness(es): Alejandro "Ali" Mayorkas, director, U.S. Citizenship and Immigration Services, testifies

Location: B-318 Rayburn House Office Building

For information: 202-225-2771 or <http://appropriations.house.gov>

**Immigration**

U.S. Citizenship and Immigration Services Director Alejandro Mayorkas, - Discussion

03/22/2010 at 1:00 pm

U.S. Citizenship and Immigration Services Director Alejandro Mayorkas, holds a discussion on the vision for U.S. Citizenship and Immigration Services, as a part of the "Leadership Vision" speaker series.

Location: Migration Policy Institute (MPI), 1400 16th Street NW, First Floor Conference Room, Washington, D.C.

For information: Michelle Mittelstadt, 202-266-1910 or [mmittelstadt@migrationpolicy.org](mailto:mmittelstadt@migrationpolicy.org)

**U.S. Citizenship and Immigration Services**

House Judiciary Committee - Hearing



03/23/2010 at 2:00 pm

Immigration, Citizenship, Refugees, Border Security, and International Law Subcommittee hearing on United States Citizenship and Immigration Services.

Witness(es): TBA

Location: 2141 Rayburn House Office Building

Contact: 202-225-3951 or <http://www.judiciary.house.gov>

## Donate Now - NOPA Opens Madeira Credit Card Donation Account

**NOPA has opened a specific account to take credit card donations for our Portuguese brothers and sisters trying to rebuild their lives in Madeira.** If you still have not donated yet and desire a more convenient process than making a bank wire transfer, you can send your contribution by going to the NOPA website, [www.nopa-us.org](http://www.nopa-us.org), and click the donation button to proceed and use your credit card. All donations will be sent to the Cruz Vermelha Portuguesa (Portuguese Red Cross). Those still wishing to make a donation via bank transfer can find the account information on our site as well.

*The source for all Congressional legislation information on this report was the THOMAS system from The Library of Congress (<http://thomas.loc.gov/>). Links for each of the bills listed above direct readers to the THOMAS web page specific to the bill.*

*You can find a PDF file of this and other alerts at NOPA's [website](http://www.nopa-us.org). If you have any questions about this or other legislation, please contact NOPA's Government Affairs Team at [info@nopa-us.org](mailto:info@nopa-us.org) or 703-389-3512.*

*The National Organization of Portuguese-Americans is a national non-profit, tax exempt organization that supports and works with communities and organizations to advocate for and empower Portuguese-Americans. If you feel inspired to join our mission, please send your tax deductible contribution to:*

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