

Congress of the United States
Washington, DC 20515

October 2, 2015

The Honorable Jacob Lew
Secretary
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220-0001

Dear Secretary Lew,

We write in support of the recommendations put forth by Vermont State Treasurer Beth Pearce and the Vermont Developmental Disabilities Council concerning the implementation of the ABLE Savings Program, as recently authorized by the Achieving a Better Life Experience Act.

We strongly support the ABLE Savings Program as a new savings vehicle for disabled individuals and their families. It has the potential to enhance economic self-sufficiency among a population that is disproportionately low-income, and that often has greater than average household expenses.

As you can see in the attached correspondence, Treasurer Pearce (and her colleagues from Illinois and Rhode Island) and the Vermont Developmental Disabilities Council have three concerns regarding Treasury's draft guidance on the implementation of this important program.

The guidelines delegate the disability certification process to the state agencies implementing the ABLE Savings Program. It is likely that many of these agencies will not have prior experience in disability determinations or in maintaining health-related information under the Health Insurance Portability and Accountability Act. This could create duplicative disability determination processes within a state – as would be the case in Vermont - and participant eligibility criteria that vary considerably between states. Our constituents instead recommend that users be able to self-identify as being eligible, based on an existing state or federal disability determination. This approach would be more customer-friendly and would more efficiently use state government resources.


Our constituents are similarly concerned about the efficacy of the state designated agencies having to certify "qualified expenses." In order to strike a reasonable balance between the need for accountability and the need for administrative ease, they propose Treasury allow states to presume qualification of expenditures, and to provide regular auditing of the program.

Lastly, they express several concerns regarding the rollover of ABLE accounts, especially after a participant passes away, and make several recommendations regarding this matter.

Thank you for giving these concerns and recommendations the serious consideration they deserve. If we can provide further evidence of our support, please do not hesitate to contact us.

Sincerely,


PATRICK LEAHY
United States Senator


BERNARD SANDERS
United States Senator


PETER WELCH
United States Representative