

July 17, 2015

The Honorable Senator Richard Burr
United States Senate
217 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Burr:

On behalf of the undersigned organizations, associations and corporations which span the disability community, financial sector, state agencies and other entities preparing for ABLE administration, we want to offer our strong and overwhelming support for the Burr Amendment to eliminate the 529A state residency requirement in the *Stephen Beck Jr. Achieving a Better Life Experience (ABLE) Act* program.

This legislative change would make the 529A program consistent with the traditional 529 program by allowing the designated beneficiary (with a disability) to open an ABLE account in any state rather than in the state in which the designated beneficiary resides. It will simplify plans for ABLE program development and implementation by permitting ABLE administrators and financial entities to capture economies of scale in offering ABLE account options to multiple states. Additionally, it will lead to a more consistent and uniform ABLE program design and will minimize administrative burdens on account beneficiaries and administrators. Because of the costly nature of the many requirements that have been imposed on ABLE accounts, we believe the Burr Amendment will be a game changer in getting these important accounts off the ground.

The door has already been opened to this amendment by the existing language in the federal ABLE Act, which allows states to contract with each other (see Section 529A 102 (b)(1)(C)). Additionally, the U.S. Department of Treasury has attempted to address residency issues in its recent Notice of Proposed Rulemaking, where it provides that an ABLE account beneficiary, upon moving to a different state, will have the option to either maintain an ABLE account created in the prior state of residence or to close that account and open a new ABLE account in the new state of residence (see NPRM, page 26, "Residency requirements"). These policy statements already provide flexibility in the residency requirement, and we believe a technical fix is warranted to remove the residency requirement altogether.

The ABLE Act hails as one of the most important and historic laws for people with disabilities and their families in the United States, and remains one of the most bipartisan laws passed in the history of Congress. Moreover, since the ABLE Act was signed into law last December, 28 states to date have enacted state ABLE laws, three bills are waiting for signatures by the Governor and eight bills are pending before their state legislatures, all further demonstrating the significant need for the ABLE program across the country.

This amendment is critical to ensuring the implementation of the ABLE Act program is successful, and that individuals with disabilities have the flexibility to open ABLE accounts in any state.

Thank you for your leadership on behalf of all individuals with disabilities and their families.

Sincerely,

ACCSES
American Foundation for the Blind
APSE
Association of University Centers on Disabilities
Autistic Self Advocacy Network
Autism Speaks
College Savings Foundation (CSF)
Griffin-Hammis Associates, Inc.
Investment Company Institute (ICI)
Lutheran Services in America Disability Network
Maryland Developmental Disabilities Council
National Academy of Elder Law Attorneys
National Disability Institute (NDI)
National Down Syndrome Congress
National Down Syndrome Society (NDSS)
SIFMA
Parent Project Muscular Dystrophy
TASH
The Advocacy Institute
The Arc
The Center for Social Capital
The Jewish Federations of North America
UCP
World Institute on Disability

cc: Senator Robert Casey Jr., Representative Pete Sessions, Representative Ander Crenshaw, Representative Cathy McMorris Rodgers, Representative Chris Van Hollen