



August 4, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

Dear Leader McConnell and Leader Schumer:

We reach out to you as representatives of disability service providers, the individuals with disabilities they serve, families of individuals with disabilities, and the vast workforce of individuals with disabilities, many of whom have been continuously engaged in essential employment throughout this pandemic. These organizations, individuals, and families have been particularly hard hit throughout this pandemic. While we acknowledge and appreciate Congress's efforts to date, we write with extreme urgency after reviewing the HEALS Act and seeing that the needs of our constituents were once again overlooked.

We have written to you several times in the past several months on the top priority issues for disability service providers. Those letters are enclosed for more detail; however, our priority issues are listed below. In reviewing this list, please keep in mind that this Congress has provided very little to disability service providers throughout this pandemic. These nonprofit organizations make an enormous difference in their communities and in the lives of the people they serve. Many disability service providers serve the among the most vulnerable individuals in our society, people with significant disabilities and complex medical conditions putting them at high risk should be they contract COVID-19.

As disability service providers try to reopen, they also must try to continue providing virtual or customized services to people who would otherwise be left behind. Additional help in the form of both a specific and global increase in the government's Medicaid match would be helpful for Home and Community Based Services (HCBS) and other services would make a difference. A major difference would be for the Congress to provide the Department of Health and Human Services with the funds to give the equivalent of 4.5% of a disability service provider's annual revenue from 2017, 2018, or 2019, whether or not that disability service provider is Medicaid-reimbursed. A simplified portal directly for disability service providers would make an immediate difference for disability service providers. This can wait no longer. Disability service providers are at high risk of closing permanently if they do not receive immediate help.

Our other priority issues follow:

Medicaid and Home and Community Based Services

HEROES Act	HEALS Act	Solution
Includes an HCBS-specific FMAP increase in lieu of a separate grant program. An additional 10% FMAP from July 1, 2020 to June 30, 2021 is available to be used to support Home and Community Based Services (HCBS) including workforce support, personal protection equipment for DSPs and other HCBS provisions.	None.	Include the HEROES Act provision in the next relief bill.

Medicaid Funding Generally

HEROES Act	HEALS Act	Solution
Provides a global FMAP bump of 6.2% through end of fiscal year. Effective July 1, it provides a 14% FMAP increase.	None.	Include the HEROES Act provision in the next relief bill.

Unemployment Insurance (UI) Provisions

HEROES Act	HEALS Act	Solution
Disregards Unemployment Insurance (UI) payments from income and asset tests for means-tested programs, including SNAP and SSI, which prevents the lowest income children with disabilities on SSI from having their benefits reduced due to parental UI benefits and people with disabilities on SSI from losing SSI because of UI.	None.	Include the HEROES Act provision in the next relief bill.
None	Amends Sec. 2103 of the CARES Act to increase the reimbursed percentage of unemployment insurance costs for nonprofits and others from 50 percent to 75 percent.	Include the HEALS Act provision in the next relief bill but increase the covered percentage to 100%.

Support for Nonprofits

HEROES Act	HEALS Act	Solution
Expands of the Paycheck Protection Program to apply to larger employers (above 500 employees) and to extend through the end of the year.	Provides for a second round of funding for businesses with fewer than 300 employees that have suffered revenue losses of 50% or more.	Include the HEROES Act provision in the next relief bill <u>and</u> include increased funding for a second round of PPP funding for businesses with 500 or fewer employees that have suffered revenue losses of 40% or more.
Requires the Federal reserve to include non-profits (including larger non-profits) in the Main Street Lending Programs and to create specific repayment terms for non-profits	None.	Include the HEROES Act provision in the next relief bill.

Increases the value of the employee retention tax credit from 50% of \$10,000 to a maximum of 80% of \$15,000 per quarter (raising maximum value from \$5,000 per employee to \$36,000 per employee)	None.	Include the HEROES ACT provision in the next relief bill.
--	-------	---

A final issue that has been raised in recent weeks by many disability service providers involves the timing for penalties related to the Electronic Visit Verification (EVV) systems. Due to COVID-19, it may be increasingly difficult for many states to implement electronic visit verification (EVV) for Medicaid services by January 1, 2021 and avoid penalties. Federal legislation is needed to extend the deadline by which penalties may accrue to January 1, 2023.

As you negotiate the next COVID-19 legislation, the Senate must act to address the serious, destabilizing deficits facing our nation's disability service system. We are available to talk with you about this request. Please feel free to reach out to anyone of us.

Sincerely yours,

Kate McSweeney
kmcsweeney@accses.org

Julie Christensen
julie@apse.org

Connie Garner
cgarner@easterseals.org

Sarah Meek
smeek@ancor.org

Nicole Jorwic
jorwic@thearc.org

Armando Contreras
acontreras@ucp.org

Laura Walling
laura.walling@goodwill.org

Attachments