



December 6, 2022

The Honorable Chuck Schumer  
Majority Leader  
U.S. Senate

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives

The Honorable Patrick Leahy, Chair  
Senate Appropriations Committee  
U.S. Senate

The Honorable Richard Shelby, Vice-Chair  
Senate Appropriations Committee  
U.S. Senate

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

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

Dear Leader Schumer, Speaker Pelosi, Chair Leahy and Vice-Chair Shelby, Chair DeLauro and Ranking Member Granger:

As the 117<sup>th</sup> Congress completes its work, Consortium for Constituents with Disabilities (CCD) Task Force Co-Chairs urge you to remember the needs of people with disabilities and enact the policies and funding levels outlined in this letter by year's end.

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.

Following are priorities identified by 12 of the relevant Task Forces within CCD. Signatories do not necessarily endorse all items.

**Funding (in alphabetical order):**

- **Assistive Technology Act.** We support funding for the Assistive Technology Act at \$44 million.
- **Department of Defense Computer/Electronic Accommodations Program.** We encourage continued funding of this program and reinstatement of increased funding for all federal employees with disabilities.
- **Developmental Disabilities Assistance and Bill of Rights Act.** We support a funding level of \$89,000,000 for the State and Territorial Councils on Developmental Disabilities (DD Councils), \$59,659,000 for the Protection and Advocacy for Individuals with Developmental Disabilities (PADD) program, which is utilized by Protection and Advocacy (P&A) Systems, \$47,173,000 for the University Centers for Excellence in Developmental Disabilities (UCEDD), and \$24,600,000 under the ACL/AIDD program for

the Projects of National Significance in Intellectual and Developmental Disabilities (PNS).

- **Individuals with Disabilities Education Act (IDEA).** It is time for Congress to get onto a glidepath to fully funding the Individuals with Disabilities Education Act (IDEA) to fulfill the commitment made to states in 1975 when IDEA became law, to provide up to forty percent of the excess costs of educating children with disabilities. Congress must also provide a meaningful investment in early intervention and the full continuum of IDEA programs to ensure the law operates as intended. We urge Congress to appropriate \$16.2 billion for Part B Section 611 (Grants to States) under IDEA, \$503 million for Part B Section 619 (Preschool Grants), and \$932 million for Part C (Grants to serve infants and toddlers).
- **Mainstream Housing Voucher.** We encourage increased funding and access to Mainstream vouchers by people with disabilities who are institutionalized or at risk of institutionalization. Federal mandates for community integration, like the *Olmstead* Supreme Court Decision and the HCBS Settings Rule, and programs like the Mainstream Housing Voucher, explicitly seek to make these rights a reality for people with disabilities who need supportive services in their own homes. We urge Congress to appropriate \$667 million at a minimum for these vouchers.
- **Medicaid Home and Community-Based Services (HCBS).** We encourage enhanced funding of HCBS direct support professionals, personal care attendants and employment support specialists. HCBS should be extended to provide care for veterans with significant disabilities in the community who no longer have access to Veterans Affairs Veteran Directed HCBS.
- **Section 811 HUD Program.** We encourage increased funding and support for the Section 811 HUD program that allows persons with disabilities to live as independently as possible in the community. Section 811 subsidizes rental housing opportunities which provide access to appropriate supportive services. We especially encourage additional funding to the project rental assistance program because this type of rental assistance allows tenants to live in an affordable unit and pay rent based upon their income. We urge Congress to appropriate \$400 million at a minimum for this program.
- **Social Security Administration (SSA).** The agency faces a customer service crisis after over a decade of tight budgets and record high attrition during the COVID-19 pandemic. People with disabilities have experienced difficulties in accessing benefits, major delays in determinations, and poor customer service due to agency underfunding. The additional funding for SSA in the continuing resolution will not even keep up with fixed cost increases, let alone replace staffing losses from the past two years or improve service. The crisis at SSA will only worsen unless the agency is adequately funded for FY 2023.
- **Ticket to Work Program.** Social Security's Ticket to Work Program supports career development for Social Security disability beneficiaries ages 18 through 64 who want to work. The Ticket Program is free and voluntary. The Ticket Program helps people with disabilities progress toward financial independence.
- **Transportation.** We encourage adequate funding for transit, and safety and accessibility initiatives National Highway Traffic Safety Administration and Federal Highway Administration. In addition, report language should direct the Federal Transit Administration to study COVID-19 pandemic impacts on transit accessibility and encourage the FTA to facilitate use of Section 5310 funds for a one-stop paratransit

program. This language was included in H. Rept. 117-402. Appropriators should include people with disabilities among those affected by COVID-19 pandemic impacts on transit.

### **Legislation & Congressional Activity (in alphabetical order):**

- **ABLE Age Adjustment Act (H.R.1219/S.331).** This bipartisan legislation would raise the onset of disability from before age 26 to before age 46 for eligibility to an ABLE Account. These accounts allow individuals with disabilities to save for and pay for disability related expenses without the risk of losing public benefits. The legislation was included in the Senate Finance Committee retirement tax package known as the EARN Act (S. 4808) with a start date of 2026.
- **Air Carrier Access Amendments Act (ACAAA) (H.R.1696/S.642).** Thirty-five years after the passage of the Air Carrier Access Act numerous barriers to air travel remain. The ACAAA will require new aircrafts to be fully accessible for travelers with disabilities through standard setting. Aircrafts that are currently in use would be required to make readily achievable changes to allow passengers with disabilities to safely board the plane, use plane lavatories, stow assistive devices, and receive audio announcements visually. Finally, the bill will strengthen administrative and legal recourse for travelers who experience discrimination.
- **Brian Neuman VA Clothing Allowance Improvement Act (S.2513) and the Mark O'Brien VA Clothing Allowance Improvement Act (H.R.4772).** These bills would make clothing allowance payments automatic until the VA determines the veteran is no longer eligible to receive the benefit or wants to receive it. Currently, veterans are required to apply for the benefit every year which is burdensome for the VA and veterans alike. CCD supports automatic renewal of payments once eligibility and permanent status of the veteran's condition has been established.
- **CARS for Vets Act (H.R.3304).** As amended, this legislation would allow the Department of Veterans Affairs (VA) to provide an additional automobile allowance that can be used towards the costs of an adapted accessible vehicle. The allowance could be provided immediately to eligible veterans if 25 years have elapsed since the date they received their first automobile grant. Over time, the period would shorten to 10 years. The bill would also change the definition of "medical services," to include certain vehicle modifications like van lifts. Given the high costs of adapted vehicles and lack of public transit in rural areas, many veterans with spinal cord injuries and disorders (SCI/D) are unable to secure safe and reliable transportation. Access to an adapted vehicle is essential. The House passed H.R. 3304 on September 29th. CCD calls upon the Senate to approve this legislation quickly.
- **Confirmation Hearings.** We urge the Senate to prioritize, schedule, and swiftly vote on all of President Biden's pending nominees requiring confirmation.
- **Disability Access to Transportation Act (DATA) (H.R.1697/S.2038).** The bipartisan DATA Act would allow for increased mobility, independence, and access to transportation services for individuals with disabilities.
- **Disability Employment Incentive Act (DEIA) (H.R.3765/S.630/S.3044).** The DEIA incentivizes inclusive hiring and retention by increasing the tax credits for employers who hire a person with a disability who is referred to them through a state vocational rehabilitation agency and/or who is receiving SSI/SSDI benefits. The DEIA increases the maximum tax credit available through the Work Opportunity Tax Credit, and makes long

overdue improvements in the Disability Access Expenditures Tax Credit and the Architectural and Transportation Barrier Removal Tax Deduction. Passage of this legislation will enable more companies to offer workplace accommodations to people with disabilities.

- **Disaster Relief Medicaid Act (DRMA) (H.R.4937/S.2646).** DRMA would ensure that individuals eligible for Medicaid who are forced to relocate due to a disaster are able to continue to access their critical Medicaid supported services.
- **Electroshock device ban as part of the Food and Drug Administration (FDA) User Fee.** Banning the use of electrical stimulation devices (ESDs) in response to aggressive or self-injurious behaviors is supported by the medical community that specializes in treatment of people with intellectual and developmental disabilities. ESDs are widely condemned for being ineffective and causing excruciating pain but are often used on children and adults with disabilities. On the basis of clear evidence, the FDA previously determined that these devices present an unreasonable and substantial risk of illness or injury that cannot be corrected or eliminated by labeling, but unfortunately that determination was challenged in the courts. We now need Congress to reinstate the ban and protect people with disabilities.
- **International Children with Disabilities Protection Act (S.4982).** 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.
- **Medicare Access to Care.** Most pressing are the significant cuts to the Medicare program that will go into effect on January 1, 2023 unless Congress acts. Our concerns include a proposed cut of 4.47% to the Physician Fee Schedule conversion factor and an additional 4% cut due to the statutory Pay-As-You-Go Act (PAYGO). The magnitude of these reductions would compromise access to care for all Medicare beneficiaries including people with disabilities and would likely have a ripple effect on beneficiaries of other health care programs as well.
- **Money Follows the Person and HCBS Spousal Impoverishment Protections.** The money follows the person (MFP) program helps transition people out of nursing facilities and other institutions and into the community. A permanent reauthorization of MFP continues to be a top priority of CCD, especially as short-term reauthorizations have led to a precipitous decrease in transitions. Without the assurance of reliable funding, multiple states have slowed or dismantled their programs. Additionally, federal protections from spousal impoverishment help married persons live together in the community when one person needs HCBS services but their spouse does not. There is strong bipartisan support for both policies, and Congress has voted to extend them multiple times. They are both currently set to expire on December 31, 2023. Permanent authorization of these programs is necessary to allow states to make continued, predictable investments in helping individuals with disabilities access all the benefits of community living.
- **Real Emergency Access for Aging and Disability Inclusion for Disasters (READI) Act (H.R.4938/S.2658).** The READI Act provides solutions to accommodate persons with disabilities during the ever-increasing number of natural disasters in the United

States. The Act will enable such persons to maintain their health, safety, and independence before, during, and after disasters.

- **Respond, Innovate, Succeed, and Empower Act (H.R.4786/S.2550).** This bipartisan piece of legislation would improve the process for students who qualify for disability services by requiring colleges to accept a wider variety of forms of documentation, such as an IEP, a 504 plan, notice from a doctor, or an evaluation by a psychologist. Currently, the process for students to access accommodations is restrictive due to many colleges only accepting certain documentation, which has resulted in some students having to pay out-of-pocket for costly new evaluations. This legislation was included in the Mental Health Matters Act (H.R.7780) passed by the U.S. House of Representatives.
- **SSI Savings Penalty Elimination Act (S.4102).** This bipartisan legislation would raise the asset test for supplemental security income (SSI) from \$2,000 per individual/\$3,000 per couple to \$10,000 per individual/\$20,000 per couple and adjust for inflation moving forward. SSI provides a modest cash benefit- a maximum of \$841 per month in 2022- to people with disabilities and older adults that meet its strict means-tested requirements. The low asset limit acts as a major barrier to saving for emergencies and disincentivizes SSI beneficiaries with disabilities from working by putting them at greater risk of going over the asset limit from their earnings. The current limit has not been raised since 1989.
- **Telehealth Access:** We encourage Congress to maintain Medicare beneficiary access to telehealth services after the end of the Public Health Emergency, while ensuring that all beneficiaries, including people with disabilities, maintain robust access to in-person care when necessary. Telehealth services are integral to beneficiaries with disabilities who routinely experience inequities in access to health care services.
- **Transformation to Competitive Integrated Employment Act (TCIEA) (H.R.2373/S.3238).** TCIEA would gradually phaseout section 14(c) certificates over a five-year period. The Act would include a competitive grant program for both section 14(c) certificate holders and states so that certificate holders can transition their business models and offset any cost that may be associated with providing wraparound services.

Thank you for considering our views as you work toward reaching an agreement on the FY2023 spending and end-of-year legislation. Please find information regarding CCD's advocacy and contact information for Task Force Co-Chairs at <https://www.c-c-d.org>.

Sincerely,

Consortium for Constituents with Disabilities Task Force Co-Chairs

**Developmental Disabilities, Autism and Family Supports Task Force**

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