



# Capitol Insider



for the Week of January 9, 2012

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## Recent Major Events

### Health Care - Constitutionality of the Affordable Care Act

The Obama administration filed its first brief with the Supreme Court defending the constitutionality of the requirement in the Affordable Care Act (ACA) that most citizens purchase healthcare insurance or pay a penalty - the individual mandate. The administration argues that the mandate is an acceptable use of Congress' taxing power and defends the policy under the Constitution's Commerce Clause. Briefs also were filed by opponents of the ACA arguing that if the court invalidates the individual mandate, the remaining components of healthcare reform cannot function properly. The court has scheduled three days of oral arguments in late March when it will address four issues, including the individual mandate, the Medicaid expansion, whether the entire ACA fails if the individual mandate is found to be unconstitutional, and whether the court should wait to consider the constitutionality of the law until someone has actually been required to pay a penalty for not having insurance.

The U.S. Court of Appeals for the 11th Circuit in Atlanta earlier this year declared the law's individual mandate unconstitutional but left the remainder of the measure intact. Two other federal appeals courts have upheld the law's constitutionality, while the U.S. Court of Appeals for the 4th Circuit ruled it would be premature to decide the case.

### Health Care - Affordable Care Act benefits for dual eligibles

The Affordable Care Act provides that full-benefit dual eligibles (those who qualify for both Medicare and full Medicaid benefits) who are receiving Medicaid home and community based services (HCBS) are eligible for a full waiver of copayment requirements for their Medicare Part D prescription drugs. This policy became effective January 1, 2012. The provision puts people who are receiving HCBS in the community on equal footing with those who reside in institutions and whose co-pays are also waived. The National Senior Citizens Law Center has prepared a helpful summary for advocates: <http://www.nslc.org/wp-content/uploads/2012/01/No-Part-D-Copays-Info.pdf>

## Social Security/Employment/Health Care - Congress to take up full-year extension of payroll tax holiday, extended unemployment benefits

On December 23<sup>rd</sup> Congress approved, and the President signed, a bill ([H.R. 3765](#)) to maintain the 4.2 percent Social Security payroll tax paid by employees – which was reduced from 6.2 percent last year – through the first two months of 2012. The bill also maintains, for two months, expanded unemployment benefits and current payment rates for doctors who see Medicare patients. Without action by Congress, all three provisions would have expired on December 31, 2011. The House and Senate are expected to begin negotiations over a full-year extension of all three provisions when they return to Washington at the end of January.

## Major Events Ahead

### Congressional Schedule

The House is expected to begin the Second Session of the 112<sup>th</sup> Congress on January 17 while the Senate is expected to be back in session on January 23.

## Announcements

### Capitol Insider Schedule

The next issue will be sent out on Tuesday, January 17, 2012.

### White House Disability Calls to Resume January 18

The White House Office of Public Engagement announced that they are resuming their monthly disability calls on January 18, 2012. These calls aim to keep members of the disability community informed of White House initiatives and to introduce Federal government employees who work on disability issues.

Anyone is welcome to join the email list, by visiting the website [here](#) and filling out the contact us form, or emailing [disability@who.eop.gov](mailto:disability@who.eop.gov) and providing your full name, city, state, and organization.

The calls will address questions and issues raised through [disability.gov](http://disability.gov).