



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 25, 2021

The Hon. Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Hon. Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Hon. Charles Schumer
Majority Leader
U.S. Senate
Washington, DC 20510

The Hon. Mitch McConnell
Minority Leader
U.S. Senate
Washington, DC 20510

Dear Madam Speaker, Majority Leader Schumer, Leader McCarthy, and Leader McConnell:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Employment and Training Task Force write to you concerning the consequential legislation that is now under development by Congress to implement the American Jobs Plan and American Families Plan articulated by President Joseph R. Biden. CCD is a coalition of national rights, advocacy, consumer, provider, and self-advocates organizations representing the nation's 61 million people with disabilities. The Employment and Training Task Force concerns itself with policies and programs affecting their ability to achieve economic self-sufficiency through competitive, integrated employment. It is vitally important that employment issues affecting these Americans with disabilities are specifically addressed in measures to implement the President's vision and we urge you to ensure the inclusion of the measures identified below in the final legislative package.

People with disabilities, including veterans with significant disabilities, continue to struggle to gain financial security through employment. While the latest jobs report indicated a hopeful uptick in labor force participation among working age people with disabilities from 33.4 percent in March to 33.7 percent in April 2021, their numbers continually lag far behind those for working-age people without disabilities.¹ Among veterans with significant service-connected disabilities, Gulf War-era II veterans with a disability rating of 60 percent or higher were far less likely to be in the workforce than veteran counterparts with lower ratings.²

¹ Kessler Foundation, nTIDE Monthly Report - https://kesslerfoundation.org/press-release/nTIDE-April-2021-Jobs-Report?utm_source=Newsletter&utm_medium=Email&utm_campaign=nTide_April_2021_Jobs_Report

² Bureau of Labor Statistics, March 2021 Press Release - <https://www.bls.gov/news.release/vet.nr0.htm>

President Biden offered an extensive set of policy proposals affecting the lives of people with disabilities in his 2020 campaign platform. Within these plans are ample opportunities for Congress to fulfill those promises to break down barriers to employment for people with disabilities.

Ensure Compliance with ADA and Section 504 in American Jobs Plan Spending

During the campaign, President Biden promised to safeguard against efforts to weaken the ADA and push for strong ADA compliance by employers, state and local governments, private commercial entities and all others covered by the titles of the ADA. His platform also recognized the obligations imposed by Section 504 of the Rehabilitation Act on programs and projects receiving federal funds.

As you know, the ADA's Title I contains important protections against disability discrimination by employers of 15 or more workers. The ADA also prohibits discrimination on the basis of disability in state and local government services (Title II) and places of public accommodation and commercial facilities (Title III) and Title IV covers accessibility in telecommunications. Section 504 of the Rehabilitation Act prohibits discrimination against people with disabilities in programs that receive federal financial assistance and works together with the ADA and Individuals with Disabilities Education Act (IDEA) to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs, and the community. With billions of dollars in federal spending under the American Jobs Plan being directed to states and localities, federal projects, and public-private partnerships, it is imperative that recipients of these federal funds understand their obligations to fulfill the requirements not only of the Americans with Disabilities Act (ADA) but also those of Section 504 of the Rehabilitation Act.

Phase out 14(c) subminimum wage as part of the American Jobs Plan

We applaud the call in the American Jobs Plan for a phased elimination of the 14(c) subminimum wage program. An effective phase-out of Section 14(c) of the Fair Labor Standards Act must involve the building of necessary infrastructure and supports to ensure that better alternatives are available after the transition. The task force urges Congress to provide sufficient funding for grants to states and providers to expand competitive integrated employment and provide services for all people affected by the shift.

Ensure Federal Contractor Compliance with Section 503 and VEVRAA in American Jobs Plan Contracts

The 2020 platform also contained assurances that those working for the federal government or for government contractors would "reflect the diversity of our country, including people with disabilities." The American Jobs Plan provisions directing funds to federal contractors should specifically stipulate that recipients of these funds have a demonstrated compliance record with Section 503 and VEVRAA. These laws require companies with certain levels of federal contracts to take affirmative steps to recruit and hire people with disabilities and targeted veterans, including those with disabilities. Companies found to have violated these laws should be barred from contracts under the American Jobs Plan. The Task Force has offered extensive comments to the Office of Federal Contract Compliance Programs (OFCCP) for strengthening enforcement and enhancing compliance by federal contractors of their obligations under Section 503 and VEVRAA [<http://c-c-d.org/fichiers/CCD-Ideas-for-OFCCP-2021-FINAL.pdf>].

Workforce Development Must Explicitly Include People with Disabilities

The American Jobs Plan calls for investing billions of dollars in workforce development programs targeted at underserved groups and calls specifically for targeting underserved communities that have experienced structural racism and persistent economic inequities. Funds under the plan would enhance the American workforce development infrastructure and create one to two million new registered apprenticeships slots and strengthen the pipeline for more women and people of color to access these opportunities through successful pre-apprenticeship programs such as the Women in Apprenticeships in Non-Traditional Occupations. The President's plan includes funding to strengthen the capacity of labor enforcement agencies to protect against discrimination, protect wages and benefits, enforce health and safety safeguards, strengthen health care and pensions plans, and promote union organizing and collective bargaining.

The American Jobs Plan "demands that employers benefitting from these investments follow strong labor standards" and asks Congress to "tie federal investments in clean energy and infrastructure to prevailing wages and require transportation investments to meet existing transit labor protections." The plan further calls on Congress to "provide the federal government with the tools it needs to ensure employers are providing workers with good jobs – including jobs with fair and equal pay, safe and healthy workplaces, and workplaces free from racial, gender, and other forms of discrimination and harassment. In addition to a \$10 billion investment in enforcement as part of the plan's workforce proposals, the President is calling for increased penalties when employers violate workplace safety and health rules."

The task force appreciates the extensive proposals set out by the Administration under the Workforce Development components of the American Jobs Plan but would welcome more explicit assurances that women and people of color with disabilities are among those populations identified for particular attention in these provisions. Moreover, if Congress is to enact various enforcement provisions to ensure worker protections under the American Jobs Plan, it should include specific references to the ADA and Section 504.

Two measures that address many of the American Jobs Plan elements pertaining to apprenticeships and workforce system development are the National Apprenticeship Act and Relaunching America's Workforce Act. Both pieces of legislation have multiple provisions that would ensure people with disabilities are included among those whom the American Jobs Plan is intended to benefit. The task force urges Congress to incorporate their provisions into the final jobs plan package.

Fully Fund State Vocational Rehabilitation Programs as part of the American Jobs Plan

The American Jobs Plan must include full funding for the state vocational rehabilitation (VR) program. In its 2021 recommendations for the 117th Congress [<http://c-c-d.org/fichiers/CCD-Employment-and-Training-TaskForce-117th-Cong-Recommendations-12-20.pdf>], this task force noted that, according to the Annual Disability Statistics Compendium, 186,570 Americans with disabilities and 175,542 people with significant disabilities obtained employment through state vocational rehabilitation agencies. Such programs operate by having the federal government match nearly \$4 for every \$1 that is spent by the individual states. Given the significant budgetary cutbacks now being made by state governments, there is a serious risk that state VR agencies will fail to meet their full match requirements in the months ahead. As such, Congress needs to continue to adequately fund the nation's vocational rehabilitation

program at a time when it is so sorely needed. For the duration of the crisis, it may be necessary to prioritize a waiver of the state/federal match requirements considering the scope of need and devastated state budgets. We also recommend that Congress increase funding for the Client Assistance Program which provides support and advocacy for individuals with disabilities working with state Vocational Rehabilitation (VR) agencies.

Opening Career Pathways into the Caring Economy for Youth with Disabilities

LeadingAge, which represents service providers in the sector, estimates that half of all Americans will need long-term services and supports after turning 65, and that by 2040, a quarter of the U.S. population will be 65 or older. This rapid increase in demands for services also is creating a massive demand for eldercare workers. This week, the House Education and Labor Committee introduced the CARE Opportunity Act to invest in expanding the workforce of eldercare workers.

Meeting this labor force need is also the perfect opportunity for the Biden Administration to capitalize on the aspirations of people with disabilities by investing in replicable models of training for transition-age youth with disabilities. Models of effective supports for youth exist and these include employer-driven programs, apprenticeship models, advanced career pathways, youth mentoring, and work-based learning opportunities for youth. These programs are led by state agencies and community-based organizations across the country. Additional resources and supports for programs that focus specifically on youth, particularly those who are disconnected from school and work, will ensure that youth with disabilities are part of the current and future labor market.

Tax Proposals Should Advance Disability Employment and Inclusion

The task force notes that the Administration proposes numerous changes to the tax code including expansion of the child tax credit and earned income tax credit (EITC) for workers without dependent children and making permanent the ACA premium tax credit and the Child and Dependent Care Tax Credit.

Congress can fulfill one more promise of President Biden by including within this array of tax code changes the Disability Employment Incentive Act (DEIA). This bill would expand the Work Opportunity Tax Credit for employers who hire a person with a disability through a state Vocational Rehabilitation agency or a person with a disability who is currently on benefits. The credit covers 40 percent of the new hire's salary for the first year of employment, thereby raising the available tax credit to a maximum of \$5,000. The WOTC provision of DEIA also supports retention of workers with disabilities offering a tax credit for employers for a second year of employment. Beyond hiring, DEIA also addresses long overdue improvements in tax credits and deductions for businesses that remove architectural and transportation barriers from pre-1990 facilities and buildings. This too should be a part of any infrastructure plans.

Wage and Benefit Improvements Must Not Adversely Affect Employment of People with Disabilities

Finally, the American Jobs Plan fulfills important components of the 2020 platform by its call to eliminate the subminimum wage, for a major increase in access to home and community-based services (HCBS) and for creation of a national paid leave program. The task force has offered extensive comments on employment issues in the HCBS Access Act [<http://c-c-d.org/fichiers/CCD-ETTF-HHA-Comments-FINAL-4-26-21.pdf>] which we commend to your attention. In considering an increase in the minimum wage, policymakers must understand and address the potential for creating a serious work

disincentive for many individuals with disabilities who receive Social Security Disability Insurance (SSDI). Once someone reaches the substantial gainful activity (SGA) level under Title II disability benefits, they lose those SSDI benefits along with ancillary benefits for their dependents as well as access to Medicare. Raising the minimum wage will mean that workers with disabilities will confront the SGA threshold much sooner and may have to reduce their hours or even leave the workforce to retain their benefits under Social Security. These issues must be addressed if the minimum wage is raised.

We thank you for your attention to our recommendations and look forward to working with you and your colleagues to ensure that the final American Jobs Plan responds to the employment needs of Americans with disabilities. If you would like to learn more about the CCD Employment and Training Task Force recommendations, please feel free to contact any of the task force cochairs - Julie J. Christensen, PhD, LMSW, (APSE), 301-279-0060, julie@apse.org; Alicia Epstein, SourceAmerica, 703-584-3987, aepstein@sourceamerica.org; Phillip Kahn-Pauli, Respectability, 202-517-6272, philipp@respectability.org; Susan Prokop, Paralyzed Veterans of America, 202-416-7707, susanp@pva.org.

Sincerely,

American Association of People with Disabilities
American Council of the Blind
American Foundation for the Blind
American Printing House for the Blind, APH
APSE
Association of University Centers on Disabilities (AUCD)
Cure SMA
Easterseals
Goodwill Industries International, Inc.
Institute for Educational Leadership
National Association of Councils on Developmental Disabilities
National Association of State Directors of Developmental Disabilities Services (NASDDDS)
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National Organization on Disability
Paralyzed Veterans of America
RespectAbility
TASH
The Arc of the United States
United Spinal Association
United States International Council on Disabilities

CC: Members of the House and Senate