



February 22, 2023

The Honorable Chuck Schumer  
Majority Leader  
U.S. Senate

The Honorable Kevin McCarthy  
Speaker  
U.S. House of Representatives

The Honorable Patty Murray, Chair  
Senate Appropriations Committee  
U.S. Senate

The Honorable Susan Collins, Vice-Chair  
Senate Appropriations Committee  
U.S. Senate

The Honorable Kay Granger, Chair  
House Appropriations Committee  
U.S. House of Representatives

The Honorable Rosa DeLauro, Ranking Member  
House Appropriations Committee  
U.S. House of Representatives

Dear Leader Schumer, Speaker McCarthy, Chair Murry and Vice-Chair Collins, Chair Granger and Ranking Member DeLauro:

As the 118<sup>th</sup> Congress advances its work, we write on behalf of the Consortium for Constituents with Disabilities (CCD) Task Forces that develop CCD's positions and urge you to consider the needs of people with disabilities in policy and appropriations.

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 free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the millions of children and adults with disabilities are fully integrated into the mainstream of society.

CCD's work is carried out by Task Forces which include: Developmental Disabilities, Autism, and Family Support; Education; Emergency Management; Employment & Training; Health; Housing; Long-term Services & Supports; Rights; Social Security; Technology & Telecommunication; Transportation; and Veterans. Following are priorities identified by the relevant Task Forces including reintroduction and passage of listed legislation. **Please find additional information regarding CCD's advocacy and contact information for Task Force Co-Chairs at <https://www.c-c-d.org>.**

### **Developmental Disabilities, Autism, and Family Support**

- **Reauthorize the Autism CARES Act** - The Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act was originally enacted in 2006. The law increased and coordinated the federal government's response to the increasing number of individuals diagnosed with Autism Spectrum Disorders (ASD). Due to a sunset provision, the law must be reauthorized before the September 30, 2024 deadline.

## Education

- **Increase funding for the Individuals with Disabilities Education Act (IDEA), and Every Student Succeeds Act (ESSA)** and other key education programs.
- **Support school climate legislation** intended to eliminate the use of exclusionary discipline and all practices known to harm students with disabilities -especially Black, Indigenous, people of color (BIPOC)- and provide grants to train school teams in evidence-based practices so students with disabilities can thrive and succeed in school.
- **Support legislation that impacts transition** and access to career training and/or postsecondary education for students with disabilities.

## Emergency Management

- **READI for Disasters Act** – This bill would include people with disabilities and older adults throughout the preparation, response, recovery, and mitigation of disasters. The bill would create a network of disaster and disability centers focused on training, technical assistance, and research to assist states and localities to better include and support disaster-impacted people with disabilities, older adults and others who also have access and functional needs; and monitor and enforce civil rights obligations in disasters.
- **Disaster Relief Medicaid Act (DRMA)** - This bill would enhance healthcare access for disaster-impacted people with disabilities in federally declared disasters by allowing Medicaid to follow a person across state lines and provide presumptive eligibility for disaster survivors and an emergency personal assistance services pilot in 5 states.

## Employment

- **Transformation to Competitive Integrated Employment Act** - The TCIA modernizes the Fair Labor Standards Act and phases out Section 14 (c). The bill reflects the insights and ideas from multiple national reviews of current 14(c) practices, efforts to transform business models, and provide the services and supports workers with disabilities need to acquire competitive integrated employment. It would also invest in service providers at a time when so many non-profits are shutting down, businesses are closing, and agencies are losing resources. State agencies would directly benefit from the Transformation bill through a series of competitive grants to further expand competitive integrated employment.
- **Disability Employment Incentives Act** – The DEIA expands the Work Opportunity Tax Credit for employers who hire a person with a disability through a state Vocational Rehabilitation agency or a person with a disability who is currently on benefits. The credit covers 40 percent of the new hire's salary for the first year of employment, thereby raising the available tax credit to a maximum of \$5,000. The WOTC provision of DEIA also supports retention of workers with disabilities offering a tax credit for employers for a second year of employment. Beyond just hiring, DEIA also addresses accessibility, architectural and transportation barriers for small businesses and by removing existing physical barriers.
- **Learn from the lessons of Workforce Innovation and Opportunity Act (WIOA) implementation** - WIOA was passed in 2014 and is currently up for reauthorization. Before the Congress takes further legislative action efforts are needed to reflect on lessons learned by states and implement promising practices for empowering people

with barriers back into the labor force. There remain access issues for jobseekers with disabilities at America's Job Centers and implementation issues for state agencies that are trying to provide pre-employment transition services (Pre-ETS) for youth with disabilities. Critically, many of the recommendations offered by the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the "Committee") established by WIOA has not yet been implemented.

- **Prioritize the hiring of congressional staff with disabilities.**

## Health

- **Increase Funding for the Office of Civil Rights at HHS** - Because of its limited capacity, the Office of Civil Rights has not been able to conduct extensive enforcement activities to prevent discrimination in healthcare against people with disabilities. Increasing their budget would afford them the ability to allow them to investigate and process complaints and ensure all people's civil rights are protected and address inequities in access to health care.
- **Protect and Strengthen Medicaid** - As states prepare to restart Medicaid eligibility redeterminations associated with the unwinding of COVID eligibility protections, we need to support eligible beneficiaries' continuity of coverage and minimize coverage gaps for people who need to transition. Congress should take steps to simplify enrollment and eligibility processes, particularly for historically underserved communities like people with disabilities and people with Limited English Proficiency, to minimize any loss of coverage due to bureaucratic red tape.
- **Improve accessibility of telehealth** - Telehealth is a vital service delivery modality for people with disabilities. We support legislation to make Medicare coverage of telehealth flexibilities permanent instead of the short-term fixes we have seen since the beginning of the pandemic.
- **Explore legislative opportunities to improve the integration of services and care coordination for people dually eligible for Medicare and Medicaid.** Congress should support changes that simplify enrollment in Medicare Savings Programs.
- **Strengthen & Expand Medicare** - We urge Congress to improve Medicare to better serve individuals with disabilities by eliminating Medicare's 2-year waiting period after receipt of Social Security Disability Insurance (SSDI); expanding the benefits package (including adding dental, vision, and hearing benefits as well as coverage of intensive community-based behavioral health services); improving affordability (including expanding and simplifying LIS and MSPs); and improving the notice and appeals processes to expedite coverage decisions. In addition, Congress must ensure that Medicare remains strong for people with disabilities and seniors by supporting the payroll taxes that fund the Trust Fund, not allowing eligible individuals to opt-out, and opposing reforms to privatize the program.
- **Support legislation that would improve access to behavioral health services** in coordination with other health care services.
- **Improve Prescription Drug Access & Affordability** - Prescription drugs are an essential aspect of daily life for many people with disabilities and chronic conditions. We support stronger affordability protections in for prescription drug access, such as eliminating copays for generics for low-income beneficiaries with Medicare Part D Low Incomes Subsidies.

## Housing

- **Fund affordable housing, homelessness, and community development resources** at the highest levels in FY24. Defend against cuts, time limits, and work requirements in these vital programs.
- **Fund Section 811 Project Rental Assistance (PRA) and the Mainstream Voucher Programs.** We request \$460 million for the Section 811 PRA, which would include \$100 million for new units for extremely low and low-income adults with disabilities. For the Mainstream Housing Voucher program, we request full funding with \$667 million to ensure people with disabilities including those stuck in institutions and those experiencing homelessness can secure safe, decent housing in the community.

## International

- **International Children with Disabilities Protection Act** - The bipartisan bill would establish a grant-making fund within the U.S. Department of State Bureau of Democracy, Human Rights, and Labor to create a small grants program to support leadership and advocacy by people with disabilities and their families to protect full inclusion of children with disabilities in society – and to prevent unnecessary institutionalization.

## Long Term Services and Supports

- **Recognizing the Role of Direct Support Professionals Act** - This bill would direct the Office of Management and Budget to establish a separate category within the Standard Occupational Classification (SOC) system for direct support professionals (i.e., individuals who provide services to promote independence in individuals with a disability) for data reporting purposes. The lack of an SOC is problematic because SOCs are heavily used to inform policy-making. SOCs are used to help all levels of government (local, state, federal) identify employment trends and design policies including: state rate setting for Medicaid supports, investment decisions by Workforce Investment Bureaus, and targeted recruitment programs. The current classification does not reflect the true nature of DSP work, preventing policy-makers from making the most informed decisions in these areas.
- **Pass the Better Care Better Jobs Act (S. 100)** -The Better Care Better Jobs Act would provide a much needed investment in HCBS, including investing in the direct care workforce by: addressing insufficient payment rates and requiring that rate increases are passed on to direct care workers; increasing the availability of personal care services; expanding access to community-based behavioral health services; providing support to family caregivers; improving coordination of HCBS with housing, transportation, and employment supports; and permanently reauthorizing Money Follows the Person and HCBS spouse impoverishment protections.
- **HCBS Access Act** - Medicaid currently has an institutional bias -- institutional services like nursing facilities are mandatory and HCBS are optional. As a result, people with disabilities and older adults who prefer to receive services in their own homes and communities often must wait on years-long waitlists for HCBS, while others live in states where the services they need are simply not offered. HAA would address this institutional bias by making HCBS a mandatory Medicaid service.
- **Stop Unfair Medicaid Recoveries Act** - Current federal law requires state Medicaid programs to seek repayment of Medicaid long-term care benefits, even if the state would

prefer not to seek that recovery. The Medicaid program's claim is enforced against the heirs of the deceased Medicaid recipient. Medicaid estate claims prevent families from building generational wealth through homeownership, exacerbating existing economic inequities. These rules are especially detrimental to families of color that have lower homeownership rates because of discriminatory lending and housing policies, and the families of people with disabilities, who need months or years of long-term services and supports. The Stop Unfair Medicaid Recoveries Act would prohibit states from pursuing estate recovery.

## Rights

- **Address Guardianship Impacts, Support Less-Restrictive Options** – Guardianship, particularly in its plenary form, is a severe intrusion on many adults with disabilities' most basic right to make choices about their own lives. While we support efforts to improve guardianship court processes, we urge an equal investment and prioritization of federal legislative reforms that encourage states and territories to divert their constituents away from guardianship systems and towards less restrictive options, including Supported Decision-Making. There are three key components that must be included in any federal legislation seeking to address the problems associated with guardianship – namely (1) federal grants and other financial incentives to states and territories to reduce the number of guardianships and increase access to other options, including Supported Decision-Making; (2) investment in a long-term national technical assistance center to promote Supported Decision-Making models and to provide states and territories the support they need to advance them successfully; and (3) funding and other requirements for states and territories to collect detailed data on guardianship and report them to a national data collection entity.
- **Support reintroduction of the Marriage Equality for Disabled Adults Act and other bills to remove marriage penalties** faced by people with disabilities receiving DAC, SSI, and Medicaid. Marriage equality legislation is needed to ensure that many disabled recipients of Medicaid and Social Security Administration benefits are not effectively barred from marrying.
- **Support the reintroduction of the Supplemental Security Income Restoration Act.** Current income and asset limits trap many recipients of Supplemental Security Income in poverty and prevent people with disabilities from pursuing the lives of their choice.
- **Support measures, including federal funding, to increase public awareness of ABLÉ accounts** and disseminate information about the recent expansion of eligibility.
- **Oppose amending the Americans with Disabilities Act to include notification requirements** of any kind or otherwise weakening these statutes.
- **Support the identification and confirmation of federal administration and judicial nominees** that include representation of diverse candidates with disabilities.

## Social Security

- **Adequately fund Social Security's administrative budget** to preserve and improve customer service.
- **Expand Supplemental Security Income (SSI)** by raising asset limits and other improvements to the program.

- **Support approaches to extending solvency of the trust funds** without reducing benefits.
- **Oppose Social Security in debt ceiling** negotiations.

## Technology

- **Increase funding for assistive technology** that includes funding increases to the Assistive Technology Act, the Affordable Connectivity Program, the Lifeline program, the U.S. Access Board.
- **Communication, Video, and Technology accessibility Act** - A bill to amend the Twenty-First Century Communications and Video Accessibility act of 2010 that would ensure regulations for accessible communications technology, video programming and video user interfaces keeps pace with technological advancements as our means of communications and video distribution evolve.
- **Websites and Software Applications Accessibility Act** - A bill to compliment the Americans with Disabilities Act that would require the virtual built environment to be as accessible as the physical built environment. Once passed, this legislation would create a uniform national framework for websites, applications and online services.

## Transportation

- **Air Carrier Access Amendments Act** – The bill would ensure that passengers with disabilities, including wheelchair users, have safe, equitable access to flying and have a means of redress when discriminated against. Additionally, the FAA Reauthorization must increase aircraft and aircraft services accessibility for passengers with disabilities and require DOT to promptly investigate all disability-related complaints.
- **Reintroduce and pass the Disability Access to Transportation Act.**
- **Incorporate and require accessibility for people with disabilities in any legislation promoting Autonomous Vehicles (AV).** The Transportation Task Force has outlined principles for accessible AV policy.<sup>1</sup>
- **Include disability accessibility and inclusion** in all laws and oversight that affect the design and programming of transportation systems, services, and vehicles.
- **Confirm the nomination of David Capozzi for the Amtrak Board of Directors,** fulfilling the requirement in the Bipartisan Infrastructure Law to have a person with a disability who is experienced in accessibility, mobility, and inclusive transportation represented on the board.

## Veterans

- **Ensure greater attention is paid to the employment challenges facing veterans with significant disabilities when Congress considers changes to WIOA, VR&E and Social Security work incentives.** Veterans with significant disabilities could be more effectively served by numerous federal programs from the VA Veteran Readiness and Employment (VR&E) program to programs under the Workforce Innovation and Opportunity Act (WIOA) and Social Security's Ticket to Work Program.
- **Ensure the needs of older veterans with significant disabilities are taken into account when Congress considers legislation to support family caregivers and**

**expand access to direct care professionals.** Older veterans with significant disabilities often rely on community and informal supports when they reach the limits of VA long term services programs.

We thank you for the consideration of these priorities and look forward to working with you in the 118<sup>th</sup> Congress.

Sincerely,

Carol Tyson, Chair  
Consortium for Constituents with Disabilities

Claire Stanley, Vice-Chair  
Consortium for Constituents with Disabilities

CC:

The Honorable Ron Wyden, Chair, Senate Finance Committee  
The Honorable Mike Crapo, Ranking Member, Senate Finance Committee  
The Honorable Bernie Sanders Chair, Senate HELP Committee  
The Honorable Bill Cassidy, Ranking Member, Senate HELP Committee  
The Honorable Richard Durbin, Chair, Senate Judiciary Committee  
The Honorable Lindsey Graham, Ranking Member, Senate Judiciary Committee  
The Honorable Robert Casey, Chair, Senate Special Committee on Aging  
The Honorable Mike Braun, Ranking Member, Senate Special Committee on Aging  
The Honorable Jon Tester, Chair, Senate Veterans' Affairs  
The Honorable Jerry Moran, Ranking Member, Senate Veterans' Affairs  
The Honorable Virginia Foxx, Chair, House Education and the Workforce  
The Honorable Bobby Scott, Ranking Member, House Education and the Workforce  
The Honorable Cathy McMorris Rodgers, Chair, House Energy and Commerce Committee  
The Honorable Frank Pallone, Ranking Member, House Energy and Commerce Committee  
The Honorable Jim Jordan, Chair, House Judiciary Committee  
The Honorable Jerrold Nadler, Ranking Member, House Judiciary Committee  
The Honorable Sam Graves, Chair, House Transportation and Infrastructure  
The Honorable Rick Larsen, Ranking Member, House Transportation and Infrastructure  
The Honorable Mike Bost, Chair, House Veterans Affairs Committee  
The Honorable Mark Takano, Ranking Member, House Veterans Affairs Committee  
The Honorable Brian Fitzpatrick, Co-Chair, Bipartisan Disabilities Caucus  
The Honorable Debbie Dingell, Co-Chair, Bipartisan Disabilities Caucus

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<sup>1</sup> CCD Transportation Task Force 2022 Autonomous Vehicle Principles: <https://c-c-d.org/fichiers/CCD-Transpo-TF-AV-Principles-May-2022.pdf>