



# Federal Disability Inclusive Employment Policy Update

June 30, 2021



# Summary of activities to date (Jan-June)

- The first 6 months of 2021 have been largely consumed by transition-related activities, as the Biden Administration and the 117<sup>th</sup> Congress began their tenure.
  - Legislative priorities have focused on continued COVID relief and infrastructure.
  - For disability inclusive employment, there are three areas of primary concern:
    - Phase out of 14c
    - Reauthorization of WIOA
    - HCBS expansion



# Congressional & Administrative Policy Updates

# Legislative paths for 14c phase-out

- Raise the Wage ([HR603](#), [S53](#)) introduced
  - Unclear path in the Senate
- Transformation to Competitive (Integrated) Employment Act ([HR2373](#))
  - House Bill introduced
  - Senate Bill is still on hold
- [American Jobs Plan](#) - Includes \$2 billion funding to phase out 14(c)
  - Budget reconciliation process is a barrier
- NOTE: Four states passed legislation in 2021 to eliminate subminimum wage: WA, HI, CO, DE
  - Read APSE's white paper on the [Trends and Current Status of 14\(c\)](#)

# WIOA Reauthorization

- Both the House and Senate have announced intent to move forward with WIOA reauthorization
  - Timing on this is uncertain; pushed back due to infrastructure negotiations
  - [APSE's statement on WIOA reauthorization](#)
- Status updates:
  - House: Stated intention to protect Title 4
  - Senate: Leaning towards protection of Title 4, but not yet confirmed

# HCBS Expansion

- [American Jobs Plan](#) – includes \$400 billion for HCBS
  - Better Care Better Jobs Act ([S2210](#))
    - The current version of the HCBS spend bill needs to be strengthened to ensure that employment services & supports are included
- HCBS Access Act – not yet introduced
  - Seeks to mandate HCBS in Medicaid to provide critical services, creating national, minimum requirements for home and community-based services, and make it possible to enhance those services and the long-term care workforce.
    - Provider pay and rate structures of States for HCBS;
    - Workforce development, including but not limited to, wages and benefits for direct service workers and personal care attendants as well as training and recruitment;
    - HCBS infrastructure in States that support family caregivers, provider agencies, and independent providers, including but not limited to, housing, transportation, employment and enrollment systems and processes;
    - Other related policies and programs, such as Money Follows the Person and spousal impoverishment protections.

# Other Administrative Efforts

- Read APSE's [letter to the Senate HELP Committee leadership](#) (4/8/21) regarding the intent to reauthorize WIOA.
- Read APSE's [response to RSA](#) (4/8/21) on the proposed guidance that clarifies the Department of Education's policy on the criterion for an integrated employment location in the definition of "competitive integrated employment," for purposes of the State Vocational Rehabilitation (VR) Services program.

# Federal Legislation Tracking

<https://apse.org/legislative-advocacy/>

# Legislation APSE Supports in the 117<sup>th</sup> Congress

American Rescue Plan ([HR1319](#)) (**Signed into Law**)

ABLE Age Adjustment Act ([HR1219](#) / [S331](#))

Disability Employment Incentive Act ([S630](#))

National Apprenticeship Act ([HR447](#))

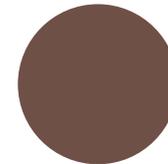
Raise the Wage Act ([HR603](#), [S53](#))

Relaunching America's Workforce Act ([HR602](#) / [S200](#))

Transformation to Competitive Integrated Employment Act ([HR 2373](#))

SSI Restoration Act ([HR3824/S2065](#))

Work without Worry Act ([HR4003/ S2108](#))



# American Rescue Plan ([HR1319](#))

APSE Priority Area: HCBS

Status: Signed into law

COVID-19 Stimulus Package includes:

- 10% FMAP bump
  - Increase from 7.35% in House bill
- Extension of supplemental unemployment insurance (\$300/wk through Sept. 6)
  - Some states are ending sooner
- \$360 billion for state & local government aid

NOT included:

- Minimum wage increase & 14c elimination

# ABLE Age Adjustment Act ([HR1219](#) / [S331](#))

- APSE Priority Area: ABLE
- Status:
  - House: (**62**) co-sponsors, bipartisan
    - Referred to the [Committee on Ways and Means](#)
  - Senate: (**12**) co-sponsors, bipartisan
    - Referred to [Committee on Finance](#)
- Advocacy Resource: coming soon!
- Increases age of onset of disability limit from 26 to 46 years of age
- *Reintroduction of legislation introduced in the 116<sup>th</sup> Congress*

# Disability Employment Incentive Act ([S630](#))

- APSE Priority Area: E1 (general)
- Status: (7) co-sponsors, all Democrats
  - Read twice and referred to [Committee on Finance](#)
- Advocacy Resource: [APSE's Letter of Support](#)
- Increases to:
  - Work Opportunity Tax Credit
  - Disability Access Expenditures Tax Credit
  - Architectural and Transportation Barrier Tax Credit
- *Reintroduction of legislation introduced in the 116<sup>th</sup> Congress*

# National Apprenticeship Act ([HR447](#))

- APSE Priority Area: E1 (general)
- Status: Passed the House with bipartisan support; awaits action in the Senate
  - Received in the Senate; Read twice and referred to the [Committee on Health, Education, Labor, and Pensions](#)
- Advocacy Resource: coming soon!
  
- To provide an influx of funding to modernize apprenticeship and create new career opportunities
  - Invests \$3.5 Billion in the Apprenticeship System
  - Creates 1 Million New Apprenticeship Opportunities, With a Focus on New Occupations and New Populations
    - The legislation also establishes a national framework for engaging employers and expanding apprenticeship opportunities for women, people of color, veterans, and people who may face barriers to employment, including **people with disabilities** and formerly incarcerated individuals.

# Raise the Wage ([HR603](#), [S53](#))

- APSE Priority Area: 14(c)
- Status:
  - House – (198) co-sponsors, all Democrats
    - Status: Referred to the [Committee on Education and Labor](#).
  - Senate – (37) co-sponsors, all Democrats
    - Status: Read twice and referred to the [Committee on Health, Education, Labor, and Pensions](#).
- Broader minimum wage package (“Race to \$15”)
- Includes phase out of 14c (without grants to states)

# Relaunching America's Workforce Act ([HR602](#) / [S200](#))

- APSE Priority Area: COVID relief
- Status:
  - House: (26) co-sponsors, all Democrats
    - Referred to [Committee on Education and Labor](#)
  - Senate: (9) co-sponsors, all Democrats
    - Referred to [Committee on Health, Education, Labor, and Pensions](#)
- To provide State and local workforce and career and technical education systems the support to respond to the COVID-19 national emergency.
  - Provides over \$11 billion to the state and local public workforce system to support dislocated workers, employers, youth, and adults who are seeking jobs

# Transformation to Competitive Integrated Employment Act ([HR 2373](#))

- APSE Priority Area: 14(c)
- Status:
  - House: (16) co-sponsors, bipartisan
    - Referred to [Committee on Education and Labor](#)
  - Senate: No updates regarding introduction of bill (Draft language is different than House version)
    - Drafted by [Special Committee on Aging](#) & HELP
- **Advocacy Resource: Discussion**
- Phase out of 14(c) w/ grants to states and providers to assist with the transition

# SSI Restoration Act ([HR3824](#)/[S2065](#))

- APSE Priority Area: SSI Reform
- Status:
  - House (**38**) co-sponsors, all Democrats
    - Referred to [Committee on Ways and Means](#)
  - Senate (**18**) co-sponsors, all Democrats/Independent
    - Referred to [Committee on Finance](#)
- Advocacy Resource: coming soon!
- Provides Several updates to the social security program, including:
  - Raise SSI's sub-poverty-level monthly benefits, currently \$794 per month, to 100% of the federal poverty level – a 31% increase – and index them to inflation.
  - Update and index the assets individuals or couples may have up to \$10,000 and \$20,000, respectively. The current limit of \$2,000 for an individual and \$3,000 for a couple has not been updated since 1989.
  - Update and index SSI's income rules – which have never been updated since the program was signed into law in 1972.
  - Eliminate the marriage penalty and increase the benefit for married couples to double the individual rate, to put marriage equality within reach for SSI beneficiaries.
  - Eliminate benefit reductions that penalize beneficiaries who receive in-kind help from friends or family, such as groceries or a place to stay.

# Work Without Worry Act ([HR4003/S2108](#))

- APSE Priority Area: SSI Reform
- Status:
  - House: (14) co-sponsors, bipartisan
    - Referred to [Committee on Ways and Means](#)
  - Senate (7) co-sponsors, bipartisan
    - Referred to [Committee on Finance](#)
- Advocacy Resource: coming soon!
- Amend Social Security Act to eliminate work disincentives for childhood disability beneficiaries

# Other legislation we're monitoring

Not opposing (but not currently supporting):

- Recognizing the Role of Direct Support Professionals Act ([S1437](#))
  - Creates DSP occupational code, but not clear that this would be inclusive of job coaches/job developers
- ABLE Employment Flexibility Act ([HR3444](#))
  - ABLE accounts used in lieu of employer retirement savings accounts
  - Advocacy strategy is to promote the age adjustment over any other updates to ABLE

*Monitoring planned introduction of:*

- *HCBS Access Act*
- *Supporting Our Direct Care Workforce and Family Caregivers Act*

# State Legislation Updates

<https://apse.org/state-legislation/>

# State Legislative Efforts We're Tracking

## 14c / Minimum Wage

- **California** – [SB639](#)
- **Colorado** – [SB39](#) – LAW!!!
- **Delaware** - [HB122](#) – (ALMOST) LAW!!!
- **Hawaii** – [HB603](#) / [SB793](#) – LAW!!!
- **Illinois** – [SB1627](#)
- **Kentucky** – [SB18](#) – adjourned
- **Minnesota** – [HF439](#) / [SF658](#) – adjourned
- **New Mexico** – [HB214](#) – adjourned
- **New York** – [A3103](#) / [HB214](#)
- **Rhode Island** – [H5851](#)
- **South Carolina** – [S533](#)
- **West Virginia** – [HB2542](#) , [SB480](#) – adjourned
- **Washington** – [SB5284](#) – LAW!!!

## Other E1 Initiatives

- **Colorado** – [SB95](#) – LAW!!!
- **Connecticut** – [HB6121](#) – LAW!!! , [SB980](#)
- **Iowa** – [HF188](#) – adjourned
- **Kansas** – [HB2219](#) , [HB2220](#) , [HB2443](#) – adjourned
- **Kentucky** – [SB18](#) – adjourned
- **Louisiana** – [HB259](#) – LAW!!!
- **Massachusetts** – [HD198](#) , [HD2505](#) , [HB3107/SB2021](#)
- **Missouri** – [HB115](#) – adjourned
- **New Jersey** – [S1037](#) – LAW!!! , [S3367](#) , [S3418](#) , [S3425](#) , [S3426](#)
- **New Mexico** – [SB342](#) – adjourned
- **New York** – [A3137](#) , [S3458](#)
- **North Carolina** – [H756](#)
- **Oregon** – [HB2964](#)
- **South Carolina** – [HB3244](#)
- **Texas** - [SB50](#) – LAW!!!
- **Virginia** – [HB1848](#) – LAW!!! , [HB2140](#) – adjourned
- **West Virginia** – [HB2200](#) – LAW!!!