**SNA 2023 Legislation Highlights**

**March 2023**

**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**](https://members.specialneedsalliance.org/public-policy/advocacy-get-involved/) **for members to use in their own advocacy.**

**LEGISLATION OF NOTE:**

**Protection and Advocacy in Education Act** - [H.R.9100](https://www.congress.gov/bill/117th-congress/house-bill/9100?q=%7B%22search%22%3A%5B%22disability%22%2C%22disability%22%5D%7D&s=7&r=13)/[S.5013](https://www.congress.gov/bill/117th-congress/senate-bill/5013?q=%7B%22search%22%3A%5B%22disability%22%2C%22disability%22%5D%7D&s=7&r=14) (DeSaulnier and Hassan) To authorize grants to establish a national education protection and advocacy program to enforce the rights and protections under the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973, and for other purposes (introduced 9/29/22).

**Social Security Expansion Act** – [H.R.1046](https://www.congress.gov/bill/118th-congress/house-bill/1046?q=%7B%22search%22%3A%5B%22Social+Security+Expansion+Act+of+2022%22%5D%7D&s=4&r=1) / [S.393](https://www.congress.gov/bill/118th-congress/senate-bill/393?q=%7B%22search%22%3A%5B%22Social+Security+Expansion+Act+of+2022%22%5D%7D&s=4&r=2) (Schakowsky and Sanders) Extends the life of the Old Age, Survivors, and Disability Insurance (OASDI) for the next 75 years while requiring payroll taxes on incomes of $250,000 and above, and for other purposes (introduced 2/13/23 and referred to Ways and Means, Education and the Workforce, and Transportation and Infrastructure in the House; Committee on Finance in the Senate.)

* Read the [fact sheet](https://www.sanders.senate.gov/wp-content/uploads/Social-Security-Expansion-Act-one-pager-Final.pdf) published by Senator Sanders’s office
* Read the [analysis](https://www.sanders.senate.gov/wp-content/uploads/SandersLetter-2023-0213.pdf) by the SSA
* Read an [opinion piece](https://thehill.com/opinion/finance/3889950-sanderss-latest-shot-in-the-social-security-wars-could-wound-us-all/) published in *The Hill* newspaper

**Stop the Wait Act of 2023 –** [H.R.883](https://www.congress.gov/bill/118th-congress/house-bill/883?q=%7B%22search%22%3A%5B%22Stop+the+Wait+Act%22%5D%7D&s=6&r=2)/ [S.320](https://www.congress.gov/bill/118th-congress/senate-bill/320?q=%7B%22search%22%3A%5B%22Stop+the+Wait+Act%22%5D%7D&s=6&r=1) (Doggett and Casey) Directs the Social Security Administration to phase out the five-month waiting period to receive SSDI benefits and allow those who are uninsured or unable to afford health insurance to immediately receive Medicare coverage (introduced 2/9/23, referred to the Ways and Means and Energy and Commerce in the House and Finance in the Senate.)

* Read more about the bill and its [supporters](https://doggett.house.gov/media/press-releases/stop-wait-remove-harmful-health-care-barriers-individuals-disabilities-0)

**Social Security Fairness Act of 2023 –** [H.R.82](https://www.congress.gov/bill/118th-congress/house-bill/82?q=%7B%22search%22%3A%5B%22Fairness+in+Social+Security+Act%22%5D%7D&s=5&r=2) / [S.597](https://www.congress.gov/bill/118th-congress/senate-bill/597?q=%7B%22search%22%3A%5B%22Fairness+in+Social+Security+Act%22%5D%7D&s=5&r=3) (Graves and Brown) Amends the Social Security Act to repeal the government pension offset and windfall elimination provisions (introduced 1/9/23, referred to Ways and Means in the House and Finance in the Senate.)

**Fair COLA for Seniors Act of 2023** – [H.R.716](https://www.congress.gov/bill/118th-congress/house-bill/716?q=%7B%22search%22%3A%5B%22Fairness+in+Social+Security+Act%22%5D%7D&s=5&r=4) (Garamendi) Requires Social Security to use the Consumer Price Index for the Elderly (CPI-E) to calculate a fairer cost of living adjustment (COLA) for seniors. The Bureau of Labor Statistics of the Department of Labor must publish that price index monthly (introduced 2/01/23; referred to Ways and Means; Veterans' Affairs; Oversight and Accountability; Armed Services; on 2/28/23 referred to the Veterans’ Affairs Subcommittee on Disability Assistance and Memorial Affairs.)

* Read about the [Consumer Price Index for the Elderly](https://www.socialsecurityintelligence.com/how-the-cpi-e-compares-with-the-cpi-w-for-the-annual-social-security-cola/)

**Protecting Health Care for All Patients Act of 2023** – [H.R.485](https://www.congress.gov/bill/118th-congress/house-bill/485?q=%7B%22search%22%3A%5B%22HR+485%22%5D%7D&s=1&r=1) (McMorris Rodgers) Amends the Social Security Act to prohibit the use of quality-adjusted life years (QALYs) and similar measures in coverage and payment determinations under Federal health care programs (introduced 1/24/23, referred to Energy and Commerce and Ways and Means; on 3/8/23, forwarded by Energy and Commerce Subcommittee on Health to the full committee by voice vote.)

Statement of Frank Pallone, (NJ-6th, D) Ranking Member of Energy and Commerce Committee:

On H.R. 485, it’s unfortunate that we have not been able to reach an agreement. This is discouraging as my staff and I have worked in good faith on this bill. I need assurances that nothing in the legislation would go beyond banning the use of QALYs or could be used to delay or disrupt the implementation of the drug price negotiations in the Inflation Reduction Act. It is disappointing that the Majority chose to move forward with a partisan amendment.

**Better Care Better Jobs Act** – [H.R.547](https://www.congress.gov/bill/118th-congress/house-bill/547?q=%7B%22search%22%3A%5B%22Better+Care++Better+Jobs+Act%22%5D%7D&s=3&r=2) / [S.100](https://www.congress.gov/bill/118th-congress/senate-bill/100?q=%7B%22search%22%3A%5B%22S+100%22%5D%7D&s=1&r=1) (Dingell and Casey) Provides funds for the Centers for Medicare & Medicaid Services to award planning grants, develop quality measures, and provide technical assistance to states regarding specified HCBS improvements, particularly with respect to access, utilization, and the associated workforce (introduced 1/26/23, referred to House Energy and Commerce and to Finance in Senate. The bill also:

* increases the Federal Medical Assistance Percentage (i.e., federal matching rate) for HCBS in states that develop plans and meet specified benchmarks for improvements,
  + makes permanent Money Follows the Person Rebalancing Demonstration Program (a grant program to help states increase the use of HCBS for long-term care and decrease the use of institutional care), and
  + makes permanent certain provisions regarding Medicaid eligibility that protect against spousal impoverishment for recipients of HCBS.
* Read the [joint press release](https://www.casey.senate.gov/news/releases/casey-dingell-introduce-bill-to-provide-historic-permanent-investment-in-home-care-for-seniors-and-people-with-disabilities) of Rep. Dingell and Sen. Casey

**Social Security Terminology Changes to Help Americans Plan Better for Retirement** S.[692](https://www.congress.gov/bill/118th-congress/senate-bill/692/text?s=2&r=2&q=%7B%22search%22%3A%5B%22social+security%22%5D%7D) (Cassidy) Requires SSA to make changes to the terminology used in the rules, regulations, guidance, and other materials. Specifically,

* the term “early eligibility age” is replaced with the term “minimum benefit age”
* the terms “full retirement age” and “normal retirement age” are replaced with the term “standard benefit age” and
* the term “delayed retirement credit” shall not be used and any reference to age 70 as the maximum age up to which delayed retirement credits can be received shall be replaced with the term “maximum benefit age.”
* Read the [joint press release](https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-kaine-collins-coons-introduce-legislation-to-help-americans-better-plan-for-retirement) of Senators Cassidy, Kaine, Coons, and Collins.

**Transformation to Competitive Integrated Employment Act** – [H.R.1263](https://www.congress.gov/bill/118th-congress/house-bill/1263?q=%7B%22search%22%3A%5B%22Social+Security+disability%22%5D%7D&s=7&r=33) / [S.533](https://www.congress.gov/bill/118th-congress/senate-bill/533?q=%7B%22search%22%3A%5B%22Social+Security+disability%22%5D%7D&s=7&r=32) (Scott and Casey) Assists employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 in transforming their business and program models to models that support individuals with disabilities through competitive integrated employment, to phase out the use of such special certificates, and for other purposes (introduced 2/27/23, referred to House Committee on Education and the Workforce and to Committee on Health, Education, Labor, and Pensions in the Senate.)

“This work started with creating and expanding ABLE accounts, which are empowering individuals with disabilities to reach their full potential. Today, with this bipartisan legislation, it continues on the next policy frontier – employment,” said Rep. McMorris Rodgers (WA-05, R)

* Read the [joint press release](https://mcmorris.house.gov/posts/mcmorris-rodgers-reintroduces-bipartisan-bicameral-legislation-to-create-equal-opportunities-in-employment-for-workers-with-disabilities) of Senators Casey and Daines and Reps. Scott and Rodgers
* GAO Report: Despite Progress, Workers with Disabilities Still at High Risk of Earning Subminimum Wage: report [highlights](https://www.gao.gov/assets/gao-23-105116-highlights.pdf) or [full report](https://www.gao.gov/products/gao-23-105116)

**Healthcare Worker Retention Act** - [H.R. 1215](https://www.congress.gov/bill/118th-congress/house-bill/1215?q=%7B%22search%22%3A%5B%22Disabled%22%5D%7D&s=2&r=7) (Magaziner) Establishes through 2024 a new refundable health care worker tax credit, equal to $1,000 for individual taxpayers (1) who work in a healthcare setting as an employee or contractor for at least an average of 20 hours per week, and 3 months during each half of a taxable year; and (2) whose gross income does not exceed $100,000 ($200,000 for joint returns or for a surviving spouse). The bill defines *healthcare setting* as an organization that provides healthcare services in specified settings, including a hospital, a nursing home, a community-based healthcare center, a school or college campus, a primary care facility, an assisted living facility, a hospice or home care, emergency medical services, or any other licensed facility that extends healthcare services to patients, including the elderly and disabled (introduced 2/27/23, referred to House Ways and Means).

**MISCELLANEOUS**

[CMS Fact Sheet on Public Health Emergency Expiration](https://www.cms.gov/newsroom/fact-sheets/cms-waivers-flexibilities-and-transition-forward-covid-19-public-health-emergency#:~:text=Based%20on%20current%20COVID%2D19,day%20on%20May%2011%2C%202023.)

The Department of Health and Human Services Public Health Emergency will expire at the end of the day on May 11, 2023. This fact sheet covers:

* COVID-19 vaccines, testing, and treatments for people on Medicare, Medicaid, and private insurance;
* Telehealth services;
* Health Care Access: Continuing flexibilities for health care professionals; and
* Inpatient Hospital Care at Home: Expanded hospital capacity by providing inpatient care in a patient’s home.

[House Rules Committee Changes Adopted for 118th Congress](https://rollcall.com/2023/01/09/house-adopts-rules-package-for-the-118th-congress/)

The House Rules Committee controls which legislation is brought to the floor of the House of Representatives for a vote, as well as the length of debate, and allowance of amendments. A highly partisan committee that works closely with the Speaker, it generally fashions its “rules” with the aim to help or obstruct a bill. Part of the rules package that was passed this year is the provision that allows a singe member to force a vote on sacking the Speaker of the House.