



NATIONAL ASSOCIATION OF STATE HEAD INJURY ADMINISTRATORS

S.331: The ABLE Age Adjustment Act

What is the ABLE Age Adjustment Act?

S.331 expands the eligibility for beneficiaries to participate in the Achieving a Better Life Experience (ABLE) accounts by amending the Internal Revenue Services (IRS) Code to allow individuals who sustain a disability before age 46 to participate. Currently, only individuals who have a qualifying disability prior to age 26 are eligible to open an account in an ABLE plan. Following the passage of the Stephen Beck Jr. Achieving a Better Life Experience (ABLE) Act in 2014, States created programs for eligible individuals to open an ABLE account and save for their long-term care and disability expenses without risking the loss of certain federal benefits.

Prior to the passage of ABLE, individuals could not accumulate more than \$2,000 in assets, such as savings or retirement funds, without risking the loss of Supplemental Security Income (SSI), Medicaid, and other federal benefits. Individuals now can open an ABLE account in 46 States and the District of Columbia, and save up to \$16,000 a year, as of 2022, for a total of \$100,000, without losing their SSI benefits, and can save an unlimited amount without jeopardizing healthcare provided through Medicaid. (Four states – Idaho, North Dakota, South Dakota and Wisconsin -- do not yet have active ABLE programs.) The savings can be used for disability related expenses, including home modifications, education, transportation and assistive technology. However, individuals who sustain a disability after the age of 26 are ineligible to participate.

Why is the ABLE Age Adjustment Act important to people living with brain injury?

Current law restricts eligibility to those who incur a disability prior to the age of 26, which prevents many individuals living with brain injury to participate. These tax-favored accounts enable people living with brain injury to save for and pay for disability-related expenses, including education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, and financial management. Resources saved in an ABLE account are not taken into consideration when determining the individual's eligibility for federally-funded, means-tested benefits including Medicaid. ABLE accounts increase the financial stability of people living with brain injury and their families.

S.331 Cosponsors

Senators Jerry Moran (R-KS), Ron Wyden (D-OR), John Boozman (R-AR), Chris Van Hollen (D-MD), Lisa Murkowski (R-AK), Richard Blumenthal (D-CT), Roger Marshall (R-KS), Patrick Leahy (D-VT), Patrick Toomey (R-PA), Amy Klobuchar (D-MN), Jack Reed (D-RI) and Ben Cardin (D-MD).

Supporting Organizations

National Association of State Head Injury Administrators, Brain Injury Association of America, American Association of People with Disabilities, American Network of Community Options & Resources (ANCOR), Autism Society of America, Easterseals, Epilepsy Foundation, Family Voices, National Alliance on Mental Illness, National Association of Councils on Disabilities, National Disability Rights Network, National Disability Institute, National Down Syndrome Society, National Organization of Social Security Claimants' Representatives, TASH, The Arc of the United States, United Spinal Association, World Institute on Disability.

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