

SNA 2021-2022 Legislation Highlights April 2022

The SNA Public Policy work is 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:

Securing a Strong Retirement Act of 2021 (SECURE 2.0) – H.R.2954 (Neal) This bill makes various changes with respect to employer-sponsored retirement plans, including providing for the automatic enrollment of employees in certain plans and increasing the age at which participants are required to begin receiving mandatory distributions. Passed by the House.

The bill: <https://www.congress.gov/bill/117th-congress/house-bill/2954?q=%7B%22search%22%3A%5B%22Securing+a+Strong+Retirement+Act+of+2021%22%2C%22Securing%22%2C%22a%22%2C%22Strong%22%2C%22Retirement%22%2C%22Act%22%2C%22of%22%2C%222021%22%5D%7D&s=1&r=1>

Bipartisan Policy Center Article: https://bipartisanpolicy.org/blog/house-passes-secure-2-0-would-bolster-retirement-security-for-millions-of-americans/?cldee=zvzoed6HMSaT6ZF8byhIntjJ6qD3_Q4i3m-JFrA3UXznqHza3rPZeSAh1D7u5L5a&recipientid=contact-78d561141dc7e3119e3d6c3be5a82168-a40652b205c34e0cbd5ce723fc7ebba5&utm_source=ClickDimensions&utm_medium=email&utm_campaign=Project%20Update%20%7C%20Economic%20Policy&esid=3926957b-c8b9-ec11-983f-002248317e7b

Retirement Security and Savings Act – S.1770 (Cardin) Includes enhancements to the private retirement system that will encourage more small businesses to offer plans and expand access to workers without coverage. Some consider it the Senate version of SECURE 2.0.

<https://www.congress.gov/bill/117th-congress/senate-bill/1770?q=%7B%22search%22%3A%5B%22Retirement+Security+and+Savings+Act%22%2C%22Retirement%22%2C%22Security%22%2C%22and%22%2C%22Savings%22%2C%22Act%22%5D%7D&s=3&r=1>

Stop Unfair Medicaid Recoveries Act of 2022 – H.R.6698 (Schakowsky) To repeal the requirement that States establish a Medicaid Estate Recovery Program and to limit the circumstances in which a State may place a lien on a Medicaid beneficiary’s property. Bill:

<https://www.congress.gov/bill/117th-congress/house-bill/6698/text?q=%7B%22search%22%3A%5B%22stop+unfair+medicaid+recoveries%22%2C%22stop%22%2C%22unfair%22%2C%22medicaid%22%2C%22recoveries%22%5D%7D&r=1&s=1>

Issue brief on estate recovery: [Medicaid Estate Claims: Perpetuating Poverty & Inequality for a Minimal Return](#) (Jointly authored by California Advocates for Nursing Home Reform (CANHR), Justice in Aging, National Academy of Elder Law Attorneys (NAELA), National Health Law Program (NHeLP), and Western Center on Law & Poverty)

Stop the Wait Act of 2022 – S.3575/H.R.6583 (Casey/Doggett) To eliminate the waiting period for disability insurance benefits in certain situations:

The bill: <https://www.congress.gov/bill/117th-congress/house-bill/6583?q=%7B%22search%22%3A%5B%22hr+6583%22%2C%22hr%22%2C%226583%22%5D%7D&s=1&r=1> The 02/03/22 hearing: <https://www.youtube.com/watch?v=gLpInSI1UHo>

Marriage Equality for Disabled Adults Act – H.R.6405 (Panetta)

<https://www.congress.gov/bill/117th-congress/house-bill/6405?q=%7B%22search%22%3A%5B%22HR+6405%22%2C%22HR%22%2C%226405%22%5D%7D&s=2&r=1>

Social Security 2100: A Sacred Trust – H.R.5723/S.3071 (Larson/Blumenthal) To increase various Old Age, Survivors, and Disability Insurance (OASDI) benefits and related taxes: Bill:

<https://www.congress.gov/bill/117th-congress/house-bill/5723?q=%7B%22search%22%3A%5B%22Social+Security+2100%22%2C%22Social%22%2C%22Security%22%2C%222100%22%5D%7D&s=3&r=2>

Hearing: <https://waysandmeans.house.gov/legislation/hearings/social-security-subcommittee-hearing-fierce-urgency-now-social-security-2100>

Work Without Worry Act – S.2108/H.R.4003 (Wyden/Larson) To amend the Social Security Act to eliminate work disincentives for childhood disability beneficiaries and to address the issue where individuals who have disabilities that present before age 22 and work and then are prevented from collecting benefits on their parents' records as DAC (Disabled Adult Children):

<https://www.congress.gov/bill/117th-congress/senate-bill/2108?q=%7B%22search%22%3A%5B%22work+without+worry%22%2C%22work%22%2C%22without%22%2C%22worry%22%5D%7D&s=5&r=1>

Protection of Social Security Benefits Restoration Act – S.3177/H.R.5866 (Wyden/Grijalva) To restore protections for Social Security, Railroad retirement, and Black Lung benefits from Administrative offsets: <https://www.congress.gov/bill/117th-congress/senate-bill/3177>

Press release: <https://grijalva.house.gov/sen-wyden-and-reps-grijalva-larson-reintroduce-the-protection-of-social-security-benefits-restoration-act/>

Build Back Better Act – 117th Congress H.R.5376 (Yarmuth) To provide funding for a broad array of areas including Medicaid home and community-based services: House bill:

<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>

Senate bills:

<https://www.finance.senate.gov/imo/media/doc/12.11.21%20Finance%20Text.pdf>
<https://www.help.senate.gov/imo/media/doc/KIN21845.pdf>

Guardianship Accountability Act of 2021 – 117th Congress S.2881/H.R.5600 (Collins/Soto) 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 H.R.4545 (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 H.R.3819 (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>

SSI Restoration Act – 117th Congress S.2065/H.R.3763 (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>

Poverty estimates: <https://www.cbpp.org/blog/policymakers-can-expand-ssi-to-cut-poverty-for-seniors-and-people-with-disabilities>

Trust Act Senator Romney:

- The bill S.1295/H.R.2575 (Romney/Gallagher): <https://www.congress.gov/bill/117th-congress/senate->

[bill/1295?query=%7B%22search%22%3A%5B%22trust+act%22%2C%22trust%22%2C%22act%22%5D%7D&s=10&r=6](https://www.congress.gov/bill/117th-congress/house-bill/1295/text?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 H.R.2109 (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 also 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” – H.R.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 – H.R.804/S.248 (DeLauro/Gillibrand) 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:

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:

President Biden Nominates Sharon Lewis to SSA Advisory Board:

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/21/president-biden-announces-2-key-nominees-2/>

White House Fact Sheet on the National Mental Health Crisis

Senate Finance Committee Report on Mental Health:

<https://www.finance.senate.gov/imo/media/doc/SFC%20Mental%20Health%20Report%20March%202022.pdf>

White House Fact Sheet on Nursing Homes

President Biden Nominates Rita Landgraf for Assistant Secretary for Aging, Department of Health and Human Services: She would also serve as Administrator for the Administration for Community Living, which does not need to be confirmed by the Senate: See bio:

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/09/president-biden-announces-key-nominees-5/>

GAO Report on Social Security Administration – Legality of Service of Acting Commissioner:

The GAO's decision states that Dr. Kilolo Kijakazi can be Acting Commissioner until the President replaces her with another Acting Commissioner or someone else is confirmed by the Senate: <https://www.gao.gov/products/b-333543>

SSA POMS Transmittal on Administering Representatives Fees Provisions: The Office of Disability Policy (ODP) proposes to revise [GN 03943.000](#), Implementation of Increased Maximum Dollar Limit on Fee Agreements:

https://secure.ssa.gov/apps10/reference.nsf/lnx/03172022080223PM?opendocument=&utm_medium=email&utm_source=govdelivery

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>

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

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>.

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