

Support the ABLE Age Adjustment Act that will extend the eligibility age of onset of disability from 26 to 46, enabling more individuals with brain injury to participate.



ACTION ALERT!

National Association of State Head Injury Administrators
May 30, 2018

**FULFILL THE PROMISE OF ECONOMIC EMPOWERMENT
OF PEOPLE WITH DISABILITIES AND PRESERVE THE
SUSTAINABILITY OF ABLE PROGRAMS**

PASS THE ABLE AGE ADJUSTMENT ACT (H.R. 1874/S. 817)

Background

H.R. 1874/S. 817 would amend Section 529A(e) of the Internal Revenue Code to increase the eligibility threshold for ABLE accounts for onset of disability from prior to age 26 to prior to age 46. ABLE (Achieving a Better Life Experience) accounts are tax-favored accounts that are designed to enable individuals with disabilities to save for and pay for disability-related expenses.

First introduced in the 114th Congress, the bipartisan ABLE Age Adjustment Act was re-introduced in the 115th Congress by Senators Bob Casey (D-PA), Chris Van Hollen (D-MD) and Richard Burr (R-NC), and Representatives Cathy McMorris Rodgers (R-WA), Pete Sessions (R-TX), Tony Cárdenas (D-CA), Chris Smith (R-NJ), and Jim Langevin (D-RI). Without passage of such legislation, the ABLE program faces serious threats to its sustainability.

The Stephen Beck, Jr. Achieving a Better Life Experience (ABLE) Act (PL 113-295), signed into law in December of 2014, allows certain individuals with disabilities the opportunity to save resources in a tax-advantaged savings account (an ABLE account) for the purposes of covering disability-related expenses. The resources saved in an ABLE account are not taken into consideration when determining the individual's eligibility for federally funded means tested benefits, including Supplemental Security Income (SSI) and Medicaid. The opportunity provided through the ABLE Act to assist in securing more financial stability for individuals with

disabilities, including brain injury, and their families is profound; however, it is limited to those individuals whose disability had an onset prior to their 26th birthday. Many individuals with brain injury who could benefit from ABLE accounts are left out, since brain injury can, and does, occur after age 26.

Why did the original ABLE Act contain an age of onset limitation?

The limitation on eligibility based on age of onset of disability did not exist in the original legislation, but was added at the end of the ABLE Act's nearly ten-year legislative history to reduce the bill's score and get it over the finish line. Opposition to the revised bill by many disability groups was overcome after an understanding was reached that Congress would act to restore the broader eligibility criteria as soon as possible. This concession resulted in otherwise-eligible individuals with disabilities being prevented from realizing the benefits associated with the ABLE Act based solely on the age at which they became disabled.

Why is it imperative that the ABLE Age Adjustment Act be passed this Congress?

It has been nearly four years since the federal ABLE Act passed and the disability community is waiting for Congress to fulfill its promise to expand eligibility based on age of onset of disability. There are now thirty-five States with ABLE programs that empower individuals with disabilities, either in their own States or nationwide, to achieve and maintain health, independence, and quality of life, yet millions of individuals with disabilities that occurred in their late twenties, thirties, forties, and later in life are unable to take advantage of this important savings tool.

Moreover, the long-term sustainability, availability, and affordability of ABLE programs to individuals with disabilities are in doubt without this expansion of eligibility. Recent data from the National Association of State Treasurers (NAST) shows that passage of the ABLE Age Adjustment Act is critical for the sustainability of ABLE programs.

What is being done to promote passage?

Disability groups and financial stakeholders are working together to pass the ABLE Age Adjustment Act in the 115th Congress. Enactment of this bill is not only an equity issue to make a significant step toward fulfilling the promise to the disability advocates who fought to pass ABLE for nearly a decade and were left behind by the final bill; it has also become critical to the sustainability of all ABLE programs nationwide. Simply put, without increasing the ABLE eligibility criteria for age of disability onset from prior to age 26 to prior to age 46 in order to significantly expand the pool of individuals who can open ABLE accounts, the entire ABLE program nationwide is in jeopardy.

What can you do to help?

Ask your Representative and Senators to please stand with people with disabilities and their families and cosponsor the bipartisan ABLE Age Adjustment Act that increases the age of the onset of the eligible beneficiary's disability from prior to 26 years old to prior to 46 years old in 529A ABLE -- allowing more individuals with brain injury to be eligible.

Contacting Your Representative

Call the Capital Switchboard at 202-225-3101 and ask for your Representative's

office. Ask for health or disability staff. If you don't reach them, leave a message! or

E-mail: Don't know your Representative's email? Visit www.house.gov and enter your ZIP code to find your Representative's email.

Contacting Your Senators

Call the United States Capitol switchboard at (202) 224-3121. A switchboard operator will connect you directly with the Senate office you request.

Email: To find your Senators click [here](#). E-mails should be sent from a constituent's e-mail account directly to the health or disability Legislative Assistant (LA). State workers and other employees may want to send from your personal e-mail account at home.

Note: The information for this *Alert* is taken from materials prepared by the Consortium for Citizens with Disabilities, of which, NASHIA is a member.

Please feel free to forward and share with disability advocates, families and individuals with brain injury in your State.

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