

United States Senate  
WASHINGTON, DC 20510

April 29, 2020

The Honorable Mitch McConnell  
Senate Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Charles Schumer  
Senate Minority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker  
United States House of Representatives  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Republican Leader  
United States House of Representatives  
Washington, D.C. 20510

Dear Senator McConnell, Speaker Pelosi, Senator Schumer, and Congressman McCarthy:

We write today to urge you to prioritize the needs of at-risk Americans, including people with disabilities, as you negotiate a fourth stimulus package to mitigate the health, social and economic impacts of the coronavirus disease 2019 (COVID-19) pandemic. This unprecedented public health emergency has exposed the pre-existing scarcity of medical treatment, equipment, and other resources available to the disability community. It is essential that Congress use this upcoming package as an opportunity to mitigate these disparities.

An estimated 25 percent of U.S. adults—or 61 million people—have a disability.<sup>1</sup> As COVID-19 continues to spread, the disability community is uniquely at-risk to the effects of the crisis. According to data from the Centers for Disease Control and Prevention (CDC), people with disabilities are significantly more likely than those without disabilities to smoke, have heart disease, or have diabetes<sup>2</sup>—conditions that increase the likelihood of experiencing adverse COVID-19 health outcomes.<sup>3</sup> Furthermore, people with disabilities are two times as likely as those without disabilities to live in poverty and make up half of the U.S. population living in long-term poverty<sup>4</sup>—rendering the disability community extremely vulnerable to the economic shocks of the COVID-19 pandemic. People with disabilities are also more likely than those

---

<sup>1</sup> Centers for Disease Control and Prevention, “Disability Impacts All of Us,” September 9, 2019, <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>.

<sup>2</sup> *Id.*

<sup>3</sup> USA Today, “Coronavirus, diabetes, obesity, and other underlying conditions: Which patients are most at risk?” Karina Zaiets and Ramon Padilla, <https://www.usatoday.com/in-depth/news/2020/04/15/coronavirus-risk-90-patients-had-underlying-conditions/2962721001/>; Pittsburgh’s Action News, “Doctors warn study shows connection between heart disease and COVID-19,” Marcie Cipriani, April 14, 2020, <https://www.wtae.com/article/doctors-warn-study-shows-connection-between-heart-disease-and-covid-19/32146743#>; U.S. News & World Report, “Does Smoking and Vaping Make Coronavirus Worse,” David Levine, March 31, 2020, <https://health.usnews.com/conditions/articles/smoking-vaping-coronavirus>.

<sup>4</sup> National Council on Disability, “Highlighting Disability/Poverty Connection, NCD Urges Congress to Alter Federal Policies that Disadvantage People with Disabilities,” October 26, 2017, <https://ncd.gov/newsroom/2017/disability-poverty-connection-2017-progress-report-release>.

without disabilities to work in part time and low-wage jobs without access to health insurance or paid sick leave<sup>5</sup>, making it hard for them to access affordable COVID-19 and other care.

As it develops its next COVID-19 package, Congress must keep the experiences of people with disabilities in mind to ensure that their needs are addressed during this global pandemic. House and Senate leadership should consider including the following policies in its upcoming package:

- **Boost Medicaid Funding to Support People with Disabilities.** Nearly 50% of nonelderly adults with disabilities rely on Medicaid for access to affordable health care.<sup>6</sup> Though the *Families First Coronavirus Response Act* provided a temporary 6.2 percent federal medical assistance (FMAP) increase for the Medicaid program, additional federal support for Medicaid is critical as state governments anticipate a \$500 billion funding shortfall as a result of the pandemic.<sup>7</sup> Congress should consider increasing the FMAP to be at least 12 percentage points, if not higher, to ensure that state governments can continue to provide people with disabilities with the care they need.
- **Provide Dedicated Medicaid Funding for Home- and Community-Based Services (HCBS).** With the spread of the virus taking place in nursing homes, institutions, and other congregate settings at a rate far in excess of the general community,<sup>8</sup> keeping people with disabilities in their homes and getting them the supports necessary becomes essential. These services are provided by direct care workers, delivered in persons' homes, and very often involving significant close contact; bathing, toileting, eating, dressing, and getting out of bed. Providing HCBS to people with disabilities and supporting the workforce to provide those services will protect the health of people with disabilities and the greater community. To do so, there must be dedicated funding to ensure the HCBS workforce is well prepared, has access to the resources to keep themselves safe, and are compensated for the essential work they are providing. In addition to the FMAP increase, \$50 billion should be specifically appropriated for Medicaid HCBS, including for increases in pay for direct support professionals, home health workers, and personal care attendants to recruit, retain and reward them for their critical work. Congress should also consider permanently reauthorizing the Money Follows the Person program—which would make it easier for states to help transition people with disabilities from institutional settings to community settings—to help prevent people with disabilities from being unduly forced into institutional settings.<sup>9</sup> It should

---

<sup>5</sup>Bureau of Labor Statistics, “Persons With a Disability: Labor Force Characteristics—2019,” February 26, 2020, <https://www.bls.gov/news.release/pdf/disabl.pdf>.

<sup>6</sup> Kaiser Family Foundation, “How Can Medicaid Enhance State Capacity to Respond to COVID-19?” Samantha Artia, Robin Rudowitz, and MaryBeth Musumeci, March 17, 2020, <https://www.kff.org/medicaid/issue-brief/how-can-medicicaid-enhance-state-capacity-to-respond-to-covid-19/>.

<sup>7</sup> Center on Budget and Policy Priorities, “States Need Significantly More Fiscal Relief to Slow the Emerging Deep Recession,” April 14, 2020, <https://www.cbpp.org/research/state-budget-and-tax/states-need-significantly-more-fiscal-relief-to-slow-the-emerging-deep>.

<sup>8</sup> WBUR, “As Deaths Rise in Nursing Homes; Updates on Mass COVID-19 Plans for Long-term Care Facilities.” April 15, 2020. <https://www.wbur.org/commonhealth/2020/04/15/nursing-homes-assisted-living-baker-state-plans-efforts>

<sup>9</sup> Disability Scoop, “Congress Weighs Renewal of Program that Moves People Out of Institutions,” Michelle Diamant, December 12, 2019, <https://www.disabilityscoop.com/2019/12/12/congress-weighs-renewal-program-moves-people-out-institutions/27569/>.

also consider extending federal compliance deadlines, such as the Electronic Visit Verification state compliance deadline, that could minimize states' ability to respond to the COVID-19 crisis.

- **Protect the Civil Rights of People with Disabilities.** Congress must ensure that medical providers comply with existing anti-discrimination laws, including Section 1557 of the Affordable Care Act and Section 504 of the Rehabilitation Act, when providing COVID-19 and other medical care during the pandemic.<sup>10</sup> Though the Department of Health and Human Services (HHS) has issued guidance<sup>11</sup> emphasizing that discrimination based on disability is illegal, it is Congress' responsibility to conduct strong oversight to ensure these laws and this guidance are adhered to. Finally, to expose any inequities in COVID-19 treatment and care, Congress should require the CDC to publicly post information about the number of people with disabilities being tested, treated, and dying from COVID-19.<sup>12</sup>
- **Expand Paid Leave Protections.** As communities across the country adhere to social distancing as a means of reducing COVID-19's spread, people with disabilities and their families are facing unique challenges related to caregiving. COVID-19 has caused a shortage of direct care workers, with family members providing unpaid care. Families who typically rely on home care attendants and other health professionals to care for adult children with disabilities are increasingly unable to access those services, as health professionals are quarantined, required to care for out-of-school children, or otherwise unable to arrive at work. Congress must ensure that people who normally employ paid caregivers, but who are unable to do so and are thus forced to take time off of work to care for adult children with disabilities, have access to paid family leave. In addition, immunocompromised individuals should have access to paid leave to self-isolate as needed.
- **Provide Emergency Income Relief to People with Disabilities.** The stimulus checks authorized under the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* are already making their way to American families.<sup>13</sup> However, pre-existing income and asset limits<sup>14</sup> in programs like the Supplemental Nutrition Program (SNAP), Low-Income Home Energy Assistance Program (LIHEAP), Temporary Assistance for Needy Families (TANF), and Supplemental Security Income (SSI) mean that program recipients—including many people with disabilities—could see their benefit eligibility impacted upon receiving their checks. Congress should clarify that stimulus payments should not affect

---

<sup>10</sup> HHS Office for Civil Rights in Action, "BULLETIN: Civil Rights, HIPAA, and the Coronavirus Disease 2019 (COVID-19)," March 28, 2020, [https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf?fbclid=IwAR08W4Y9980ZbPb40v0BK6M\\_fKiTGINjb-WgGzm5a-peDX7wfG-bfCSBI0U](https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf?fbclid=IwAR08W4Y9980ZbPb40v0BK6M_fKiTGINjb-WgGzm5a-peDX7wfG-bfCSBI0U).

<sup>11</sup> *Id.*

<sup>12</sup> Associated Press, "Democratic bills call for racial breakdown of COVID-19 cases," Aaron Morrison, April 14, 2020, <https://apnews.com/42416dadf903b34dcf8f0de5b69b5f81>.

<sup>13</sup> Fortune, "80 million stimulus check direct deposits have been processed. When will they arrive?" Laura Davison, April 13, 2020, <https://fortune.com/2020/04/13/stimulus-check-when-will-i-get-direct-deposit-irs-checks-sent-arrive-payments-portal-tool-2020/>.

<sup>14</sup> The Arc, "Public Benefits," <https://futureplanning.thearc.org/pages/learn/where-to-start/financing-the-future/public-benefits>.

eligibility to receive benefits to ensure that people with disabilities can access the aid they need.

- **Ensure People with Disabilities Can Access Food and Medication.** The disability community has unique challenges in accessing medication, food, and other services during the COVID-19 pandemic, when many businesses and nonprofits are closed. Congress must take action to ensure that people with disabilities can meet their medical and nutritional needs by requiring access to 90-day supplies of medication and medical support services; food and medicine delivery, and other critical services. Because of the high incidence of poverty in the disability community,<sup>15</sup> the significant decrease in access to public transportation during this public health emergency,<sup>16</sup> and the food deserts that many people with disabilities live in,<sup>17</sup> Congress should also expand access to the Supplemental Nutrition Assistance Program (SNAP) and permit use of on-line ordering and delivery services for SNAP benefits.
- **Expand Access to Personal Protective Equipment (PPE).** Shortages of PPE, like masks and gowns, have plagued hospitals and health care workers since the start of this pandemic.<sup>18</sup> PPE shortages are also harmful to people with disabilities and the professionals that provide many of them with care.<sup>19</sup> To safely provide medical and other services to people with disabilities during the COVID-19 pandemic, these professionals need PPE. The federal government must take steps, including through implementing the *Defense Production Act*, to expand the supply of PPE.

Legislative proposals in both the House and Senate already exist that could serve as blueprints for these policy priorities in the fourth COVID-19 package. Senators Murray and Gillibrand have introduced the *PAID Leave Act*, a bill that would ensure that people caring for adult children with disabilities have access to paid family leave.<sup>20</sup> Senator Casey and Representative Dingell have introduced the *Coronavirus Relief for Seniors and People with Disabilities Act*, which would bolster congressional support for community-based services.<sup>21</sup> Senators Brown and Coons

---

<sup>15</sup> National Council on Disability, “Highlighting Disability/Poverty Connection, NCD Urges Congress to Alter Federal Policies that Disadvantage People with Disabilities,” October 26, 2017, <https://ncd.gov/newsroom/2017/disability-poverty-connection-2017-progress-report-release>.

<sup>16</sup> Axios, “Public transit’s death spiral,” Kim Hart, April 8, 2020, <https://www.axios.com/coronavirus-public-transportation-subway-bus-ridership-9f039bd9-459b-45f9-954c-b26380a037dc.html>.

<sup>17</sup> Health & Place, “Disability and food access and insecurity: A scoping review of the literature,” Naomi Schwartz, Ron Buliung, and Kathi Wilson, May 2019, <https://www.sciencedirect.com/science/article/pii/S1353829218304386>.

<sup>18</sup> Healthcare Finance, “COVID-19: Shortages of protective equipment, insufficient tests plague hospitals, OIG finds,” Jeff Lagasse, April 6, 2020, <https://www.healthcarefinancenews.com/news/covid-19-shortages-protective-equipment-insufficient-tests-plague-hospitals-oig-finds>.

<sup>19</sup> ABC, “People helping those with developmental disabilities need PPE,” Shaun Hegarty, April 8, 2020, <https://www.13abc.com/content/news/People-helping-those-with-developmental-disabilities-569482791.html>.

<sup>20</sup> U.S. Senate Committee on Health, Education, Labor, & Pensions, “PAID Leave Act: Murray, DeLauro, Gillibrand to Introduce Updated Emergency Paid Leave; Small Business Support Bill In Response to Worsening Coronavirus Crisis (press release),” March 17, 2020, <https://www.help.senate.gov/ranking/newsroom/press/paid-leave-act-murray-de-lauro-gillibrand-to-introduce-updated-emergency-paid-leave-small-business-support-bill-in-response-to-worsening-coronavirus-crisis>.

<sup>21</sup> U.S. Senate Special Committee on Aging, “Casey Introduces Bill to Protect Seniors and People With Disabilities from Coronavirus (press release),” March 19, 2020, <https://www.aging.senate.gov/press-releases/casey-introduces-bill-to-protect-seniors-and-people-with-disabilities-from-coronavirus->

have announced the *Allowing Steady Access by Eliminating Tests Act*, which would eliminate asset limits for a variety of federal programs, including SNAP and TANF.<sup>22</sup> Senator Casey has introduced the *Food Assistance for Kids and Families During COVID-19 Act*, which would permit on-line ordering and delivery of groceries using SNAP benefits.<sup>23</sup> And Senator Warren and Representatives Kelly, Pressley, Bass, and Lee have introduced the *Equitable Data Collection and Disclosure on COVID-19 Act*, which would require the CDC to publicly disclose disability-specific information on COVID-19 testing and health outcomes.<sup>24</sup>

Thank you for your consideration of these important policy proposals as you negotiate the fourth COVID-19 package. We look forward to working with you to ensure that the needs of people with disabilities are prioritized as we continue to grapple with the COVID-19 pandemics and its societal impacts.

Sincerely,

---

Elizabeth Warren  
United States Senator

---

Robert P. Casey, Jr.  
United States Senator

---

Kirsten Gillibrand  
United States Senator

---

Margaret Wood Hassan  
United States Senator

---

Sherrod Brown  
United States Senator

---

Tammy Duckworth  
United States Senator

---

Edward J. Markey  
United States Senator

---

Tammy Baldwin  
United States Senator

---

<sup>22</sup> U.S. Senator Sherrod Brown, “Brown, Coons Introduce Bill to Counter Safety Net Cuts Pushed By Trump Administration (press release),” February 11, 2020, <https://www.brown.senate.gov/newsroom/press/release/brown-coons-introduce-bill-to-counter-safety-net-cuts-pushed-by-trump-administration>.

<sup>23</sup> Congress.gov, “S. 3563—Food Assistance for Kids and Families During COVID-19 Act of 2020,” <https://www.congress.gov/bill/116th-congress/senate-bill/3563?s=1&r=2>.

<sup>24</sup> U.S. Senator Elizabeth Warren, “Senator Warren Introducing Bicameral Legislation to Require Federal Government to Collect and Report Coronavirus Demographic Data -- Including Race and Ethnicity (press release),” April 14, 2020, <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-introducing-bicameral-legislation-to-require-federal-government-to-collect-and-report-coronavirus-demographic-data--including-race-and-ethnicity>.

---

Brian Schatz  
United States Senator

---

Tina Smith  
United States Senator

---

Kamala D. Harris  
United States Senator

---

Sheldon Whitehouse  
United States Senator

---

Robert Menendez  
United States Senator

---

Bernard Sanders  
United States Senator

---

Richard Blumenthal  
United States Senator

---

Catherine Cortez Masto  
United States Senator

---

Jack Reed  
United States Senator

---

Amy Klobuchar  
United States Senator

---

Jacky Rosen  
United States Senator

---

Chris Van Hollen  
United States Senator