**SNA 2024 Legislation Highlights**

**October 2024**

**The SNA Public Policy work is available on the SNA website. There is a section called “Advocacy: Get Involved!” Included there are** [**links and tools**](https://members.specialneedsalliance.org/public-policy/advocacy-get-involved/) **for members to use in their own advocacy.**

**LEGISLATION OF NOTE**

**Autism CARES Act** **of 2024** [H.R. 7213](https://www.congress.gov/bill/118th-congress/house-bill/7213?q=%7B%22search%22%3A%22Autism+CARES+Act%22%7D&s=1&r=1) introduced by Rep. Chris Smith (R-NJ, 4th) would reauthorize the original legislation which expires September 30, 2024. The bill will help move forward critical research and training programs that will benefit the estimated 1 in 36 autistic children and 1 in 45 autistic adults in the United States. Passed the House on 9/18/24 ([H. Rept. 118-620](https://www.congress.gov/congressional-report/118th-congress/house-report/620/1?s=1&r=1&q=%7B%22search%22%3A%22Autism+CARES+Act%22%7D)) and sent to Senate Committee on Health, Education, Labor, and Pensions. (9/18/24)

**Ensuring Access to Medicaid Buy-in Programs Act of 2024**  [S.5070](https://www.congress.gov/bill/118th-congress/senate-bill/5070/text) Senator Bob Casey (PA)

To amend title XIX of the Social Security Act to remove certain age restrictions on Medicaid eligibility for working adults with disabilities. Referred to Committee on Finance. (9/17/24)

**ThinkDIFFERENTLY About Disability Employment Act** [H.R.7989](https://www.congress.gov/bill/118th-congress/house-bill/7989?q=%7B%22search%22%3A%22disability%22%7D&s=6&r=12)Representative Marcus Molinaro (R-NY, 19th) Introduced 04/15/2024 and passed the House on 6/11/24 ([H. Rept. 118-538](https://www.congress.gov/congressional-report/118th-congress/house-report/538/1)). The purpose of H.R. 7989, the ``ThinkDIFFERENTLY About Disability Employment Act,'' is to provide for a memorandum of understanding between the Small Business Administration (SBA) and the National Council on Disability (NCD) to increase employment opportunities for people with disabilities. Referred to the Senate Committee on Small Business and Entrepreneurship. (6/12/24)

**Social Security Administration Processing Claims Improvement Act of 2024** [H.R.8546](https://www.congress.gov/bill/118th-congress/house-bill/8546?q=%7B%22search%22%3A%22Supplemental+Security+Income%22%7D&s=10&r=3) Representative Joe Neguse (D-CO, 2nd). To require the Commissioner of the Social Security Administration to take certain actions to improve the processing of claims and appeals for disability insurance benefits and supplemental security income, and for other purposes. Referred to House Committee on Ways and Means. (5/23/24)

**Domenic and Ed’s Law** [S. 4333](https://www.congress.gov/bill/118th-congress/senate-bill/4333/text?s=5&r=11) Senators J.D. Vance (OH) and Chris Coons (DE) and [H.R. 8407](https://www.congress.gov/bill/118th-congress/house-bill/8407?q=%7B%22search%22%3A%22Seth+Magaziner%22%7D&s=1&r=2) Representative Seth Magaziner (RI-02) introduced legislation to allow a parent whose child develops a total and permanent disability to qualify for student loan discharge. The bill, named for Domenic Carducci of Steubenville, Ohio, and Ed Desorcy of Harrisville, Rhode Island, would resolve an inconsistency in statute by authorizing the U.S. Department of Education to discharge parents’ Federal Family Education Loans (FFELs) if their child becomes totally and permanently disabled. Currently, parents are allowed to discharge federal student loans if their child passes away, but not if their child develops a total and permanent disability. 5/17/2024

**Essential Caregivers Act of 2024** [S.4280](https://www.congress.gov/bill/118th-congress/senate-bill/4280?q=%7B%22search%22%3A%22disabled%22%7D&s=2&r=43) Senator Richard Blumenthal (D-CT) and [H.R.8331](https://www.congress.gov/bill/118th-congress/house-bill/8331?q=%7B%22search%22%3A%22disabled%22%7D&s=2&r=44) Representative Claudia Tenney (R-NY, 24th) amends the Social Security Act to require skilled nursing facilities, nursing facilities, intermediate care facilities for the intellectually disabled, and inpatient rehabilitation facilities to permit essential caregivers access during any period in which regular visitation is restricted. (5/8/24)

**Amending the tax code to make the credit for the adoption of special needs children refundable.** [H.R.2510](https://www.congress.gov/bill/118th-congress/house-bill/2510?q=%7B%22search%22%3A%22special+needs+children%22%7D&s=2&r=1) Representative Zachary Nunn (R-IA, 3rd). (4/6/24)

**Dignity and Autonomy for Our Supplemental Security Income PNA Beneficiaries Act Sponsor** [H.R.7697](https://www.congress.gov/bill/118th-congress/house-bill/7697?q=%7B%22search%22%3A%22Supplemental+Security+Income%22%7D&s=10&r=4)  Representative Daniel Kildee (D-MI, 8th). This legislation amends the Social Security Act to apply cost-of-living adjustments to the minimum monthly personal needs allowance for institutionalized individuals and couples under the supplemental security income program and require state supplementary payments under that program to be increased by the amount of each such adjustment. (3/15/24)

**Health Equity for People with Disabilities Act** [H.R.7503](https://www.congress.gov/bill/118th-congress/house-bill/7503?q=%7B%22search%22%3A%22disability%22%7D&s=6&r=15) Representative Donald Payne (D-NJ,10th) introduced this companion bill to Senator Casey’s bill [S.1219](https://www.congress.gov/bill/118th-congress/senate-bill/1219?q=%7B%22search%22%3A%22disability%22%7D&s=6&r=16) that would modify certain grants available to health centers that offer primary health services to medically underserved populations to ensure that members of such populations with disabilities receive accessible health services. (2/29/24)

* Read the Senator Casey’s [one-pager](https://aahd.us/wp-content/uploads/2023/05/HealthEquityforPeoplewDisability-SenCaseyand5cosponsors-04282023Caseyonepager.pdf).

**Words Matter Act of 2024** [S.3726](https://www.congress.gov/bill/118th-congress/senate-bill/3726?q=%7B%22search%22%3A%22disabled+children%22%7D&s=4&r=35)Senator Robert Casey (D-PA) This bill removes outdated terminology in specified statutes by replacing references to mentally retarded and mental retardation with intellectual disability. (2/1/24)

**Disability Community Act** [H.R. 7267](https://www.congress.gov/bill/118th-congress/house-bill/7267/all-actions) (Representatives Brian Fitzpatrick (PA-01) and Paul D. Tonko (NY-20). This legislation would support workers who serve individuals with intellectual and developmental disabilities (I/DD). The Disability Community Act amends title XIX (Medicaid) of the Social Security Act to temporarily establish a higher federal matching rate with respect to Medicaid expenditures for certain services furnished to individuals with developmental disabilities if such expenditures are attributable to compliance with specified regulations. (2/7/2024)

**Removing Access Barriers to Running for Elected Office for People with Disabilities Act** [S.3747](https://www.congress.gov/bill/118th-congress/senate-bill/3747?s=4&r=4) (Senator Casey). To allow individuals with disabilities to campaign for elected office without losing access to federally supported benefits. Referred to Finance Committee (2/7/2024).

**Supplemental Security Income (SSI) Restoration Act** [H.R.7138](https://www.congress.gov/bill/118th-congress/house-bill/7138?s=1&r=1). Reps. Schakowsky (IL-09), Grijalva (AZ-07), and Slotkin (MI-07). The bill modernizes and improves SSI by streamlining the claiming process, increasing asset limits, setting the minimum benefit at 100 percent of the Federal Poverty Level, and eliminating punitive reductions in benefits. Referred to House Ways and Means Committee (1/30/2024).

* The legislators point out in a [press release](https://schakowsky.house.gov/media/press-releases) that the SSI program has “been largely unchanged since its inception in 1972.”

**Marriage Equality for Disabled Adults** [H.R.6640](https://www.congress.gov/bill/118th-congress/house-bill/6640?q=%7B%22search%22%3A%22HR6640%22%7D&s=9&r=1) Representative Panetta (CA-19). The bill supports the rights of disabled adult children to marry by eliminating restrictions and consequences for married individuals who have a disability. Referred to the House Energy & Commerce Committee, Subcommittee on Health (12/6/2023).

**HCBS Relief Act of 2023** [S.3118](https://www.congress.gov/bill/118th-congress/senate-bill/3118?s=1&r=40) (Senator Casey) This bill temporarily increases (for two years) the federal Medicaid match (FMAP) to states for certain approved home and community based services (HCBS). As a condition for receiving the increased rate, a state must agree to undertake activities to improve the delivery of such services, such as by providing additional benefits to home health workers and by helping individuals who were relocated to nursing facilities move back to their homes. Referred to the Finance Committee (10/24/23).

* For further details, read Senator Casey’s [bill description.](https://www.casey.senate.gov/imo/media/doc/the_home_and_community-based_services_hcbs_relief_act_of_2023.pdf).

**Alleviating Barriers for Caregivers Act (ABC Act)** [S.3109](https://www.congress.gov/bill/118th-congress/senate-bill/3109?q=%7B%22search%22%3A%22S.3109%22%7D&s=5&r=1)(Senators Markey and Capito)

The ABC bill would require the Centers for Medicare & Medicaid Services (CMS) and Social Security Administration (SSA) to review their eligibility processes, procedures, forms, and communications for Medicare, Medicaid, CHIP, and the Social Security programs to reduce administrative challenges for beneficiaries and family caregivers. SNA signed on as an endorsing organization. (10/24/23)

* Read AARP’s [blog](https://blog.aarp.org/fighting-for-you/alleviating-barriers-for-caregivers)

**Disability Employment Incentive Act** [S.3076](https://www.congress.gov/bill/118th-congress/senate-bill/3076?s=4&r=27)(Senator Casey).This bill expands tax credits and deductions that are already in place for employers who hire and retain employees with disabilities. Referred to Finance Committee (10/18/2023).

**SSI Savings Penalty Elimination Act** [S. 2767](https://www.congress.gov/118/bills/s2767/BILLS-118s2767is.pdf)/[H.R. 5408](https://www.congress.gov/118/bills/hr5408/BILLS-118hr5408ih.pdf)

(Senators Brown and Cassidy and Reps. Higgins and Fitzpatrick) A bipartisan, bicameral push to reform the Supplemental Security Income (SSI) program which has not been updated in nearly 40 years and currently punishes older and disabled Americans for saving for emergencies. Referred to Senate Finance and House Ways and Means Committees (9/12/23).

* Read the joint [press release](https://www.brown.senate.gov/newsroom/press/release/brown-cassidy-announce-first-bipartisan-bicameral-bill-in-decades-to-update-supplemental-security-income-program).

**ABLE MATCH (Making ABLE a Tool to Combat Hardship) Act** [H.R. 5102](https://www.congress.gov/bill/118th-congress/house-bill/5102?q=%7B%22search%22%3A%22ABLE+MATCH+Act%22%7D&s=2&r=1)/[S.2522](https://www.congress.gov/bill/118th-congress/senate-bill/2522?q=%7B%22search%22%3A%22ABLE+MATCH+Act%22%7D&s=2&r=2)

(Rep. Dingell and Sen. Casey) The [*ABLE MATCH* Act](https://www.casey.senate.gov/news/releases/casey-introduces-bill-to-expand-access-to-savings-accounts-for-people-with-disabilities) helps people with lower incomes participate in the ABLE program by creating a federal dollar-for-dollar match for new and existing ABLE accounts held by individuals that make $28,000 annually or less. The match then tapers off for each dollar a person earns over $28,000. This figure is also indexed to inflation and adjusted for heads of household and married couples. The *ABLE MATCH Act* will reward low-income people with disabilities for saving money for their disability expenses and health needs. This addition to the ABLE program will help boost enrollment and improve the financial health of people with disabilities with lower incomes. Referred to House Ways and Means (8/1/23) and Senate Committee on Finance (7/26/23).

**Social Security 2100 Act** [H.R.4583](https://www.congress.gov/bill/118th-congress/house-bill/4583/text) Representative Larson (CT-01) and Senator Blumenthal (CT). This bill would implement a dozen changes to the Social Security Act with the goal of promoting its longevity and financial strength, increasing benefits, and eliminating punitive provisions. Referred to Health Subcommittee of the Energy & Commerce Committee (7/14/2023).

* Read the [fact sheet](https://larson.house.gov/sites/evo-subsites/larson.house.gov/files/evo-media-document/overall-one-pager_0.pdf).

**Work Without Worry Act** [S.2196](https://www.congress.gov/bill/118th-congress/senate-bill/2196?q=%7B%22search%22%3A%22S.2196%22%7D&s=7&r=1) (Senators Wyden and Cassidy)

This bill modifies eligibility for Social Security Disability Insurance (SSDI) benefits for individuals who have a disability that began before age 22. Under current law, these individuals may obtain SSDI benefits based on the work record of a retired, disabled, or deceased parent. However, an individual with earnings after age 22 that exceed a specified monetary limit (i.e., constitute substantial gainful activity) permanently loses eligibility for such benefits. This bill allows individuals to retain eligibility for such benefits regardless of the amount of earnings after age 22. Additionally, individuals who apply for SSDI benefits on a parent's record and also independently qualify for Social Security benefits on their own record will receive the larger of the two benefit amounts. Referred to Committee on Finance (6/22/23).

**Autism Family Caregivers Act of 2023** [S.1333](https://www.congress.gov/bill/118th-congress/senate-bill/1333?q=%7B%22search%22%3A%22S.1333%22%7D&s=4&r=1)/[H.R. 2965](https://www.congress.gov/bill/118th-congress/house-bill/2965?q=%7B%22search%22%3A%22HR+2965%22%7D&s=5&r=1) (Sen. Menendez and Rep. Meng)  To award grants to provide evidence-based caregiver skills training to family caregivers of children with autism spectrum disorder or other developmental disabilities or delays using a Caregiver Skills Training Pilot Program. Referred to Senate HELP and House Energy and Commerce committees (4/27/23).

**Protection and Advocacy for Student Success Act** – [H.R.4481](https://www.congress.gov/bill/118th-congress/house-bill/4481/text?s=9&r=1&q=%7B%22search%22%3A%22Protection+and+Advocacy+in+Education+Act%22%7D) (DeSaulnier) To authorize grants to establish a national education protection and advocacy program to enforce the rights and protections under the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973, and for other purposes. Referred to the House Committee on Education and the Workforce (7/6/23).

**Social Security Expansion Act** – [H.R.1046](https://www.congress.gov/bill/118th-congress/house-bill/1046?q=%7B%22search%22%3A%5B%22Social+Security+Expansion+Act+of+2022%22%5D%7D&s=4&r=1) / [S.393](https://www.congress.gov/bill/118th-congress/senate-bill/393?q=%7B%22search%22%3A%5B%22Social+Security+Expansion+Act+of+2022%22%5D%7D&s=4&r=2) (Schakowsky and Sanders) Extends the life of the Old Age, Survivors, and Disability Insurance (OASDI) for the next 75 years while requiring payroll taxes on incomes of $250,000 and above, and for other purposes. Referred to Ways and Means, Education and the Workforce, and Transportation and Infrastructure in the House; Committee on Finance in the Senate (2/13/23).

* Read the [fact sheet](https://www.sanders.senate.gov/wp-content/uploads/Social-Security-Expansion-Act-one-pager-Final.pdf) published by Senator Sanders’s office
* Read the [analysis](https://www.sanders.senate.gov/wp-content/uploads/SandersLetter-2023-0213.pdf) by the SSA
* Read an [opinion piece](https://thehill.com/opinion/finance/3889950-sanderss-latest-shot-in-the-social-security-wars-could-wound-us-all/) published in *The Hill* newspaper

**Stop the Wait Act of 2023 –** [H.R.883](https://www.congress.gov/bill/118th-congress/house-bill/883?q=%7B%22search%22%3A%5B%22Stop+the+Wait+Act%22%5D%7D&s=6&r=2)/ [S.320](https://www.congress.gov/bill/118th-congress/senate-bill/320?q=%7B%22search%22%3A%5B%22Stop+the+Wait+Act%22%5D%7D&s=6&r=1) (Doggett and Casey) Directs the Social Security Administration to phase out the five-month waiting period to receive SSDI benefits and allow those who are uninsured or unable to afford health insurance to immediately receive Medicare coverage. Referred to the Ways and Means and Energy and Commerce in the House and Finance in the Senate (2/9/23).

* Read more about the bill and its [supporters](https://doggett.house.gov/media/press-releases/stop-wait-remove-harmful-health-care-barriers-individuals-disabilities-0)

**Social Security Fairness Act of 2023 –** [H.R.82](https://www.congress.gov/bill/118th-congress/house-bill/82?q=%7B%22search%22%3A%5B%22Fairness+in+Social+Security+Act%22%5D%7D&s=5&r=2) / [S.597](https://www.congress.gov/bill/118th-congress/senate-bill/597?q=%7B%22search%22%3A%5B%22Fairness+in+Social+Security+Act%22%5D%7D&s=5&r=3) (Graves and Brown) Amends the Social Security Act to repeal the government pension offset and windfall elimination provisions. Referred to Ways and Means in the House and Finance in the Senate (1/9/23).

**Fair COLA for Seniors Act of 2023** – [H.R.716](https://www.congress.gov/bill/118th-congress/house-bill/716?q=%7B%22search%22%3A%5B%22Fairness+in+Social+Security+Act%22%5D%7D&s=5&r=4) (Garamendi) Requires Social Security to use the Consumer Price Index for the Elderly (CPI-E) to calculate a fairer cost of living adjustment (COLA) for seniors. The Bureau of Labor Statistics of the Department of Labor must publish that price index monthly. Referred to Ways and Means; Veterans' Affairs; Oversight and Accountability (2/1/23).

* Read about the [Consumer Price Index for the Elderly](https://www.socialsecurityintelligence.com/how-the-cpi-e-compares-with-the-cpi-w-for-the-annual-social-security-cola/)

**Protecting Health Care for All Patients Act of 2023** – [H.R.485](https://www.congress.gov/bill/118th-congress/house-bill/485?q=%7B%22search%22%3A%5B%22HR+485%22%5D%7D&s=1&r=1) (McMorris Rodgers) Amends the Social Security Act to prohibit the use of quality-adjusted life years (QALYs) and similar measures in coverage and payment determinations under Federal health care programs (introduced 1/24/23, referred to Energy and Commerce and Ways and Means; on 3/8/23, forwarded by Energy and Commerce Subcommittee on Health to the full committee by voice vote.)

**Better Care Better Jobs Act** – [H.R.547](https://www.congress.gov/bill/118th-congress/house-bill/547?q=%7B%22search%22%3A%5B%22Better+Care++Better+Jobs+Act%22%5D%7D&s=3&r=2) / [S.100](https://www.congress.gov/bill/118th-congress/senate-bill/100?q=%7B%22search%22%3A%5B%22S+100%22%5D%7D&s=1&r=1) (Dingell and Casey) Provides funds for the Centers for Medicare & Medicaid Services to award planning grants, develop quality measures, and provide technical assistance to states regarding specified HCBS improvements, particularly with respect to access, utilization, and the associated workforce. Referred to House Energy and Commerce and to Finance in Senate (1/26/23). The bill also:

* increases the Federal Medical Assistance Percentage (i.e., federal matching rate) for HCBS in states that develop plans and meet specified benchmarks for improvements,
  + makes permanent Money Follows the Person Rebalancing Demonstration Program (a grant program to help states increase the use of HCBS for long-term care and decrease the use of institutional care), and
  + makes permanent certain provisions regarding Medicaid eligibility that protect against spousal impoverishment for recipients of HCBS.
* Read the [joint press release](https://www.casey.senate.gov/news/releases/casey-dingell-introduce-bill-to-provide-historic-permanent-investment-in-home-care-for-seniors-and-people-with-disabilities) of Rep. Dingell and Sen. Casey

**Social Security Terminology Changes to Help Americans Plan Better for Retirement** S.[692](https://www.congress.gov/bill/118th-congress/senate-bill/692/text?s=2&r=2&q=%7B%22search%22%3A%5B%22social+security%22%5D%7D) (Cassidy) Requires SSA to make changes to the terminology used in the rules, regulations, guidance, and other materials. Specifically,

* the term “early eligibility age” is replaced with the term “minimum benefit age”
* the terms “full retirement age” and “normal retirement age” are replaced with the term “standard benefit age” and
* the term “delayed retirement credit” shall not be used and any reference to age 70 as the maximum age up to which delayed retirement credits can be received shall be replaced with the term “maximum benefit age.”
* Read the [joint press release](https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-kaine-collins-coons-introduce-legislation-to-help-americans-better-plan-for-retirement) of Senators Cassidy, Kaine, Coons, and Collins.

**Transformation to Competitive Integrated Employment Act** – [H.R.1263](https://www.congress.gov/bill/118th-congress/house-bill/1263?q=%7B%22search%22%3A%5B%22Social+Security+disability%22%5D%7D&s=7&r=33) / [S.533](https://www.congress.gov/bill/118th-congress/senate-bill/533?q=%7B%22search%22%3A%5B%22Social+Security+disability%22%5D%7D&s=7&r=32) (Scott and Casey) Assists employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 in transforming their business and program models to models that support individuals with disabilities through competitive integrated employment, to phase out the use of such special certificates, and for other purposes. Referred to House Committee on Education and the Workforce and to Committee on Health, Education, Labor, and Pensions in the Senate (2/27/23).

“This work started with creating and expanding ABLE accounts, which are empowering individuals with disabilities to reach their full potential. Today, with this bipartisan legislation, it continues onto the next policy frontier – employment,” said Rep. McMorris Rodgers (WA-05, R)

* Read the [joint press release](https://mcmorris.house.gov/posts/mcmorris-rodgers-reintroduces-bipartisan-bicameral-legislation-to-create-equal-opportunities-in-employment-for-workers-with-disabilities) of Senators Casey and Daines and Reps. Scott and Rodgers
* GAO Report: Despite Progress, Workers with Disabilities Still at High Risk of Earning Subminimum Wage: report [highlights](https://www.gao.gov/assets/gao-23-105116-highlights.pdf) or [full report](https://www.gao.gov/products/gao-23-105116)

**Healthcare Worker Retention Act** - [H.R. 1215](https://www.congress.gov/bill/118th-congress/house-bill/1215?q=%7B%22search%22%3A%5B%22Disabled%22%5D%7D&s=2&r=7) (Magaziner) Establishes through 2024 a new refundable health care worker tax credit, equal to $1,000 for individual taxpayers (1) who work in a healthcare setting as an employee or contractor for at least an average of 20 hours per week, and 3 months during each half of a taxable year; and (2) whose gross income does not exceed $100,000 ($200,000 for joint returns or for a surviving spouse). The bill defines *healthcare setting* as an organization that provides healthcare services in specified settings, including a hospital, a nursing home, a community-based healthcare center, a school or college campus, a primary care facility, an assisted living facility, a hospice or home care, emergency medical services, or any other licensed facility that extends healthcare services to patients, including the elderly and disabled. Referred to House Ways and Means (2/27/23).

**MISCELLANEOUS**

**ABLE Act distributions/contributions** are included in the list of [Federally Mandated Exclusions From Income-Updated Listing](https://www.federalregister.gov/documents/2024/01/31/2024-01873/federally-mandated-exclusions-from-income-updated-listing)

Background from the Housing and Urban Development Department (HUD): Certain HUD programs require income and asset calculations to determine eligibility and levels of assistance. Some HUD programs are required by statute to perform income and asset determinations and other HUD programs apply these requirements administratively through regulations, notices, contract agreements, etc. Any HUD program that requires income calculations for these purposes must not consider sources or amounts of income that are specifically excluded by Federal law.

* According to the Federal Register Notice of 1/31/2024, the following has been added to the list of exclusions:

“Adds the value of, distributions from, and certain contributions to Achieving Better Life Experience (ABLE) accounts established under the ABLE Act of 2014 ([Pub. L. 113–295](https://www.govinfo.gov/link/plaw/113/public/295).), listed as exclusion (28).”

**Ageism in Campaigning Detracts from Examining Policies and Leadership Ability**

The presidential election has generated a great deal of attention around the age of the candidates. Here is [Guidance from the National Center to Reframe Aging](https://www.reframingaging.org/Portals/0/pdfs/GSA6314%20(NCRA%20Election%20Ageism%20Guide)Final2-web%20(1).pdf?ver=5yKYF7JLhKam84qQCPxLGQ%3d%3d) on how to evaluate candidates based on the experience, capabilities, and knowledge of the candidates rather than the chronological years they have accumulated.