



February 22, 2024

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Biden:

Greetings from the American Association of People with Disabilities (AAPD).

We are a national disability-led and cross-disability rights organization that advocates for full civil rights for over 60 million Americans with disabilities. We do this by promoting equal opportunity, economic power, independent living, and political participation for people with disabilities

AAPD first wishes to express our sincere appreciation for the efforts the Biden-Harris administration has made to improve the lives of Americans with disabilities. Your historic investment in home and community-based services (HCBS) as part of the American Rescue Plan Act, the transformative proposed rule from the Department of Health and Human Services to expand non-discrimination protections for people with disabilities under Section 504, advancements in accessibility made possible by the Infrastructure Investment and Jobs Act, and actions taken towards reducing the number of wheelchairs destroyed by airlines, including the Disabled Passengers Bill of Rights, are just a few achievements that have emerged from your commitment to disabled people.

While your administration has made impactful advancements towards greater disability equity and inclusion, there remain many dire and devastating structural problems that the disability community experiences daily, in all aspects of our lives. As you prepare to deliver your State of the Union address to share your priorities with Congress and the nation, we wish to share a few of our priorities with you.

More than one in four Americans, at least 27% of the population, has a disability. Every policy issue in America is a disability policy issue: from providing economic relief, to advancing civil rights, and protecting and expanding access to quality, affordable healthcare.

In your State of the Union address, AAPD will be watching to see our community's lives and experiences reflected within the content of your remarks and within the following policy priorities:

1030 15th St NW, Suite 500E, Washington, DC 20005 | 202-521-4316 | www.aapd.com



Providing Economic Relief

Increase and Continue the Child Tax Credit: The increased Child Tax Credit and the monthly payments included as part of the American Rescue Plan Act was a lifeline for millions of middle and working-class families and lifted some 3.7 million children out of poverty, according to the Columbia University Center on Poverty and Social Policy¹. This expansion of the Child Tax Credit was also a significant boost to families with disabled children², providing much-needed funds for unique disability-related needs. Unfortunately, the expansion was allowed to lapse at the end of 2021, and the progress made against child poverty was lost. While we are encouraged by the recent bipartisan efforts to increase the amount of the CTC that is refundable, we agree with the Biden-Harris administration's call to restore the CTC provisions of the American Rescue Plan so that families can meet their needs and urge Congress to pass a permanent expansion of the increased CTC, payable monthly.

Pass the SSI Savings Penalty Elimination Act: Supplemental Security Income (SSI) is a vital program many people with disabilities rely on. However, SSI has very stringent asset and income limitations for recipients, which Congress has not adjusted in over four decades. Currently, SSI only allows individuals to have \$2,000 in assets, or \$3,000 for a couple, to be eligible for benefits. In many cases, receiving SSI benefits also entitles you to Medicaid coverage, which, for many people with disabilities, is how they access healthcare and home and community-based services. These outdated asset limits dissuade many disabled people from working out of fear of losing their SSI or Medicaid benefits and leave many struggling to meet their basic needs. We ask that you urge Congress to increase the asset limits for SSI by passing the SSI Savings Penalty Elimination Act (H.R. 5408/S.2767). The SSI Savings Penalty Elimination Act has bi-cameral, bi-partisan support, along with the support of disability advocates and businesses.

¹ Parolin, Z., Collyer, S., Curran, M., & Columbia University Center on Poverty and Social Policy. (2022, January 18). *Sixth child tax credit payment kept 3.7 million children out of poverty in December: Child poverty set to spike in January 2022 after expiration of monthly payments*. Retrieved February 21, 2024, from <https://static1.squarespace.com/static/610831a16c95260dbd68934a/t/61ea09926280d03df62aa31d/1642727841927/Monthly-poverty-December-2021-CPSP.pdf>

² Baughman, A., Brugger, L., Comeau, M., et al. (2023). Boston University Center for Innovation in Social Work and Health. *Expanded child tax credit payments supported families raising children with disabilities*. Retrieved February 21, 2024, from <https://ciswh.org/wp-content/uploads/2023/03/CTC-Brief-2023-2.pdf>



End the Practice of Paying Subminimum Wages to Workers with Disabilities: Under §14(c) of the Fair Labor Standards Act of 1938, it remains legal for employers to pay people with disabilities subminimum wages solely based on their disability status. Recent data found many disabled employees who worked under 14(c) certificates earned [an average of \\$3.34 an hour](#), with many disabled workers earning far less. While 16 states have outlawed this indignation and seen disability employment increase, it is time to end the practice of paying subminimum wages nationwide. We are pleased that Secretary Su announced a comprehensive review of the 14(c) program last September, and that the Department announced its intention to issue a proposed rulemaking on the 14(c) program in its Fall 2023 Regulatory Agenda. In the meantime, we ask that your Administration announce a moratorium on issuing new 14(c) certificates, and urge you to ask Congress to pass the Transformation to Competitive Integrated Employment Act (H.R.1263/S.533). The TCIEA prohibits subminimum wage nationally and supports employers in transforming their businesses so that people with disabilities working under 14(c) certificates can remain employed and receive the competitive wages and support they need to thrive.

Guarantee Paid Medical and Family Leave: The United States is one of only 6 nations around the world that does not guarantee paid sick leave for employees to deal with an illness or temporary disability or to care for a family member. Disabled people are more likely to need access to paid leave to manage their health conditions, and when doing so, have less income and savings to rely on. Moreover, the COVID-19 virus continues to spawn new variants and strains, and both disabled people and others at high-risk for serious illness from COVID-19 continue to feel ignored as public health officials take steps to significantly curtail isolation guidelines that keep people safe so that people are not economically impacted by extended isolation periods. Instead of minimizing the ongoing threat from COVID-19, we urge your administration to maintain existing isolation guidelines and to encourage Congress to enact legislation that guarantees all workers can take time off to deal with COVID-19 or any other illness without jeopardizing their economic security.

Advancing Equity and Civil Rights

Secure the Right to Vote: There are nearly 40 million eligible voters with disabilities, yet inaccessible policies and practices keep many people from accessing their right to vote. This inaccessibility at polling places is compounded by state laws that criminalize voter assistance, require voter identification, or restrict absentee voting. The impact of these barriers is clear – in 2020, people with disabilities voted at a [7% lower rate](#) than nondisabled voters of the same age. Congress must ensure that every voter has access to the ballot by passing the John Lewis Voting Rights Act and improving election accessibility with the Accessible Voting Act.



Finalize Updated §504 Rules: The Department of Health and Human Services has issued a proposed rule to update the §504 regulations for the first time in over 50 years. These proposed regulations will update the disability nondiscrimination rules to prohibit programs and entities that receive federal funding – such as healthcare facilities, child placement agencies, and HCBS programs – from discriminating against people with disabilities. The proposed rule also prohibits disability bias and stereotypes from entering into treatment decisions and prohibits the use of discriminatory value assessment measures.

The Department of Education has also signaled that a §504 rulemaking is forthcoming to update the Department's §504 regulations and strengthen the rights of students with disabilities. We are hopeful that this proposed rulemaking will address longstanding issues disabled people face in accessing education, such as ending the use of harmful seclusion and restraint practices, managing inaccessible classroom buildings on K-12 and college campuses, increasing access to accommodations in postsecondary education, and ensuring virtual learning platforms and tests are accessible.

Additionally, we hope the proposed rulemaking will provide technical assistance to support better communication and coordination between students and their families, 504/IEP teams, and Vocational Rehabilitation agencies to facilitate better outcomes for postsecondary transition planning.

We urge you to finalize and implement these proposed rules immediately.

Strengthen ADA Protections and Advance Accessibility

Finalize Updates to Title II of the Americans with Disabilities Act: Websites, mobile apps, and technology are integrated into all aspects of our daily lives – from accessing information on how, when, and where to vote, to engaging with public services, programs, information, and community infrastructure. Disabled people are a part of every community and deserve full access to all online content and services.

As the ADA's intent is to assure equal opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities, the provisions of Title II must be extended to cover the websites and apps that are used to access voter registration forms and other government information and programs. We encourage the administration to adopt WCAG 2.2 as the technical standard and include language requiring conformance with future accessibility best practices in the Final Rule. Additionally, we urge the enforcement of shorter compliance deadlines without exceptions or variances based on entity size, relying instead on existing



undue burden and fundamental alteration defenses. Robust outreach and education to covered entities, as well as technical assistance to ensure compliance are critical to successful implementation.

We urge the Biden-Harris administration to work with the Department of Justice to expedite the finalization and implementation of this important rule

Secure Funding for the American Connectivity Plan: AAPD also strongly supports increased and sustained funding for the Affordable Connectivity Program, which has provided subsidies for internet access for low and moderate-income Americans as part of the American Rescue Plan Act. Twenty-three million Americans, many of them people with disabilities, already rely on the ACP to maintain their connection to the internet.³ Unfortunately, funding for the ACP is set to end in April 2024, and enrollment of new ACP recipients ended on February 8, 2024. Sustained funding for the ACP would allow this vital program to reach the 52 million people eligible for enrollment and enable disabled people to work and remain connected to the world.

Protect and Expand Access to Quality, Affordable Healthcare

Provide Vigorous Oversight and Enforcement of Medicaid Unwinding Rules: Since the end of the Public Health Emergency, states have begun to require Medicaid beneficiaries to recertify their eligibility for the first time since 2020. In many states, inaccessible and faulty eligibility determination software, lax oversight, and the lack of live agents to take calls and answer questions have led many to be erroneously disenrolled from Medicaid, including many with disabilities. As of February 1, 2024, more than 16 million people have been terminated from Medicaid, with approximately 71% removed for procedural reasons.⁴ We request that you convey to Congress that your Administration is committed to ensuring that states do not deny Medicaid recipients the benefits to which they are entitled and will act to ensure that all federal rules and regulations are adhered to as states continue to process eligibility redeterminations for Medicaid.

Increase Funding for Home and Community-Based Services: The American Rescue Plan made a historic \$40 billion investment in HCBS, which allows people with disabilities and older

³The White House. (2023). *Affordable Connectivity Program Enrollment* [Fact sheet]. <https://www.whitehouse.gov/build/resources/affordable-connectivity-program-enrollment-fact-sheets/#:~:text=The%20Affordable%20Connectivity%20Program%2C%20enacted,on%20their%20monthly%20internet%20bills.>

⁴ KFF. (2024, February 13). *Medicaid Enrollment and Unwinding Tracker - Overview*. Retrieved February 21, 2024, from <https://www.kff.org/report-section/medicaid-enrollment-and-unwinding-tracker-overview/>



adults to receive the services they need while living in the community. HCBS funds direct care professionals who assist disabled people with daily activities and allow recipients to live, work, and participate in the community. However, there is a dire shortage in the direct care workforce due to abysmally low wages. As more Americans become disabled, sick, or age, the need will only continue to grow. In addition, many states have ended or are in the process of ending pandemic-era flexibilities that allowed family members to serve as paid caregivers for those with disabilities. We ask that the administration address the crisis-level shortage of direct care workers, and utilize the tools available to you to incentivize careers in caregiving through loan forgiveness and grants for vocational training programs for caregiving jobs. AAPD also urges Congress to recognize that the direct care workforce shortage will eventually impact all Americans as they age, commit to funding the robust direct care system the nation needs, and pass the Better Care Better Jobs Act (H.R. 547/S.100) and the HCBS Relief Act (H.R. 6296/S. 3118).

We also urge that HCBS be made a **mandatory** Medicaid benefit under 1905(a), which would eliminate the current institutional bias. Passage of the HCBS Access Act (H.R. 1493/S. 762) would achieve this by replacing enrollment caps with eligibility criteria, and encourage states to build and expand HCBS capacity.

Expand the Medicaid Buy-In Program: The Medicaid Buy-In program allows people with disabilities who work to access HCBS not available from private insurance plans. The Medicaid Buy-In Program opens employment opportunities for people with disabilities and allows people with disabilities greater control over their futures, including allowing them to marry the person they love without having to worry about losing critical healthcare benefits. While all but three states currently have a Medicaid Buy-In program, the income caps for eligibility in many states are very low, leading many with disabilities to turn down jobs for which they are qualified for fear they will earn too much and lose vital services provided by Medicaid. We urge Congress to increase the Medicaid income limits so that disabled people can have opportunities to work without sacrificing the essential home- and community-based services that allow them to participate in the workforce.

While we recognize that achieving these priorities will require a lot of effort and cooperation between your Administration, Congress, and the disability community, we know that it is a priority of yours to increase funding for vital programs that serve disabled people, improve educational and employment opportunities, and ensure that people with disabilities and all Americans can live with purpose and dignity.



Thank you for your consideration, and we look forward to continuing to work with you and your administration to promote equal opportunity, economic power, independent living, and political participation for people with disabilities.

Sincerely,

Maria Town
President & CEO
AAPD

Michael Lewis
Vice President of Policy
AAPD