

SNA 2021-2022 Legislation Highlights October 2021

The SNA Public Policy work is now available on the SNA website. There is a section called “Advocacy: Get Involved!” Included there are links and tools for members to use in their own advocacy: <https://members.specialneedsalliance.org/public-policy/advocacy-get-involved/>

Legislation of Note:

Build Back Better Act – 117th Congress HR5376 (Yarmuth) To provide funding for a broad array of areas including Medicaid home and community based services:

<https://www.congress.gov/bill/117th-congress/house-bill/5376?q=%7B%22search%22%3A%5B%22Medicaid%22%2C%22Medicaid%22%5D%7D&r=8&s=5>

Guardianship Accountability Act of 2021 – 117th Congress S.2881 (Collins) To assist states in improving guardianship oversight and data collection and create a national resource center:

<https://www.congress.gov/bill/117th-congress/senate-bill/2881/text?q=%7B%22search%22%3A%5B%22guardianship%22%2C%22guardianship%22%5D%7D&r=1&s=1>

Recognizing the importance of independent living for individuals with disabilities made possible by the Americans with Disabilities Act – 117th Congress H.Res.552/S.Res.348

(Hoyer/Casey): <https://www.congress.gov/bill/117th-congress/house-resolution/552?q=%7B%22search%22%3A%5B%22disabilities%22%2C%22disabilities%22%5D%7D&s=7&r=1>

Freedom and Right to Emancipate from Exploitation (FREE) Act – 117th Congress HR4545 (Crist) To protect the rights of legally incompetent adults who are the subject of a guardianship or conservatorship:

<https://www.congress.gov/search?q=%7B%22congress%22%3A%5B%22117%22%5D%2C%22source%22%3A%22all%22%2C%22search%22%3A%22Freedom%20and%20Right%20to%20Emancipate%20from%20Exploitation%20Act%22%7D>

Special Needs Tax Credit Act – 117th Congress HR3819 (Deutch) This bill allows an income-based tax credit, up to \$5,000 in a taxable year, for legal expenses paid to establish a legal guardianship of a disabled family member: <https://www.congress.gov/bill/117th-congress/house-bill/3819/text?q=%7B%22search%22%3A%5B%22guardianship%22%2C%22guardianship%22%5D%7D&r=2&s=1>

<https://www.congress.gov/bill/117th-congress/house-bill/3819/text?q=%7B%22search%22%3A%5B%22guardianship%22%2C%22guardianship%22%5D%7D&r=2&s=1>

SSI Restoration Act – 117th Congress S.2065/HR3763 (Brown/Grijalva) To update eligibility:
<https://www.congress.gov/bill/117th-congress/senate-bill/2065?q=%7B%22search%22%3A%5B%22S.2065%22%2C%22S.2065%22%5D%7D&s=4&r=1>

Trust Act Senator Romney:

- The bill S.1295/HR2575 (Romney/Gallagher): <https://www.congress.gov/bill/117th-congress/senate-bill/1295?q=%7B%22search%22%3A%5B%22trust+act%22%2C%22trust%22%2C%22act%22%5D%7D&s=10&r=6>
- Sen. Romney's TRUST Act was [Amendment #803](#) in Reconciliation vote-a-rama. Non-binding but passed the Senate in a [71-29 vote](#)
- Analysis: <https://www.crfb.org/blogs/bipartisan-group-introduces-trust-act>

Special Needs Trust Inclusion Act – 117th Congress HR2109 (Mikie) To authorize a person participating in the Survivor Benefit Plan to change the beneficiary to a supplemental or special needs trust for the benefit of a dependent child, to authorize a person who establishes such a trust to begin participating in the Survivor Benefit Plan:
<https://www.congress.gov/bill/117th-congress/house-bill/2109/text?q=%7B%22search%22%3A%5B%22special+needs+trust%22%2C%22special%22%2C%22needs%22%2C%22trust%22%5D%7D&r=1&s=3>

The American Rescue Plan Act of 2021 – P.L. 117-2 Signed on March 11, 2021: See attached SNA News You Can Use 03/16/2021
<https://www.congress.gov/bill/117th-congress/house-bill/1319/text/pl?overview=closed>

Consolidated Appropriations Act (CRA) of 2021, is a five thousand plus page measure that combines a \$1.4 trillion omnibus government (appropriations) spending bill with a \$900 billion COVID-19 pandemic relief package. <https://members.specialneedsalliance.org/wp-content/uploads/2021/01/SNA-News-You-Can-Use-December-28-2020-.pdf>

ALS Disability Insurance Access Act of 2019 - S.578/HR1407 (Whitehouse/Moulton) To eliminate the waiting period for disability benefits; signed into law on December 22, 2020:
<https://www.congress.gov/bill/116th-congress/senate-bill/578/text/pl?overview=closed>

The ABLE Age Adjustment Act – HR 1219/S. 331 (Cardenas/Casey) To raise the eligibility age from 26 to 46:

- The bill: <https://www.congress.gov/bill/117th-congress/senate-bill/331?q=%7B%22search%22%3A%5B%22s+331%22%5D%7D&s=7&r=1>
- CCD 2-pager on the ABLE Adjustment Act: <http://c-c-d.org/fichiers/ABLE-Age-Two-Pager-Aug-2019-FINAL.pdf>

Marriage Access for People with Special Abilities Act or the “MAPSA Act” - HR 761 (Katko) To repeal SSI marriage penalty, but only for people with intellectual/developmental disabilities: <https://www.congress.gov/bill/117th-congress/house-bill/761/text?r=1>

FAMILY Act - HR 804 (DeLauro) paid family leave administered by SSA: <https://www.congress.gov/bill/117th-congress/house-bill/804?q=%7B%22search%22%3A%5B%22hr+804%22%5D%7D&s=8&r=1>

Fairness in Social Security Act of 2021 – HR 1161 (Neguse) To exempt lump-sum retroactive benefits from taxable income: <https://www.congress.gov/bill/117th-congress/house-bill/1161?q=%7B%22search%22%3A%5B%22HR+1161%22%5D%7D&s=9&r=1>

Bills that may be introduced again this Congress:

Stop the Wait Act – S2496/HR4386 (Casey/Doggett) To eliminate the waiting period for disability insurance benefits in certain situations: <https://www.congress.gov/bill/116th-congress/senate-bill/2496>

Social Security 2100 Act – HR860/S269 (Larson/Blumenthal) To increase various Old Age, Survivors, and Disability Insurance (OASDI) benefits and related taxes: <https://www.congress.gov/bill/116th-congress/house-bill/860/all-info?r=10&s=6#latestSummary-content>

Family Security Act – (Romney) To provide a cash benefit to families for each child: https://www.romney.senate.gov/sites/default/files/2021-02/family%20security%20act_one%20pager.pdf

Supreme Court

- Davis and Carr v. Saul (Whether a claimant seeking disability benefits under the Social Security Act forfeits an appointments-clause challenge to the appointment of an administrative law judge by failing to present that challenge during administrative proceedings.) argued 3/3/21. NADR and NOSSCR submitted amicus briefs <https://www.scotusblog.com/case-files/cases/carr-v-saul/>
- US v. Vaello-Madero (SSI in Puerto Rico) will be heard somewhere between October 2021 and April 2022 <https://www.scotusblog.com/case-files/cases/united-states-v-vaello-madero/>

Miscellaneous:

Chairman Brown Asks Biden to Remove Social Security Commissioner Saul: <https://www.brown.senate.gov/newsroom/press/release/brown-chairman-social-security->

[pensions-subcommittee, https://waysandmeans.house.gov/media-center/press-releases/larson-davis-pascrell-call-removal-social-security-commissioner-and](https://waysandmeans.house.gov/media-center/press-releases/larson-davis-pascrell-call-removal-social-security-commissioner-and)

SSA Current org chart – <https://www.ssa.gov/org/ssachart.pdf>

SSA's COVID-19 response: <https://www.ssa.gov/coronavirus/>

CCD Letter Regarding Exclusion of Adult Dependents in Payment: Letter to Senate and House Leadership on CCD's disappointment that once again adult dependents were excluded from economic impact payments in the latest package: [http://www.c-c-d.org/fichiers/CCD-Financial-Security-and-Poverty-Taskforce-Co-Chair-Letter Nutrition-and-Adult-Dependents.pdf](http://www.c-c-d.org/fichiers/CCD-Financial-Security-and-Poverty-Taskforce-Co-Chair-Letter_Nutrition-and-Adult-Dependents.pdf)

Proposed OPM rule on hiring ALJs:

- Rule: <https://www.federalregister.gov/documents/2020/09/21/2020-17684/administrative-law-judges> ;
- Comments submitted <http://c-c-d.org/fichiers/CCD-comments-on-OPM-NPRM-on-ALJ-hiring.pdf>.

Updated October 8, 2021