



### BACKGROUND

Senator Bob Casey (D-PA), along with Senators Jerry Moran (R-KS), Chris Van Hollen (D-MD), and Pat Roberts (R-KS), reintroduced the **ABLE Age Adjustment Act (S. 651)** on March 5, 2019. It was introduced in the House as **H.R. 1814** by Representatives Cardenas (D-CA), Wasserman Schultz (D-FL), Cohen (D-TN), Moulton (D-MA), Rose (D-NY), McMorris Rodgers (R-WA), Turner (R-OH) and Fitzpatrick (R-PA). The bill would make ABLE accounts available to people who become severely disabled before their 46th birthday.

**Achieving a Better Life Experience (ABLE) Act:** In 2014, the Stephen J. Beck, Jr. Achieving a Better Life Experience (ABLE) Act established the federal ABLE program operated by states which allows for tax-advantaged savings accounts for disability-related expenses. ABLE accounts allow more individual choice and control over spending on qualified disability expenses and allow limited investment decisions, while protecting eligibility for Medicaid, Supplemental Security Income, and other important federal benefits for people with disabilities.

Eligible disability-related expenses include:

- » Education; administrative services;
- » Housing; services;
- » Transportation; » Legal fees; expenses for oversight and monitoring;
- » Employment training and support; » Funeral and burial expenses;
- » Assistive technology and related services; » Basic living expenses; and
- » Personal support services; » Other expenses approved through regulations.
- » Health, prevention, and wellness;
- » Financial management and

### Key Points

#### ABLE Age Adjustment

- ABLE programs give people with disabilities the opportunity to save without jeopardizing their eligibility for benefits
- ABLE programs are in jeopardy due to a low rate of opening accounts
- Raising the maximum age of onset from before 26 to before 46 will increase likelihood of attaining solvency.
- Raising the maximum age of eligibility will also make the program fairer to people who become disabled at different ages.

To qualify, an individual must be eligible for disability benefits of the Supplemental Security Income (SSI) program or Social Security disability benefits programs OR must submit a certification that they meet the Social Security Act's requirements for disability and have a physician's diagnosis and signature. In every case, the disability must have occurred before age 26.

## KEY ISSUES

**Sustainability:** The National Association of State Treasurers has estimated that there should be 390,000 accounts for these programs to be able to stay in business. As of the end of 2018, there were 34,707. Increasing the maximum age of onset for eligibility should add many more eligible individuals and, therefore, the potential sustainability of the program.

**Equity:** The ABLE Act did not contain an age limit when it was introduced. It was added to lower the cost of the bill. As a result, many advocates with disabilities who fought for its passage were not eligible when it was finally signed into law. There is a fairness issue in failing to increase the age limit so that all people in similar situations can use the ABLE program.

## RECOMMENDATIONS

- Members of Congress should support S. 651 /H.R. 1814, the ABLE Age Adjustment Act.
- Congress should pass the ABLE Age Adjustment Act of 2019 to increase the age of eligibility from before age 26 to at a minimum before age 46.

**For more information,** please contact The Arc at (202) 783-2229, Association of University Centers on Disabilities at (301) 588-8252, American Association on Intellectual and Developmental Disabilities at (202) 387-1968, National Association of Councils on Developmental Disabilities at (202) 506-5813, Self Advocates Becoming Empowered at SABEnation@gmail.com, or United Cerebral Palsy at (202) 973-7185.