



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

Oct. 27, 2021

Hon. Steve Cohen  
Chair  
Subcommittee on the Constitution,  
Civil Rights, and Civil Liberties  
House Judiciary Committee  
2104 Rayburn HOB  
Washington DC 20515

Hon. Mike Johnson  
Ranking Member  
Subcommittee on the Constitution,  
Civil Rights, and Civil Liberties  
House Judiciary Committee  
568 Cannon HOB  
Washington DC 20515

Re: Comments for the Record of October 20, 2021 Hearing on Oversight of the  
Americans with Disabilities Act of 1990: The Current State of Integration of People  
With Disabilities

Dear Chair Cohen and Ranking Member Johnson:

We write as co-chairs of the Consortium for Citizens with Disabilities (CCD) Rights and Employment Task Forces to submit these comments for the record of the above-captioned hearing on the Americans with Disabilities Act. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

We applaud you for conducting a hearing concerning implementation of the Americans with Disabilities Act (ADA) and its integration mandate. As you and others observed at the hearing, the full promise of the ADA remains unrealized for far too many people with disabilities. Implementation and enforcement of the integration mandate and the Supreme Court's *Olmstead* decision are critically important to the lives of disabled people, and yet it has been quite a few years since Congress focused a hearing on this issue. The testimony of Ms. Lee about her experiences in an adult care home and how dramatically her life improved when she was able to transition to her own home in the community was a powerful testament to the need for greater enforcement of the integration mandate. Ms. Lee, like thousands of others, got the opportunity

to transition to her own home as the result of an *Olmstead* settlement agreement between North Carolina and the Justice Department.

We urge Congress to ensure that the Department has sufficient resources to resume the *Olmstead* enforcement initiative that made such a significant difference during the Obama Administration. This is even more urgent in light of the pandemic's devastating death toll on people with disabilities in congregate settings. It is urgent that this enforcement address segregated living settings as well as segregated day and employment settings, segregated education settings, and criminal justice settings—and that the Department reinstate and strengthen its enforcement guidance on *Olmstead*'s application to employment services, rescinded during the prior Administration.

In addition, we highlight that Congress should swiftly enact the Build Back Better Act, which would provide a much-needed investment in home and community-based services that would strengthen state efforts to comply with *Olmstead* and help to build back community service systems that were weakened by the pandemic.

The testimony presented by Regina Kline and Michelle Bishop also highlighted urgent issues. Ms. Kline testified about the “disability unemployment crisis:” people with disabilities, who comprise nearly 1 in 5 Americans, are roughly half of those living in long-term poverty and nearly two-thirds of working-age people with disabilities are not employed. Yet at a time when labor is in dramatically short supply, this unemployment crisis “has been deepened by public spending— namely, the significant overreliance of state and local governments on service systems that structure employment service delivery for people with disabilities in separate, segregated settings— apart from competitive mainstream and typical employment-- in violation of the mandates of federal civil rights law.”

Similarly, Ms. Bishop presented stark concerns about the widespread barriers to voting by people with disabilities, even as the number of voters with disabilities continues to grow. She also described the ways in which state laws placing new restrictions on voting make it more difficult for people with disabilities to exercise their right to vote, highlighting the need to pass the John Lewis Voting Rights Advancement Act. We support Ms. Bishop's recommendation to ensure that the current version of the Freedom to Vote Act be modified before final passage to allow voters with disabilities an exemption from blanket paper ballot mandates that would otherwise disenfranchise many.

In response to Mr. Cohen's question concerning whether people with significant disabilities in sheltered workshops would otherwise be unable to work, we note that there is overwhelming evidence that they can work. Decades of evidence-based approaches to supported employment services have revealed that people with even the most significant disabilities can work in a wide

range of jobs with the right services and supports, and that the success of an individual's long-term employment depends on an appropriate match between an individual's identified talents, preferences, and skills, and the right job, along with the availability of supports (like career development planning, job coaching, benefits counseling). Studies have consistently documented that the majority of people in sheltered workshops would prefer to work in other employment settings if given the opportunity to do so. We refer you to the myriad of sources identified in the testimony of Ms. Kline and many others at the U.S. Civil Rights Commission's Nov. 15, 2019 [hearing](#), *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*, including the following from Ms. Kline's testimony to the Commission:

*Decades of research in the field of supported employment establish that competitive integrated employment is realistic and achievable for individuals with even the most significant disabilities with the right services and supports in place. The past three decades of research in the field of disability employment tells us that with the right services and supports even individuals with the most significant disabilities can work in a range of competitive integrated employment. In fact, supported employment services (like job development, job coaching, and individualized training) are easier and far more effective at placing a person in a job than providing training in a segregated 14(c) setting in the hopes that the person will have learned transferable skills for competitive employment.<sup>1</sup> Individuals learn skills in sheltered workshops that largely cannot be used in the competitive mainstream economy, and crucially, given the lack of performance expectation, individualized instruction, and training, people with disabilities often acquire habits in sheltered workshops that are not useful in competitive integrated employment.*

*Whereas supported employment services allow individuals with disabilities not only to work successfully but to advance in typical employment settings, as supports allow individuals to find, obtain, stabilize, and succeed in competitive integrated employment. Supported employment services provided in competitive integrated employment are proven to be more cost-effective in the long run than sheltered workshop services.<sup>2</sup> These cost efficiencies are created as workers' individual supports begin to fade over time as they become accustomed to their jobs, begin to expand social networks, and strengthen skills.*

With respect to the testimony of Ms. Harned concerning Title III of the ADA, we would simply note that Ms. Harned's statements that her members would comply with web accessibility

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<sup>1</sup> National Council on Disability Report, *National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future*, at 34.

<sup>2</sup> Robert Evert Cimera, "The cost-trends of supported employment versus sheltered employment," *Journal of Vocational Rehabilitation*, (2008): 15–20, pages 18, 19.

requirements if only they had more clarity about what standards apply (Ms. Harned did not mention that the courts have overwhelmingly been clear about the standards that apply) ring hollow in light of her responses where the Justice Department has set forth a set of clear standards for accessibility of the built environment: Ms. Harned complained that those standards are too voluminous and too complex. Speaking on a [panel](#) in 2017, Ms. Harned acknowledged that accessibility was simply not on her members' "to do lists." Perhaps that is the real problem.

Thank you for the opportunity to provide comments.

Sincerely,

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