



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

June 22, 2018

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Paul Ryan
Speaker of the House
1233 Longworth House Office Building
Washington, DC 200515

The Honorable Nancy Pelosi
House Minority Leader
233 Cannon House Building
Washington, DC 20515

Dear Senate Majority Leader McConnell and Senate Minority Leader Schumer and Speaker of the House Ryan and Minority Leader Pelosi:

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The CCD Task Force on Financial Security, along with the **159** undersigned Ally organizations, urge you to pass the [ABLE Age Adjustment Act \(S. 817/HR 1874\)](#) in the 115th Congress. The Achieving a Better Life Experience (ABLE) Age Adjustment Act 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 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 this legislation, the nationwide 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 and their families is profound; however, it is limited to those individuals whose disability had an onset prior to their 26th birthday. Many individuals who could benefit from ABLE accounts are left out since many conditions can and do occur later in life, including multiple sclerosis, Lou Gehrig's disease, or paralysis due to an accident. Additionally, veterans who become disabled as a result of their service after age 26 are currently ineligible for ABLE accounts.

The limitation on eligibility based on age of onset of disability did not exist in the original legislation, but was inserted 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 concluded when Congressional Members promised to restore the broader eligibility criteria as soon as possible. This concession resulted in the exclusion of otherwise-eligible individuals with disabilities from realizing the benefits associated with the ABLE Act based solely on the age at which they became disabled. Moreover, many of those individuals who are now prevented from participating in ABLE programs, due to the age of onset of their disability, devoted years of advocacy to pass the law.

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 seven 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. According to the NAST Sustainability Report, the "age increase legislation.... will be paramount to achieving ABLE sustainability...."

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.***

We look forward to working with all of you to pass the bipartisan ABLE Age Adjustment Act in the 115th Congress. Please contact Dara Baldwin, Senior Public Policy Analyst at National Disability Rights Network (NDRN) dara.baldwin@ndrn.org or 202-408-9514 ext. 102 or Heather Sachs, Policy and Advocacy Director at the National Down

Syndrome Congress (NDSC) heather@ndsccenter.org or 301-580-8005 with any questions or concerns.

Sincerely,

CCD Members:

American Association of People with Disabilities (AAPD)
American Association on Health and Disability
American Foundation for the Blind
American Network of Community Options & Resources (ANCOR)
American Therapeutic Recreation Association
Association of People Supporting Employment First (APSE)
Association of University Centers on Disabilities
Autism Society
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center for Public Representation
Christopher and Dana Reeve Foundation
Disability Rights Education and Defense Fund (DREDF)
Easterseals
Epilepsy Foundation
Family Voices
Justice in Aging
Lutheran Services in America Disability Network
Madison House Autism Foundation
National Academy of Elder Law Attorneys
National Alliance for Caregiving
National Alliance on Mental Illness
National Association of Councils on Developmental Disabilities
National Association of State Directors of Developmental Disabilities Services
National Association of State Directors of Special Education (NASDSE)
National Association of State Head Injury Administrators
National Center for Learning Disabilities
National Council on Independent Living (NCIL)
National Disability Institute
National Disability Rights Network (NDRN)
National Down Syndrome Congress (NDSC)
National Multiple Sclerosis Society

National Organization of Social Security Claimants' Representatives
(NOSSCR)
National Respite Coalition
Paralyzed Veterans of America
SourceAmerica
Special Needs Alliance
TASH
The Arc of the United States
The Jewish Federations of North America
United Spinal Association

Allies of CCD:

National

#CripTheVote
ADAPT
Allies for Independence
Council for Learning Disabilities
Self Advocates Becoming Empowered (SABE)

Alabama

Lakeshore Foundation

Alaska

Disability Law Center of Alaska

Arizona

Ability360
The Arc of Arizona

Arkansas

Association of Programs for Rural Independent Living
Disability Rights Arkansas, Inc.

California

Abilicorp
California Down Syndrome Advocacy Coalition
Club 21 Learning and Resource Center
Kern Down Syndrome Network
Kern Down Syndrome Network
Disability Rights California
Little People of America
Down Syndrome Connection of the Bay Area

Colorado

The Arc of Colorado
Disability Law Colorado

Connecticut

Down Syndrome Association of Connecticut

Delaware

Disabilities Law Program of CLASI
The Arc of Delaware

District of Columbia

DC Metro ADAPT

Florida

The Arc of Florida
Disability Rights Florida
Down Syndrome Association of Jacksonville

Georgia

Multiple Choices CIL
People First of Georgia
Disability Action Center of GA, Inc dba disABILITY LINK
Shepherd Center
The Arc Georgia

Hawaii

Hawaii Disability Rights Center

Idaho

DisAbility Rights Idaho

Illinois

Illinois-Iowa Center for Independent Living
The National Association for Down Syndrome
Association of Assistive Technology Act Programs
Jewish Federation of Metropolitan Chicago
National Organization of Nurses with Disabilities (NOND)
Progress Center for Independent Living
The Arc of Illinois

Iowa

Disability Rights Iowa
Northwest Iowa Down Syndrome Society

Kansas

Big Tent Coalition of Kansas
Disability Rights Center of Kansas
Kansas Developmental Disabilities Coalition
Down Syndrome Guild of Greater Kansas City

Kentucky

Down Syndrome of Louisville
The Arc of Kentucky
Kent Protection and Advocacy

Maine

Maine Down Syndrome Network

Maryland

Maryland Down Syndrome Advocacy Coalition
National Federation of the Blind
The Arc Maryland
Down Syndrome Connection of Anne Arundel County
Down Syndrome Network of Montgomery County

Massachusetts

Down Syndrome Autism Connection
FRAXA Research Foundation

Michigan

Michigan Protection & Advocacy Service, Inc.

Minnesota

The Arc Minnesota

Mississippi

Disability Rights Mississippi
MS APSE

Montana

ADAPT Montana
Summit Independent Living

North Carolina

Disability Rights NC

Nebraska

Ollie Webb Center, Inc.
Autistic Women & Nonbinary Network
Disability Rights Nebraska
NE Statewide Independent Living Council
Brain Injury Alliance of Nebraska

Nevada

Nevada Disability Advocacy and Law Center

New Hampshire

Disability Rights Center - NH

New Jersey

KIIDS - Knowledge & Information about Down Syndrome
The Arc of New Jersey

New York

Capital Region ADAPT
Not Dead Yet
Regional Center for Independent Living - Rochester
Rochester ADAPT
The Center for Disability Rights

New Mexico

The Arc of New Mexico

North Dakota

Protection & Advocacy Project of ND

Ohio

Jewish Federation of Cleveland
The Ability Center of Greater Toledo
The Arc of Ohio

Oregon

Jewish Federation of Greater Portland
NW Disability Support
Oregon Council on Developmental Disabilities
The Arc Oregon

Pennsylvania

Disability Options Network
Disability Rights Pennsylvania

Pennsylvania Assistive Technology Foundation
Pennsylvania Down Syndrome Advocacy Coalition
Bucks County Down Syndrome Interest Group

South Carolina

Protection and Advocacy for People with Disabilities, Inc.
The Arc of South Carolina

Tennessee

TARP, INC CIL
Disability Rights Tennessee

Texas

Down Syndrome Association of Central Texas
Houston HIV Cross-Network Community Advisory Board
Texas Down Syndrome Advocacy Coalition
The Arc of Texas

Utah

Disability Law Center

Vermont

Disability Rights Vermont
Vermont Center for Independent Living
Vermont Coalition for Disability Rights
Vermont Statewide Independent Living Council (SILC)

Virginia

National Rehabilitation Association
Down Syndrome Association of Northern Virginia

Washington

The Arc of Washington State
Autism Empowerment

West Virginia

Disability Rights of West Virginia
West Virginia Center for Excellence in Disabilities
Northern West Virginia Center for Independent Living

Wisconsin
Disability Rights Wisconsin
Wisconsin Upside Down

cc: All House Members
All Senate Members