**disABILITY LINK – Legislative and Social Policy Report –**

**January 2022**

**Introduction**

People with disabilities are one of the biggest ‘minority’ groups, making up almost 20% of the population. People with disabilities exist in all areas of life and, we are the most diverse so-called minority group. Given these facts, legislation and policy directly applies to people with disabilities and impacts their rights. disABILITY link will therefore be addressing some of the key legislative policy during this quarter. In Georgia the legislative session will begin on January 10, 2022 and adjourn on March 31, 2022. This policy brief will provide education on how key pieces of legislation affect the disability community, however, the brief is not acting as a lobbying strategy for any of the bills, as disABILITY link remains a bipartisan organization; meaning those reading the brief can make up their own minds and decisions about what is discussed. As we know, this year has been very different due to the ongoing global pandemic. The policy brief released in January addressed some of the policies that were introduced to support individuals during the COVID-19 crisis. The brief will provide an update on this.

**Social Security Insurance Restoration Act**

US HB5866

Was Referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means on 11/04/2021, for a period to be subsequently determined by the Speaker
Prohibits the application of, and repeals authority for, administrative offsets to Social Security, railroad retirement, and black lung benefits. (An administrative offset is the withholding of funds payable by or held by the United States to satisfy a debt.) (legiscan.com)

**Disabled Access Credit Expansion Act 2021**

Referred to the House Committee on Ways and Means 06/08/2021

Expands tax credits and deductions that are available for employers who hire and retain employees with disabilities. The bill expands the work opportunity tax credit to include the hiring of employees who receive Social Security Disability Insurance (SSDI) benefits. For employers who hire vocational rehabilitation referrals, Supplemental Security Income recipients, or SSDI recipients, the bill also (1) increases the amount of wages that may be taken into account for the credit, and (2) allows an additional credit for second-year wages. With respect to the tax credit for expenditures by eligible small businesses to provide access to disabled individuals, the bill increases the limits that apply to (1) the amount of expenditures that are eligible for the credit, and (2) the gross receipts and full-time employees of eligible small businesses. The bill also expands the tax deduction for expenditures to remove architectural and transportation barriers to the handicapped and elderly. The bill modifies the deduction to (1) increase the limitation on the amount of the deduction, and (2) allow the deduction to be used for certain improvements in the accessibility of internet or telecommunications services to handicapped and elderly individuals. (legiscan.com)

**Vaccines**

The agreement includes some $68 billion to purchase and distribute COVID-19 vaccines and help states conduct testing — $20 billion of that funding will make the vaccine available at no cost for anybody needing it.

**Broadband access**

The measure contains $7 billion to increase access to broadband Internet, including a new Emergency Broadband Benefit that will help millions of students' families and unemployed workers afford the broadband they need during the pandemic.

<https://retirewithga.com/5-highlights-of-the-new-stimulus-package/>

**Appropriations - $1.4 trillion**

* Main bill (Rules Committee Print):
	+ MFP extension starts on p 2244; extended through FY 2023 for $450M/year (pro-rated for FY 2021), several changes including that the institutional residency is changed from 90-60 days, there are some additional state requirements, and there are updated best practice and MACPAC reports
	+ Extension of spousal impoverishment protections start on 2254 – through FY 2023
	+ It does not appear that the EVV language made it in there
* See each section/explanatory statement: <https://rules.house.gov/bill/116/hr-133-sa>
	+ Independent Living is in Division H, on P 173 – level funding: <https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-H.pdf>
* A division-by-division summary is here: <https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Summary%20of%20H.R.%20133%20Appropriations%20Provisions.pdf>
* A division-by-division summary of COVID-19 relief provisions is here: <https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Summary%20of%20H.R.%20133%20Coronavirus%20Relief%20Provisions.pdf>

**Independent living program**

The Independent Living (IL) Program has been underfunded for decades. NCIL respectfully requests that Congress increase funds by $200 million in the 2022 budget. This amount should be split proportionally between Part C and Part B. This would bring total funding for the Independent Living Program to $316,183,000

Congress provided Centers for Independent Living (CILs) $85 million in the CARES Act. These funds were to respond to the COVID-19 pandemic. We have seen CILs make a huge impact in their communities with this money.

However, that funding was only available to some CILs, and it was time-limited. Additionally, that funding was not enough to meet the increasing demand for IL services. The IL Program needs more funding so CILs can provide services to everyone who needs them.

CILs are unique organizations run by and for people with disabilities. They provide the core services and many other services to meet the needs of individuals and their communities. That often includes filling gaps left by other providers. CILs provide services to people with all types of disabilities, of all ages, and at all income levels.

For many years, all CILs were required to provide four services. These “core services” were:

• Advocacy: CILs support people to take action about things that are important to them. CILs also take action about things important to the disability community.

• Independent Living Skills Training: This helps people develop skills. These skills help people live more independently and have more control over their lives.

• Information and Referral: CILs answer people’s questions and direct them to information or services.

• Peer Counseling: This involves people with disabilities supporting each other. Sometimes this is done one-on-one. Sometimes this is done in groups.

In 2014, the Workforce Innovation and Opportunity Act (WIOA) passed into law. This law required CILs to provide three new core services:

• Institutional Transition: CILs help people with disabilities move from institutions to the community.

• Diversion: CILs help people who live in the community stay in the community.

• Youth Transition: CILs help youth with disabilities transition out of high school to college or the workplace.

The IL network is committed to providing all the core services. We have always believed the new core services are vital to achieving full inclusion. The COVID-19 pandemic has further proven how important they are. People with disabilities in congregate settings have been infected and died from COVID-19 at very high rates. Moving people into the community is more important than ever.

However, CILs have not been given any additional funding for the new core services. The CARES Act funding has allowed CILs to help people get out of dangerous congregate settings during the pandemic. It has helped CILs keep people with disabilities safe in their homes and communities. But without more permanent funding, there is no way CILs can carry out the new core services fully or effectively. (NCIL, 2021).

CILs believe all people with disabilities are valuable. They help people facing all sorts of discrimination. They believe people with disabilities should be able to participate in their communities. The IL Program has improved and changed how services are delivered to people with disabilities.

Statewide Independent Living Councils (SILCs) work closely with CILs. Together they develop a plan for the state’s Independent Living network and services. They help figure out how to address needs that are not being met. More money for the IL Program would help states put those plans into action.

The services the Independent Living Program provides are unique and important. They are also very cost-effective. The IL Program is essential, and it does not have enough money. An additional $200 million will help meet the needs of people with disabilities across the country.

**Healthcare / Long Term Services and Supports (LTSS)**

A lot of death and illness from the COVID-19 pandemic occurred in congregate settings. Congregate settings include:

state hospitals

psychiatric institutions

group homes

developmental centers

detention centers

intermediate care facilities (ICFs)

nursing facilities

day habilitation centers

prisons

jails

homeless shelters

and more

The deaths in these facilities are avoidable. They happen because of discrimination.

The deaths in long-term care settings are the result of the institutional bias. The institutional bias makes people who need long term services and supports (LTSS) move into congregate settings to get the help they need.

The federal government has created an institutional bias in Medicaid. States are required to pay for long term care in institutions. Offering the same services in community settings is optional. Home and community based services (HCBS) are underfunded. And even funding for HCBS can still be spent on smaller congregate settings.

The institutional bias exists outside of Medicaid, too. Medicaid is the only payer for many community-based LTSS. Other payers, like Medicare and private insurance companies, will not pay for them at all.

Too many people are harmed by the institutional bias. Too many disabled people have no way to pay for the community-based services and supports they need. Too many people do not have control over their supports and services.

Black, indigenous, and other people of color (BIPOC) are especially harmed by the institutional bias. These communities have been harmed by the lack of community supports and services. They face higher rates of institutionalization and segregation.

BIPOC also make up a majority of the direct care workforce. During the pandemic, they have worked without enough protection, like masks and gloves. Disabled BIPOC and their communities have died at very high rates during the COVID-19 pandemic.

NCIL and disABILITY LINK wants all people with disabilities to be valued equally. We want disabled people to be able to participate fully in their communities. The institutional bias must end.

We need Congress to:

Significantly increase funding for HCBS;

Ensure HCBS support individual choice and control;

Support the direct care workforce with higher wages, benefits, and workplace protections. This must be well-thought out to include workers for people with coverage across payment systems (Medicaid, Medicare, and private pay); and

Pass permanent reauthorization of the Money Follows the Person program.

**Electronic Visit Verification (EVV)**

Electronic Visit Verification (EVV) is an electronic system in-home workers must use to report when they are working and what they are doing at work. NCIL is working to stop the harm EVV is causing. We want the Centers for Medicare & Medicaid Services to rescind their guidance on EVV prohibiting the use of web-based portals using dual verification. Their guidance says States cannot use web-based timesheets (like California was using) that don’t track a person’s location. We believe this violates people’s privacy. We have national data that clearly shows there is a statistically insignificant level of fraud in the program.

We are also working with Congress. Congress is working on the 21st Century Cures Act 2.0. We want the bill to require that GPS and biometrics will not be allowed in EVV. GPS is technology that allows the tracking of someone’s location. Biometrics are personal characteristics that can be used to identify someone. Examples of this are fingerprints or voice recognition.

Congress and the Biden Administration are also working on new HCBS policies and eventually regulations. We want to make sure new HCBS programs are not required to use EVV. We want the new regulations to allow beneficiaries to “opt out” of the use of GPS and biometrics for location.

**Employment / Social Security**

It has been more than 30 years since the Americans with Disabilities Act passed. However, people with disabilities have not made much progress with employment. People with disabilities are still employed at lower rates than nondisabled people. 19.3% of people with disabilities are employed. 66.3% of nondisabled people are employed. This is a huge difference. People with disabilities are also two times as likely to work part time as nondisabled people.

**COVID Recovery**

Things have gotten worse since the COVID-19 pandemic began. Workers with disabilities have lost their jobs more than nondisabled workers. The inequality during COVID-19 is even worse for young people with disabilities. It is also worse for disabled people of color. People with disabilities have lost almost 1 million jobs. Having a job can be a path out of poverty.

There are things we need to think about when the country starts recovering from COVID-19. People with disabilities should be considered fairly for jobs. They should be considered based on their to ability to do the responsibilities of the job.

The COVID-19 pandemic has shown us that working remotely can be effective. This should benefit some workers with disabilities. This can help us make the best use of our skills and reduce some barriers to employment.

**Transformation to Competitive Integrated Employment Act**

US HB2373

Referred to the House Education and Labor Committee 04/05/2021

Addresses employment standards for individuals with disabilities. The bill directs the Department of Labor to award grants to states and certain eligible entities to assist them in transforming their business and program models to support individuals with disabilities by providing competitive integrated employment, assisting disabled individuals in finding and retaining work in such employment, providing integrated employment and integrated community participation and wraparound services for such individuals, and ensuring that such services comply with federal regulations for individuals receiving home and community-based services. The bill also prohibits the issuance of new special certificates that allow payment of subminimum wages to disabled individuals and phases out existing certificates over a four-year period. The bill directs Labor's Office of Disability Employment to award grants to provide technical assistance and other strategic support to employers transitioning from special certificates to competitive integrated employment for disabled individuals. Labor must contract with a nonprofit entity to conduct an evaluation of the impact of these transitions. (legiscan.com)

**Voting accessibility**

REV Up the Vote/Grassroots Connectors continue their weekly meetings.

REV Up the Vote at disABILITY LINK held voter registration and provided information and resources on getting to the polls during the last quarter. During the GA Legislative Session, disABILITY LINK held seven Advocacy and Leadership Training meetings for consumers concerning contacting legislators about issues of particular importance to the disability community: healthcare, housing, transportation, and voting access, featuring speakers from SILC and other partner agencies. disABILITY link will continue to advocate for full accessibility for people with disabilities in voting elections.

disABILITY LINK, NCIL, APRIL and the IL Network share the premier goal of full accessibility in elections. All people with disabilities should be able to vote privately and independently. This is even more urgent during the COVID-19 pandemic. People are facing major barriers to voting.

During this legislative session Ga has introduced some bills which disproportionately and negatively impact the disability community, and other marginalized groups with regards to their voting/citizenship rights.

**SB202-**The bill implements many changes but to list a few:

* It adds an ID requirement for absentee ballot requests but just an ID number if it’s government issued, like a driver’s license.
* It requires a copy of other identifying info like a utility bill, if the voter lacks a government ID.
* It limits the number of absentee ballot drop boxes. It also requires drop boxes to be kept indoors, and inaccessible if the building is closed.
* It shortens the absentee voting period and limits weekend early voting.
* "We know that forcing counties to choose between Saturday and Sunday voting is targeting Black voters, who have

used 'souls to the polls' to cast their votes" after church on Sundays, said state Representative Bee Nguyen (D - Atlanta).

- The bill also makes it a misdemeanor to give food or drink to any voter waiting in a line with 150 feet.

**Housing**

NCIL, APRIL, and the IL network know there is not enough housing for people with disabilities. This is even more true during these difficult times. supports efforts to increase housing that is:

• Accessible to people with all disabilities

• Affordable

• Healthy / nontoxic

• Decent

• Safe

• Integrated

There is not enough housing for people with disabilities in this country. We need more affordable housing. We especially need more affordable housing for extremely low-income households (at or below 30% of Area Median Income). We need more accessible housing for people with all different kinds of disabilities. This includes people with mobility, vision, hearing, chemical and electrical sensitivities, cognitive, and all other disabilities. (NCIL, 2021).

**Transportation**

Transportation must be accessible. Accessible means it has to work for people with disabilities. It also has to be safe and not cost too much. Transportation includes buses, planes, cars, and more. All transportation should be accessible to people with disabilities. This is important so people with disabilities can do things everyone else can. This includes going to work or school. It includes meeting with friends. It includes many other things.

Here are some very important things for people with disabilities:

* The House of Representatives passed the [*INVEST Act*](https://www.congress.gov/bill/116th-congress/house-bill/7095) (*H.R. 7095*). This is the “big transportation bill”. It is also known as the “surface transportation bill”. Congress passes one every 5 years. It is an important bill. It provides money for building and fixing roads and bridges. It also helps pay for public transportation and things like bike and walking paths. The Senate has not yet taken action (at time of writing). We need to work with legislators and advocates. We need to make sure this new law works for everyone.
* Medicaid pays for rides to the doctor for many disabled people. We need Congress to protect that so states cannot take it away.
* People with disabilities can have a very hard time on airplanes and trains. Wheelchair users can face unique problems. We must make this easier for people with all disabilities.
* There must be more accessible taxis and services like Uber (when you use a smartphone to get a ride). They must be available to everyone and cost-effective for people with disabilities who rely upon lower incomes.
* The Federal Transit Administration (FTA), an agency within the U.S. Department of Transportation that provides assistance to local public transportation systems, recently announced a new funding opportunity called the Mobility for All Pilot Program. Approximately $3.5 million will go to projects that enhance mobility and access to community services for older adults, people with disabilities, and people with low income. You can find out more about these grants in the FTA’s notice of funding. Applications are due January 6, 2020.

All these things will make America’s transportation fairer. With these changes, people with disabilities will have more choices. People with disabilities need and have the right to the same choices as everyone else.

In November, 2021, the House passed [the Infrastructure Investment and Jobs Act](https://www.congress.gov/bill/117th-congress/house-bill/3684/text?q=%7B%22search%22%3A%5B%22Infrastructure+investment+and+jobs+act%22%2C%22Infrastructure%22%2C%22investment%22%2C%22and%22%2C%22jobs%22%2C%22act%22%5D%7D&r=13&s=4), the bipartisan infrastructure package that passed the Senate in August. President Biden is expected to sign the bill soon.

The package includes $1.2 trillion in investments into the country’s infrastructure, including transportation, internet, and utilities. Some of the key items included and funded in the bill include: repairs to roads, bridges, and other infrastructure; clean water access; broadband internet, including efforts to close the digital divide; efforts to tackle climate change; public transit modernization; electric vehicles; grants to improve legacy passenger rail accessibility (a version of the All Station Accessibility Program (ASAP) Act); and Amtrak accessibility improvements, including the addition of a disabled person on the Amtrak Board of Directors. It is, however, important to note that the infrastructure bill did not pass together with the Build Back Better Act. (Legiscan.com; theAdvocacyMonitor)

**US HB5376** **Build Back Better Act**

Motion to reconsider laid on the table on 11/19/2021

Provides funding, establishes programs, and otherwise modifies provisions relating to a broad array of areas, including education, labor, child care, health care, taxes, immigration, and the environment. (The bill is commonly referred to as the Build Back Better Act.)

This funding will go a long way in answering the call of decades of activism to ensure any disabled or aging person who needs support can get assistance in the comfort of their own homes, while remaining integrated into their communities.

bill also includes disability-focused investments that further the goals of building a more inclusive nation and economy. Among these investments are $300 million in grants for encouraging employers to transition from using 14c certificates to paying at least minimum wage and transforming to competitive integrated employment and $450 million set aside for supportive housing for people with disabilities. Further, the Build Back Better Act requires that the disability community be directly engaged and involved during the implementation of these vital initiatives. (AAPD).

Disclosure and credit: This legislative report contains information from different entities including NCIL policy priorities, APRIL, and other shared information.