

118TH CONGRESS
2D SESSION

S. 4910

To direct Federal agencies to provide information on ABLE accounts and to provide grants for increasing awareness of ABLE accounts.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2024

Mr. CASEY (for himself, Ms. HIRONO, Mr. WYDEN, Mr. WELCH, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. SANDERS, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To direct Federal agencies to provide information on ABLE accounts and to provide grants for increasing awareness of ABLE accounts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ABLE Awareness
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) 2024 is the ten-year anniversary of the pas-
9 sage of the Stephen Beck, Jr., Achieving a Better

1 Life Experience Act of 2014 that made it possible
2 for individuals with disabilities to save for qualified
3 disability expenses using ABLE accounts.

4 (2) As of March 2024, there were over 171,000
5 ABLE accounts nationwide, with almost
6 \$2,000,000,000 invested in those accounts.

7 (3) There are an estimated 8,000,000 Ameri-
8 cans eligible for ABLE accounts under the current
9 eligibility requirements, and another 6,000,000 peo-
10 ple will be eligible when the eligibility limitation for
11 the age at which the disability occurred increases to
12 age 46.

13 (4) Of the 14,000,000 people who will be eligi-
14 ble to open ABLE accounts in 2026, approximately
15 2,200,000 are veterans.

16 (5) Only 1.2 percent of people who are eligible
17 and could open an ABLE have done so.

18 (6) The benefits of ABLE accounts should be
19 available to more than the existing 171,000 account
20 holders.

21 **SEC. 3. PURPOSE.**

22 The purposes of this Act are—

23 (1) to direct Federal agencies to inform people
24 with disabilities about ABLE programs when first
25 enroll in certain programs; and

(2) to provide States and regions with resources to advertise the ABLE program as the eligibility requirements expand to include millions more people in 2026.

SEC. 4. DIRECTING AGENCIES TO INFORM PEOPLE WITH DISABILITIES ABOUT ABLE ACCOUNTS.

(a) SOCIAL SECURITY ADMINISTRATION.—

(1) IN GENERAL.—Beginning 180 days after the date of enactment of this Act, the Commissioner of Social Security shall provide the information described in paragraph (3) to any individual who is receiving any of the following on or after such date:

(A) A supplemental security income benefit under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

(B) A disability insurance benefit under section 223 of the Social Security Act (42 U.S.C. 423).

(C) A monthly insurance benefit under section 202 of the Social Security Act (42 U.S.C. 402) based on such individual's disability (as defined in section 223(d) of such Act (42 U.S.C. 423(d))).

(2) PROVISION OF INFORMATION UPON REDETERMINATION OR OVERPAYMENT.—Beginning 180

1 days after the date of enactment of this Act, the
 2 Commissioner of Social Security shall, in addition to
 3 providing the information described in paragraph (3)
 4 in accordance with paragraph (1), provide such in-
 5 formation to any individual receiving a benefit de-
 6 scribed in paragraph (1)—

7 (A) whenever such individual's eligibility
 8 for such benefit is redetermined; and

9 (B) whenever such individual is found to
 10 have received an overpayment of such benefits
 11 due to the individual having resources that ex-
 12 ceed the amount established under subpara-
 13 graph (A) or (B) of section 1611(a)(3) of the
 14 Social Security Act (42 U.S.C. 1382(a)(3)), as
 15 applicable to the individual.

16 (3) INFORMATION ON ABLE ACCOUNTS.—The
 17 information described in this paragraph is the fol-
 18 lowing:

19 (A) Information on the existence of—

20 (i) qualified ABLE programs as de-
 21 fined in section 529A of the Internal Rev-
 22 enue Code of 1986; and

23 (ii) resources for people with disabil-
 24 ities, such as the ABLE National Resource

1 Center, the National Association of State
2 Treasurers, and ABLE Today.

3 (B) Instructions on how to open an ABLE
4 account (as defined in section 529A of the In-
5 ternal Revenue Code of 1986).

6 (b) DEPARTMENT OF VETERANS AFFAIRS.—

7 (1) IN GENERAL.—Chapter 63 of title 38,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 6321. ABLE programs**

11 “The Secretary shall inform each individual who en-
12 rolls in a program carried out under the laws administered
13 by the Secretary about the existence of qualified ABLE
14 programs (as defined in section 529A of the Internal Rev-
15 enue Code of 1986) and resources for people with disabil-
16 ities, such as the ABLE National Resource Center, the
17 National Association of State Treasurers, and ABLE
18 Today, at the time of such enrollment.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 63 of such title is
21 amended by adding at the end the following new
22 item:

“6321. ABLE programs.”.

23 (c) DEPARTMENT OF HOUSING AND URBAN DEVEL-
24 OPMENT.—

1 (1) DEFINITION.—In this subsection, the term
 2 “covered housing program” means—

3 (A) the program for supportive housing for
 4 persons with disabilities under section 811 of
 5 the Cranston-Gonzalez National Affordable
 6 Housing Act (42 U.S.C. 8013); and

7 (B) the tenant-based assistance program
 8 under section 8(o) of the United States Hous-
 9 ing Act of 1937 (42 U.S.C. 1437f(o)).

10 (2) REQUIREMENT.—The Secretary of Housing
 11 and Urban Development shall ensure that when a
 12 family or an individual enrolls in a covered housing
 13 program or otherwise begins to occupy housing as-
 14 sisted by a covered housing program, the family or
 15 individual is informed about—

16 (A) the existence of qualified ABLE pro-
 17 grams as defined in section 529A of the Inter-
 18 nal Revenue Code of 1986; and

19 (B) resources for people with disabilities,
 20 such as the ABLE National Resource Center,
 21 the National Association of State Treasurers,
 22 and ABLE Today.

23 (d) CHAPTER 85 OF TITLE 41, UNITED STATES
 24 CODE.—Section 8503(d) of title 41, United States Code,
 25 is amended—

1 (1) in paragraph (1), by striking “and” at the
2 end;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(3) shall provide regulations providing that,
7 when a qualified nonprofit agency that produces a
8 product or services for the Federal Government
9 under subsection (c) enrolls an individual in a pro-
10 gram to produce the product or services, the agency
11 shall inform the individual about—

12 “(A) the existence of qualified ABLE pro-
13 grams as defined in section 529A of the Inter-
14 nal Revenue Code of 1986; and

15 “(B) resources for people with disabilities,
16 such as the ABLE National Resource Center,
17 the National Association of State Treasurers,
18 and ABLE Today.”.

19 (e) STATE MEDICAID AND CHIP AGENCIES.—

20 (1) MEDICAID.—Section 1902(a) of the Social
21 Security Act (42 U.S.C. 1396a(a)) is amended—

22 (A) in paragraph (86), by striking “; and”
23 and inserting a semicolon;

24 (B) in paragraph (87), by striking the pe-
25 riod at the end and inserting “; and”; and

1 (C) by inserting after paragraph (87) the
 2 following new paragraph:

3 “(88) provide that the State will inform any in-
 4 dividual who enrolls for medical assistance under the
 5 State plan (or under a waiver of such plan) about
 6 the existence of qualified ABLE programs as defined
 7 in section 529A of the Internal Revenue Code of
 8 1986, and resources for people with disabilities, such
 9 as the ABLE National Resources Center, the Na-
 10 tional Association of State Treasurers, and ABLE
 11 Today, when they first enroll for such assistance.”.

12 (2) CHIP.—Section 2107(e)(1) of the Social
 13 Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

14 (A) by redesignating subparagraphs (H)
 15 through (U) as subparagraphs (I) through (V),
 16 respectively; and

17 (B) by inserting after subparagraph (G)
 18 the following new subparagraph:

19 “(H) Section 1902(a)(88) (relating to the
 20 provision of information about ABLE accounts
 21 to individuals when they first enroll for medical
 22 assistance).”.

23 (3) EFFECTIVE DATE.—The amendments made
 24 by this subsection shall take effect on the date that
 25 is 180 days after the date of enactment of this Act.

1 (f) STATE TANF AGENCIES.—

2 (1) IN GENERAL.—Section 408(a) of the Social
3 Security Act (42 U.S.C. 608(a)) is amended by add-
4 ing at the end the following new paragraph:

5 “(13) STATE REQUIREMENT TO PROVIDE IN-
6 FORMATION ABOUT ABLE ACCOUNTS.—Beginning
7 180 days after the date of enactment of the ABLE
8 Awareness Act, a State to which a grant is made
9 under section 403 shall provide information about
10 the existence of qualified ABLE programs as defined
11 in section 529A of the Internal Revenue Code of
12 1986, and resources for people with disabilities, such
13 as the ABLE National Resources Center, the Na-
14 tional Association of State Treasurers, and ABLE
15 Today, to any family receiving or applying for assist-
16 ance under such grant.”.

17 (2) STATE PLAN REQUIREMENT.—Section
18 402(a)(1)(B) of the Social Security Act (42 U.S.C.
19 602(a)(1)(B)) is amended by adding at the end the
20 following new clause:

21 “(vi) The document shall include in-
22 formation about how the State will provide
23 information about qualified ABLE pro-
24 grams to individuals as required under sec-
25 tion 408(a)(13).”.

1 (g) NUTRITION ASSISTANCE PROGRAMS.—Each
 2 State shall inform people with disabilities (as defined in
 3 section 3 of the Americans with Disabilities Act of 1990
 4 (42 U.S.C. 12102)) about the existence of qualified ABLE
 5 programs (as defined in section 529A of the Internal Rev-
 6 enue Code of 1986), and resources for people with disabil-
 7 ities, such as the ABLE National Resource Center, the
 8 National Association of State Treasurers, and ABLE
 9 Today, on enrollment in any means-tested nutrition assist-
 10 ance program of the Department of Agriculture or the De-
 11 partment of Defense, including—

12 (1) the supplemental nutrition assistance pro-
 13 gram established under the Food and Nutrition Act
 14 of 2008 (7 U.S.C. 2011 et seq.); and

15 (2) the special supplemental nutrition program
 16 for women, infants, and children established by sec-
 17 tion 17 of the Child Nutrition Act of 1966 (42
 18 U.S.C. 1786).

19 (h) REHABILITATION ACT OF 1973.—Section 101(a)
 20 of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is
 21 amended by adding at the end the following:

22 “(27) INFORMATION ON ABLE PROGRAMS.—The
 23 State plan shall provide that, when an individual
 24 with a disability (as defined in section 7(20)(A)) en-

1 rolls in a vocational rehabilitation program, the des-
 2 ignated State unit shall inform the person about—

3 “(A) the existence of qualified ABLE pro-
 4 grams as defined in section 529A of the Inter-
 5 nal Revenue Code of 1986; and

6 “(B) resources for individuals with disabil-
 7 ities, such as the ABLE National Resource
 8 Center, the National Association of State
 9 Treasurers, and ABLE Today.”.

10 (i) MEDICARE.—Beginning 180 days after the date
 11 of enactment of this Act, the Secretary of Health and
 12 Human Services shall provide the information described
 13 in subsection (a)(3)(A) to any individual entitled to bene-
 14 fits under title XVIII of the Social Security Act (42
 15 U.S.C. 1395 et seq.) by reason of section 1811(2) of such
 16 Act (42 U.S.C. 1395c(2)) at the time such individual be-
 17 comes entitled to such benefits.

18 **SEC. 5. ABLE AWARENESS GRANTS.**

19 (a) IN GENERAL.—The Secretary may award grants
 20 to eligible entities for the purposes of promoting the avail-
 21 ability of ABLE programs and their benefits and encour-
 22 aging the establishment of ABLE accounts for eligible in-
 23 dividuals.

24 (b) ELIGIBLE ENTITY.—For purposes of this section,
 25 the term “eligible entity” means—

1 (1) any State, or any agency or instrumentality
2 thereof;

3 (2) an Indian tribal government or any subdivi-
4 sion thereof; or

5 (3) any consortium of entities described in
6 paragraph (1) or (2).

7 (c) AWARDING GRANTS.—

8 (1) APPLICATION.—An eligible entity desiring a
9 grant under this section shall submit to the Sec-
10 retary an application at such time, in such manner,
11 and containing or accompanied by such information,
12 as the Secretary may reasonably require.

13 (2) DATA COLLECTION AND REPORTING.—The
14 Secretary may not award a grant under this section
15 unless the eligible entity agrees to collect data on the
16 number of ABLE accounts established as a result of
17 activities carried out with the grant funds.

18 (d) USE OF FUNDS.—

19 (1) IN GENERAL.—An eligible entity receiving a
20 grant under this section shall use the grant to in-
21 crease awareness of ABLE accounts and to provide
22 information on how to enroll in such accounts.

23 (2) ACTIVITIES.—An eligible entity may use a
24 grant under this section for—

25 (A) media buys;

1 (B) conferences, meetings, canvassing, and
2 recruitment; and

3 (C) other activities to promote the avail-
4 ability and establishment of ABLE accounts.

5 (e) OTHER TERMS.—For purposes of this section:

6 (1) ABLE PROGRAM; ABLE ACCOUNT; ELIGIBLE
7 INDIVIDUAL.—The terms “ABLE program”,
8 “ABLE account”, and “eligible individual” have the
9 respective meaning given such terms under section
10 529A of the Internal Revenue Code of 1986.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of the Treasury or the Secretary’s del-
13 egate.

14 (3) STATE.—The term “State” includes any
15 territory or possession of the United States.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$50,000,000 for each of fiscal years 2025 through 2029.

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