



September 12, 2018

Hon. Greg Walden
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Hon. Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walden and Ranking Member Pallone:

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TREASURER

On behalf of the American Civil Liberties Union (ACLU), we write in support of H.R. 5306, the Ensuring Medicaid Provides Opportunities for Widespread Equity, Resources, and Care (EMPOWER Care) Act, which reauthorizes the Money Follows the Person demonstration program and is scheduled to be marked up by the Committee tomorrow.

First authorized in 2005 with strong bipartisan support, the Money Follows the Person program (MFP) has been a crucial resource for people with disabilities and has supported the transition of over 75,000 individuals with disabilities into their communities across 43 states and the District of Columbia. These transitions represent an opportunity for true integration after extended periods within the restrictive and regimented environments of nursing homes and institutions. MFP participants report significant and lasting improvements in quality of life and integration after returning to the community.

Over the course of the last several decades, the disability rights movement has fought to expand home and community-based services that assist people with disabilities to transition from institutions to the community. The 1999 U.S. Supreme Court case, *Olmstead v. LC*, found that holding people in institutions, when they want to live in the community, and can medically do so, is unnecessary segregation and violates both the Americans with Disabilities Act and their constitutional liberties. People with disabilities deserve better than to spend their lives in an institution, locked away without access to the support they need to live in their own homes and communities. Institutional life isolates people with disabilities, and deprives them of the autonomy, liberty and self-determination that the ACLU believes in for all people. Additionally, Medicaid currently has an institutional bias, making it easier for states to fund institutional care for people with disabilities, while those seeking community-based supports end up on a waiting list. This means that hundreds of thousands of people with disabilities go without needed assistance, as they and their families refuse to relegate them to institutions in order to get support.

The EMPOWER Care Act offers people with disabilities a meaningful alternative to institutionalization and now Congress has an opportunity to expand access to this vital pathway to freedom and independence. MFP's

expiration in September 2016 has placed this vital program at risk. If Congress does not act soon, states will run out of MFP funding by the end of the year. We urge swift action on H.R. 5306.

We welcome any measure that extends MFP funding. At the same time, we are concerned by the decision, during subcommittee markup, to change the reauthorization period from five years to one year. Such a short reauthorization period may create problems for states with biennial budget processes in their legislatures and thus limit the effectiveness of the program. We urge you to consider a longer reauthorization as you take swift action to report H.R. 5306 favorably out of the House Energy & Commerce Committee.

If you have any questions, please don't hesitate to contact Vania Leveille at vleveille@aclu.org.

Sincerely,



Faiz Shakir
National Political Director



Vania Leveille
Senior Legislative Counsel

cc: Members of the Committee on Energy and Commerce