



**Statement for the Record**

**Before the Committee on Finance**

**U.S. Senate**

**Open Executive Session to Consider The Enhancing American Retirement Now  
(EARN) Act**

**June 22, 2022**

**Submitted By**

**Consortium for Constituents with Disabilities Financial Security and Poverty  
Taskforce**

**820 First Street, NE, Ste. 740  
Washington, DC 20002**

## **The Consortium for Constituents with Disabilities (CCD) Financial Security and Poverty Task Force**

The Consortium for Constituents with Disabilities (CCD) Financial Security and Poverty Task Force applauds your leadership in convening the markup of The Enhancing American Retirement Now (EARN) Act. CCD works to engage in concerted advocacy for national 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; that enhances the civil rights and quality of life of all people with disabilities and their families; and that reflects the values of the Americans with Disabilities Act and all civil rights law. The Financial Security and Poverty Taskforce specifically works to promote public policy aimed at increasing the financial security of all individuals with disabilities and their families. Because of the disproportionate number of people with disabilities living in poverty, our task force also advocates for public policy that impacts people living in poverty, including the disproportionate number of people of color with disabilities living in poverty.

Unfortunately, people with disabilities are often excluded from mainstream financial services and are less likely to be banked or have access to mainstream credit<sup>1</sup>. The issue of people with disabilities being excluded from financial services is also an intersectional one. A history of exclusive practices in the United States, such as redlining and employment discrimination, have resulted in a system where people of color with disabilities are at a particular disadvantage financially<sup>2</sup>. Individuals with disabilities are significantly more likely to be living in poverty than those without disabilities regardless of race and ethnicity<sup>2</sup>. However, the groups with the highest poverty rates are Black and Indigenous individuals with disabilities<sup>2</sup>. These troubling statistics reinforce our view that any attempt to better the financial prospects of people with disabilities and people of color with disabilities should be pursued.

### **ABLE Age Adjustment Act (S. 331/H.R. 1219)**

On behalf of CCD Financial Security and Poverty Taskforce, we thank the Senate Finance Committee for your bipartisan and unanimous vote to advance the EARN Act, which includes the bipartisan, bicameral ABLE Age Adjustment Act. Passage of the ABLE Age Adjustment Act has long been a top priority of our taskforce and we greatly appreciate the inclusion of this critically important bill as part of the EARN Act. We thank the Committee for recognizing that this vital legislation will address inequities in financial services for people with disabilities by empowering more people with disabilities to save for their futures and achieve greater financial independence. The bipartisan, bicameral ABLE Age Adjustment Act would allow people who develop their disabilities before age 46 to establish ABLE accounts, allowing them to save for future disability-related expenses without placing needed disability services, health care, and income support at

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<sup>1</sup> Auchenbach, K. (2019, November 20). Banking Status and Financial Behaviors of Adults with Disabilities: Findings from the 2017 FDIC National Survey of Unbanked and Underbanked Households and Focus Group Research. Retrieved from <https://www.nationaldisabilityinstitute.org/reports/banking-status-and-financial-behaviors-2019/>

<sup>2</sup> Auchenbach, K. (2020, September 2). Research Brief: Race, Ethnicity and Disability. Retrieved from <https://www.nationaldisabilityinstitute.org/reports/research-brief-race-ethnicity-and-disability/>

risk. The ABLE Age Adjustment Act will allow an additional 6 million people with disabilities to open ABLE accounts, nearly doubling the current eligible population, and providing access to ABLE accounts for people who become disabled later in life like accident victims, veterans, and people with Lou Gehrig's disease and other illnesses that tend to occur in adults.

We stand ready to work with the Senate Finance Committee and the entire Senate to pass the EARN Act. To this end, we urge the Senate to take up this package and pass it expeditiously so that it might become law before the end of this Congress.

### **Special Needs Trust Improvement Act of 2022 (S.4426)**

We thank the Senate Finance Committee for including the Special Needs Trust Improvement Act of 2022 in Section H, Subpart 3 of the EARN Act. Introduced by Senators Young (R-IN) and Hassan (D-NH), the legislation provides a technical modification to Section 401 of the SECURE Act of 2019 to provide better planning options for families of children with disabilities. The provision ensures that a charitable organization can be named as a remainder beneficiary of a trust for a person who has a disability or is chronically ill without forcing a ten-year distribution of an inherited retirement account named to the trust.

### **SSI Savings Penalty Elimination Act (S. 4102)**

As highlighted by Senators Brown (D-OH) and Portman (R-OH) during the hearing, Supplemental Security Income (SSI) provides an extremely modest cash benefit, for low-income individuals with disabilities and older adults that meet the strict means-tested criteria. Unfortunately, the benefit's low, outdated countable asset limit of \$2,000 for individuals/\$3,000 for couples does not allow people to save for emergencies, such as a leaky roof, car repair, or other unexpected expense. The current asset limit does not adjust for inflation and was last updated in 1989.

Introduced by Senators Brown and Portman, the bipartisan SSI Savings Penalty Elimination Act would significantly improve the lives of SSI recipients by raising the asset limit to \$10,000 per individual/\$20,000 per couple. The legislation also adjusts that number for inflation every year, a critical element in today's inflationary environment. While this bill was offered as an amendment to the EARN Act and then withdrawn, we were encouraged by Chair Wyden's (D-OR) comments about the need to address this SSI issue at a later date. We also stand ready to work with the leads of this legislation and the Finance Committee on moving this critically important piece of legislation. We thank Senators Brown and Portman for raising this issue and legislation during the hearing.

### **Exclusion of Retirement Accounts from SSI**

We also support Senator Brown's (D-OH), offered and withdrawn, Amendment #1 to the Chairman's Mark that would exclude retirement accounts from countable resources for purposes of SSI eligibility. SSI's asset rules keep too many low-income older adults and people with disabilities in poverty and discourages savings. This modest step would end a disincentive for people with disabilities that precludes them from saving for retirement without risking the loss of critical public benefits.

## **Conclusion**

Promoting greater economic independence for people with disabilities and addressing existing inequities in financial services are top priorities for our taskforce. We thank the committee for its work on the EARN Act and the important inclusion of the ABLE Age Adjustment Act in this legislation. Again, we are ready to assist the Committee in advancing the EARN Act in the Senate. Please contact Cyrus Huncharek (cyrus.huncharek@ndrn.org), David Goldfarb (goldfarb@thearc.org), or Michael Morris (mmorris@ndi-inc.org) with any questions or to discuss further.

Sincerely,

American Council of the Blind  
Association for University Centers on Disabilities  
Autism Speaks  
Autistic Self Advocacy Network  
Autistic Women & Nonbinary Network  
Christopher & Dana Reeve Foundation  
Cure SMA  
Epilepsy Foundation  
Justice in Aging  
Muscular Dystrophy Association  
National Academy of Elder Law Attorneys  
National Disability Rights Network (NDRN)  
National Down Syndrome Congress  
National Organization of Social Security Claimants' Representatives (NOSSCR)  
RespectAbility  
TASH  
The Viscardi Center