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***Hot off the Press:***

**Happy New Year and Welcome to the 118th Congress**

The new Congress started with characteristic drama – but not the kind we usually see. Historically, the excitement comes from proud families witnessing the swearing in of their newly elected (or re-elected) loved one. But those family scenes were put on hold by the tragicomedy of Representative Kevin McCarthy (R-CA-20th) trying desperately to garner enough votes to become the new Speaker of the House. The fifteenth ballot was the charm. His second in command is Majority Leader Rep. Steve Scalise (R-LA-1st) (“majority” because Republicans are in the majority and Democrats are in the minority). Meanwhile, across the aisle, the Democrats were voting unanimously on their choice for Speaker, their Minority Leader, Rep. Hakeem Jeffries (D-NY-8th), the first African American Minority Leader. Second in command for the Dems is Minority Whip Katherine Clark (D-MA-5th).

On the Senate side, the leadership positions have remained the same as the 117th Congress, with Senator Charles Schumer (D-NY) as Majority Leader, Sen. Dick Durbin (D-IL) as Majority Whip, Sen. Mitch McConnell as Minority Leader and Sen. John Thune (R-SD) as Minority Whip.

All House committee chairs are now Republicans, with Democrats in the role of Ranking Member (R: 222; D: 212). Some of the key committees and leaders are listed below, find a complete list of committees and their members [here](https://en.wikipedia.org/wiki/List_of_United_States_House_of_Representatives_committees).

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| --- | --- | --- |
| **U.S. House of Rep. Committee** | **Chair (R)** | **Ranking (D)** |
| Appropriations | Kay Granger (TX) | Rosa DeLauro (CT) |
| Budget | Jodey Arrington (TX) | Brendan Boyle (PA) |
| Education and the Workforce | Virginia Foxx (NC) | Bobby Scott (VA) |
| Energy and Commerce | Cathy McMorris Rodgers (WA) | Frank Pallone (NJ) |
| Judiciary | Jim Jordan (OH) | Jerry Nadler (NY) |
| Veterans' Affairs | Mike Bost (IL) | Mark Takano (CA) |
| Ways and Means | Jason Smith (MO) | Richard Neal (MA) |

In the U.S. Senate, Democrats are in the majority because Independents caucus with the Democrats, and Republicans are the minority party (D: 48; I: 3; R: 49).

|  |  |  |
| --- | --- | --- |
| **U.S. Senate Committee** | **Chair (D)** | **Ranking or Vice Chair (R)** |
| Appropriations | Patty Murray (WA) | Susan Collins (ME) |
| Banking, Housing and Urban Affairs | Sherrod Brown (OH) | Tim Scott (SC) |
| Budget | Sheldon Whitehouse (RI) | Lindsey Graham (SC) |
| Finance | Ron Wyden (OR) | Mike Crapo (ID) |
| Health, Education, Labor, and Pensions | Bernie Sanders (I-VT) | Bill Cassidy (LA) |
| Judiciary | Dick Durbin (IL) | Chuck Grassley (IA) |
| Veterans' Affairs | Jon Tester (MT) | Jerry Moran (KS) |
| Aging (Special) | Bob Casey (PA) | Mike Braun (IN) |

**All About the Consolidated Omnibus Appropriations Act**

The **Consolidated Omnibus Appropriations Act of 2023 (CAA 23)** [Public Law 117-328](https://www.congress.gov/bill/117th-congress/house-bill/2617)

was signed into law by President Biden on December 29, 2022. This omnibus legislation appropriates [funds for federal agencies](https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/FY23%20Summary%20of%20Appropriations%20Provisions.pdf) for FY2023, and includes provisions on many other issues, such as emergency assistance for Ukraine, retirement policy, health care, and other proposals. Here are good overviews on [health care related](https://www.natlawreview.com/article/key-healthcare-provisions-consolidated-appropriations-act-2023) provisions and on [Secure 2.0](https://www.usbank.com/retirement-planning/financial-perspectives/saving-for-retirement-secure-act.html) retirement policies.

Congratulations are in order: two SNA promoted bills were passed as part of the CAA 23: the **Special Needs Trust Improvement Act of 2022** and the **ABLE Age Adjustment Act**.

The Special Needs Trust Improvement Act ([S.4426/HR 8625](https://www.congress.gov/bill/117th-congress/senate-bill/4426?r=26&s=1)) is the SNA developed legislation that allows most charitable organizations to be named as a remainder beneficiary of a trust that is established for a person who has a disability or is chronically ill.  This legislation was included in both the EARN Act and as part of the Secure 2.0 Act of 2022 and passed in the Consolidated Omnibus Appropriations Act of 2023[Public Law 117-328](https://www.congress.gov/bill/117th-congress/house-bill/2617) (Section 337 on page 915) . It was signed into law by President Biden on December 29, 2022.

The ABLE Age Adjustment Act ([HR 1219/S. 331](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)) extends the age limit of disability to 46 in order to be eligible for an ABLE account (up from 26 years of age). The provision does not take effect until 2026.

There are two other provisions in the SECURE 2.0 portion of the CAA 23 that may be beneficial to some families and practitioners.

The first was in Section 126 where the Code now permits rollovers from Section 529 College Savings Plans to a Roth IRA in certain circumstances. We expect the rulemaking process will provide some insight into overall utility here.

The second provision relates to penalties for early distributions from IRAs. Under current law, an additional 10% tax applies to early distributions from tax-deferred retirement accounts. Section 326 created a new exception to the tax for distributions to a “terminally ill” individual. This provision will be located at IRC 72(t)(2)(L) of the Internal Revenue Code. Terminal illness is defined as an individual who has been certified by a physician as having an illness or physical condition which can be reasonably expected to result in death in 84 months or less after the date of certification. This provision is applicable to IRA distributions made on or after December 30, 2022. The manner of certification will also be clarified through the rulemaking process.

Another provision in the CAA 23 is the extension of Medicaid’s **Money Follows the Person** program through 2027. This enables states to apply for grants to help with transitional services for Medicaid participants who are moving from an institutional setting to a community-based residence. **Spousal Impoverishment** - extends through 2027 the provision that applies the spousal impoverishment protections to couples whose spouse lives in a community setting (in addition to the protections for a couple whose spouse lives in a nursing home). SNA has long supported making these programs permanent.

Also related to Medicaid, the Covid-19 **Public Health Emergency** (PHE) was just extended on January 11 for 90 days by Xavier Becerra, Secretary of Health and Human Services. When the PHE is finally lifted (possibly in April), several things will happen, although the Biden administration has promised to give stakeholders 60 days’ notice before letting the COVID-19 PHE expire.  For example, states will start redeterminations of Medicaid eligibility. Experts believe that millions of people could lose health care coverage under Medicaid when this happens. In addition, telehealth provisions would expire at the end of the PHE but have been extended until the end of 2024 in the CAA 2023.

The Autistic Self Advocacy Network and other advocates have successfully gotten the Congress to recognize the FDA’s authority to **ban electric shock** for behavior modification in the CAA 23. Now advocates are urging the FDA to pass the rule to make the ban final. Read this [Stop the Shock article](https://autisticadvocacy.org/2022/12/congress-has-supported-the-fdas-right-to-stoptheshock/).

**Funding Details:**

**HHS:**$120.7 billion, an increase of $9.9 billion;

**NIH**: $47.5 billion, an increase of $2.5 billion with no less than 3.8 % increase for each institute and center at NIH, with an increase of $226 million above the fiscal year 2022 enacted level for Alzheimer’s disease and related dementias research;

**Department of Education:** The bill includes $15.154 billion, an increase of $904 million or 6 percent, for Special Education State Grant programs that support services to an estimated 9 million students and children with a disability.

**NIA**: funded at $4.4 billion, an increase of $187 million;

**ARPA-H**: funded at $1.5 billion, an increase of $500 million to accelerate the pace of scientific breakthroughs;

**HRSA Workforce**: $509 million, an increase of $51 million for Title VII Health Professions Education and Training;

**Social Security Administration:** $14 billion, an increase of $785 million;

**CDC:** $9.2 billion, increase of $760 million;

**AHRQ:** $373.5 million, an increase of $23 million;

**Administration for Community Living (ACL):**$2.5 billion, an increase of $220 million;

**Developmental Disabilities Programs:** $191 million, an increase of $5.753 million (including State Councils, Protection and Advocacy, voting access, and others)

**Paralysis Resource Center (PRC):** $10.7 million, an increase of $1 million;

**Direct Care Workforce Demonstration** is funded at $2 million;

**Home and Community-Based Services and Senior Centers:** funded at $410 million, an increase of $11 million;

**Preventive Health Services**: funded at $26 million, an increase of $1.5 million;

**Aging and Disability Resource Centers**: funded at $8.6 million, an increase of $500,000;

**National Family Caregiver Support Program**: funded at $205 million, increase of $11 million;

**Lifespan Respite Care**: funded at $10 million, an increase of nearly $2 million;

**Long-Term Care Ombudsman**: funded at $21.6 million, an increase of $2 million;

**Elder Rights/Adult Protective Services**: funded at $33.9 million, an increase of $15 million;

**Section 202 Housing for the Elderly:** funded at $1,075 billion, an increase of $42 million and **Section 811 Housing for People with Disabilities** funded at $360 million, an increase of $8 million (about 2,800 new affordable housing units for older people and people with disabilities);

**LIHEAP (Low Income Energy Assistance Program):** funded at $4 billion, an increase of $200 million.

**More News**

The chair of the House Appropriations Committee, Rep. Kay Granger (TX-12th, R), has identified the subcommittee chairs who will be responsible for appropriations for the federal agencies under their purview. See the list [here](https://www.politico.com/minutes/congress/01-11-2023/granger/).

**Social Security and Medicare Changes**

The cost-of-living adjustment (COLA) for Social Security beneficiaries, including those on Supplemental Security Income (SSI) is 8.7%, the largest percentage increase since 1981. The Medicare Part B monthly premium declines from $170.10 per month to $164.90 in 2023. And, under changes to the earnings for those receiving Social Security Disability Insurance (SSDI), the threshold for monthly income rises from $1,350 to $1,470 in 2023 for most disabled beneficiaries. Read more earnings test and tax changes from [AARP](https://www.aarp.org/retirement/social-security/info-2022/cola-increases-medicare-premium-drops.html?cmp=EMC-DSM-NLC-OTH-WBLTR-1532702-1785613-6969451-NA-011423-Webletter-MS2-SAPLASOCSEC-NA-PR60-SocialSecurity&encparam=r2n%2fp6xvF4idP7OR%2b97oTJ7BXxPqZPF8EV4hHdBBBaE%3d).

**Debt Ceiling Face-Off**

The debt ceiling deadline is January 19, although the Treasury Department is able to continue paying bills for several months while the Biden administration and House Republicans stare each other down. Stay tuned.

**NIH Working Group on Diversity Report**

The NIH Working Group on Diversity 's subgroup on individuals with disabilities recently released the [Advisory Committee to the Director Working Group on Diversity Subgroup on Individuals with Disabilities Report](https://www.acd.od.nih.gov/documents/presentations/12092022_WGD_Disabilities_Subgroup_Report.pdf).  The goal of the workgroup was to understand and identify ways to "promote disability inclusion, eliminate ableism (discrimination towards or devaluing the lives of disabled people), and remove barriers to succeeding in and benefiting from research for people with disabilities." The working group's recommendations echo the findings of a White House [summit](https://www.whitehouse.gov/ostp/events-webinars/stemmequity/) held in December 2022 in which the Biden administration announced ways to promote equity and inclusion across the STEMM (science, technology, engineering, mathematics, and medicine) landscape. Read an overview article by the NIH subgroup's co-chairs [here](https://www.statnews.com/2023/01/03/nih-advances-recommendations-disability-inclusion-antiableism/).

**Retirement of PBS NewsHour Journalist Judy Woodruff**

Read the story of Woodruff’s family’s life with a special needs child and how this has influenced what [Judy Woodruff's next chapter](https://www.washingtonpost.com/lifestyle/2022/12/29/judy-woodruff-pbs-newshour/?utm_campaign=wp_the_optimist&utm_medium=email&utm_source=newsletter&wpisrc=nl_optimist&carta-url=https%3A%2F%2Fs2.washingtonpost.com%2Fcar-ln-tr%2F38afb65%2F63b1929fef9bf67b23439ec3%2F596c8290ade4e24119d0a30f%2F24%2F48%2F63b1929fef9bf67b23439ec3&wp_cu=9b757f14f5dd0f2282b3a7274e5f11d0%7Cb3ec226e-0eb6-11e0-a478-1231380f446b) will be.

**January 2023**

Thank you,

Brian

Brian W. Lindberg

SNA Public Policy Advisor

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