

# Politics

## Here are some of the most important issues for people with disabilities

### Work and Benefits

Many people with disabilities are unable to fully financially support themselves and rely on benefits like Social Security, Medicare, and Medicaid. People with disabilities who need to work but still rely on benefits constantly worry about earning “too much” and losing benefits – this is often referred to as a “benefits cliff.” **People with disabilities can even still be legally paid below minimum wage:** a loophole allows employers that hold a 14(c) certificate to pay employees with disabilities less than the federal minimum wage (\$7.25/hour).



**“The subminimum wage sends a message to the disability community that their work isn’t as valuable as the work done by able-bodied people.”**

–Senator Tammy Duckworth of Illinois (D)

The National Organization on Disability has been working to support the phase out of the use of 14(c) certificates, as well as the practice of paying subminimum wage. Senators Bob Casey of Pennsylvania and Christ Van Hollen of Maryland plan to reintroduce the Transformation to Competitive Employment Act, which phases-out the subminimum wage for individuals with disabilities while providing supports to providers who currently employ individuals with disabilities at subminimum wages. The House has already reintroduced their version of this bill. In addition, President Biden has proposed including \$2 billion to phase-out the use of 14(c) certificates in a broad economic recovery plan, which Democrats in Congress plan to consider this fall. NOD has been supporting all of these efforts through direct advocacy.

## Long-Term Care

Millions of elderly people and people with disabilities of all ages need some kind of help from others on a daily basis. Traditionally, this has meant moving into some kind of facility, but to remain independent, you have to fight. Funding for Home and Community-Based Services (HCBS) can help support long-term care.

NOD helped to secure additional funding for HCBS through the Centers for Medicare and Medicaid Services (CMS) in the American Rescue Plan Act signed by President Biden in March 2021. In the next broad economic recovery plan, we expect to see additional dollars for HCBS. While HCBS funding is essential, the public and legislators do not fully understand the impact of such funding on enabling employment. We are implementing a messaging campaign to highlight that HCBS ensures that people can get the services they need to live independently and to work.

For example, HCBS funding could be used for direct support staff, including job coaches, so that individuals with disabilities have the supports they need to work effectively. Funding could be used for job developers to help individuals with disabilities understand their options and gain or regain meaningful employment. Elsewhere, funding can go toward assistive technologies that facilitate productive work, transportation to in-person work, or ability to work virtually as many companies plan to remain remote.

While it is clear that HCBS can be used for a variety of ways to support for individuals with disabilities remain in their community, states often overlook that this funding can be used to bolster employment opportunities. As such, we are working with states to explicitly outline how HCBS funding and resources are eligible for employment support for individuals with disabilities.

## Accessibility

Anybody with a disability has at some point experienced a complication or difficulty in their personal or professional life due to inaccessibility. This could mean a physical barrier like restrooms that are too small or a dangerous ramp, as well as inaccessible documents, websites and apps. The ADA has done a lot to make communities more accessible, and we are pleased to see the Biden Administration celebrate the ADA's anniversary and work hard to protect it. Unfortunately, barriers remain, and support for protecting and enhancing the ADA is not unanimous.

## Education

Even 30 years after the Individuals with Disabilities Education Act, parents of children with disabilities still battle teachers and administrators for accommodations. Teachers struggle in the classroom while administrators worry about I.D.E.A. and ADA compliance. Advocates continue to support full funding of the I.D.E.A. Congress is also looking at workforce policies and reviewing how they overlap with education issues.

## Safety

While safety has always been a concern for people with disabilities, the COVID-19 pandemic and the resurgence of police violence have only complicated this issue. There are no reliable national statistics for how many people with disabilities are killed by police each year. However, Time magazine and other reputable sources estimate that between one-third and one-half of people killed by police have disabilities.

## The ways Congress and the Administration can make the biggest difference in disability employment include:

1. Restructuring benefits and healthcare to remove disincentives
2. Increasing employer incentives
3. Ending subminimum wage
4. Supporting Home and Community Based Services, including for employment



**“Ensuring that people with disabilities have access to equal employment opportunities isn’t only about civil rights. It is a bipartisan issue. America’s success in the world depends on how well we inspire and put to use the talents and energies of every person in this country.”**

–Governor Tom Ridge, Chairman NOD

# Current legislation

## addressing the injustices people with disabilities



### The Raise the Wage Act (S. 150)

Sets forth a schedule of annual increases in the federal minimum wage for individuals with disabilities and eliminates special certificates for the payment of subminimum wages to such individuals.



### The Disability Integration Act (S. 117)

Prohibits government entities and insurance providers from denying community-based services to individuals with disabilities that require long-term service or support that would enable those individuals to live in the community and lead an independent life.



### Better Care Better Jobs Act (S. 2210)

- Increase the federal funding match to states for home and community services by 10%, including additional funds to improve service-delivery systems that would make them more widely available and help eliminate those long-standing waiting lists.
- Add funding to states for other improvements, including programs to increase care workers' pay and benefits, and require establishing of state ombudsman programs specifically to monitor home and community service quality.
- Permanently protect married couples from the need to impoverish themselves to qualify for Medicaid-funded services.
- Make the successful "Money Follows The Person" program permanent — which would continue to help people actually leave congregate care and return to more independent living in their own homes.



### Disabled Access Credit Expansion Act of 2021 (S. 2481)

- Increase the maximum Disabled Access Credit available to small businesses for accessibility improvements from the current limit of \$5,000 up to \$10,125.
- Broaden the definition of "small business" for this credit from the current criteria of \$1 million gross receipts or less up to \$2.5 million or less per year.
- Appropriate an additional \$1 million to the U.S. Department of Justice ADA Mediation Program, to help resolve ADA complaints before they become lawsuits.
- Require the Justice Department to report annually on the kinds of inquiries they receive on its ADA information hotline.

The information in this section was obtained from Forbes, The Atlantic, and Congress.gov.



## The Transformation to Competitive Employment Act (H.R. 873)

Grants states and other eligible entities assistance in transforming their business and program models to support individuals with disabilities, prohibits subminimum wages to disabled individuals and phases out existing subminimum wages over a six-year period.



## Supplemental Security Income Restoration Act (H. R. 3763)

- Increase the current maximum monthly SSI benefit from \$794 per month up to at least 100% of poverty level.
- Increase the amount of assets SSI recipients can have and remain eligible for the benefit, from the current \$2,000 up to \$10,000 for individuals, and from \$3,000 up to \$20,000 for married couples.
- Increase the amount of income SSI recipients can earn and remain eligible for the benefit, up to \$399 per month from working and \$123 per month from other income sources.
- Eliminate the SSI marriage penalty and increase benefits for married couples.
- Eliminate benefit reductions that are currently triggered by in-kind help from friends or family.



## Disability Employment Incentive Act (H.R. 3765)

- Raise the maximum available Work Opportunity Tax Credit for hiring a disabled worker, from the current limit of \$2,400 up to \$5,000, as well as adding add a tax credit of up to \$2,500 for employers that retain a disabled worker for a second year after hiring.
- Raise the maximum Disability Access Expenditures Tax Credit available to small businesses, for expenses related to improving accessibility, from the current limit of \$5,000 up to \$10,000.
- Raise the maximum Architectural and Transportation Barrier Tax Credit available to all businesses for accessibility improvements from \$15,000 to \$30,000.

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