



**Statement of NDSS President Sara Weir
Submitted to the Senate Committee on Aging
Hearing on “Working and Aging with Disabilities: From School to Retirement”
October 25, 2017**

Chairwoman Collins, Ranking Member Casey and Members of the Committee, on behalf of the National Down Syndrome Society (NDSS), the leading human rights organization for all individuals with Down syndrome, I appreciate the opportunity to submit this written statement on barriers that limit opportunities for individuals with Down syndrome to work in meaningful and competitive employment settings.

First, I want to commend Senators Casey and Burr for their leadership in bringing about enactment of the Stephen Beck Jr. Achieving a Better Life Experience (ABLE) Act of 2014 (Public Law 113-295). This was the most significant legislation since the Americans with Disabilities Act was signed into law over 27 years ago to reduce barriers to opportunity, participation, independent living and economic self-sufficiency for people with disabilities. It does so by allowing individuals with disabilities to save money in tax-free savings accounts without it counting toward the assets limitations required to remain eligible for critical government supports. Today, 28 states and the District of Columbia have launched ABLE programs, and 49 states have enacted implementing legislation.

The ABLE Act created a solid foundation for our community to build on as we work to eliminate additional legal and non-legal barriers to the hiring, placement and advancement of individuals with Down syndrome in the workforce. Those barriers include the asset limitations of Medicaid and SSI, a Section 14(c) subminimum wage program that lacks transparency and doesn't facilitate a transition to competitive integrated employment (CIE), home and community based services that vary widely by state, and an employer community that lacks information about the value, productivity and workplace engagement benefits of employing people with disabilities.

NDSS is also doing its part to break down barriers to employment for people with disabilities. In March 2016, we launched a new employment campaign for people with Down syndrome – #DSWORKS – which is focused on developing employment resources for employers, families, self-advocates and local Down syndrome organizations; advancing a comprehensive federal and state legislative agenda that breaks down barriers to employment and creates incentives to hire individuals with Down syndrome; and launching a NDSS corporate roundtable of corporations committed to hiring individuals with Down syndrome.

Earlier this month, NDSS launched a campaign entitled “Law Syndrome,”¹ which seeks to address outdated laws that discourage all people with Down syndrome from fulfilling their potential. As part

¹ See www.lawsyndrome.org

of the campaign, we call on Congress to advance a legislative agenda that focuses on the following key employment principles:

1. **Right to Real Jobs for Real Wages** – Individuals with Down syndrome have the right to pursue the full range of employment options that align with their talents, skills and interests and to earn at least the minimum wage for their work.
2. **Presume Competence** – Individuals with Down syndrome can be competitively employed or self-employed, and should be given access to services and supports necessary to succeed in the workplace.
3. **Presume Full Integration** – Employees with Down syndrome should be fully integrated physically, functionally and socially in the workplace, and given the necessary supports for success.
4. **Empower Informed Choice** – Individuals with Down syndrome should be given accurate, up-to-date information regarding their options related to employment and about the potential impact of employment on their quality of life.
5. **Engage Employers** – Employers should recognize the value of employees with Down syndrome as an integral part of their workforce and include all people within recruitment and hiring efforts.

We are excited to be able to work with a new bipartisan working group² in the House of Representatives that is focused on developing bipartisan legislation to help tackle archaic, outdated laws that continue to prevent individuals with disabilities from seeking out meaningful, competitive employment opportunities while maintaining and improving access to high quality benefits like Medicaid. The working group is being led by Representatives Cathy McMorris Rodgers (R-WA), Jim Clyburn (D-SC), Joe Crowley (D-NY), Gregg Harper (R-MS) and Tony Cardenas (D-CA).

Finally, we urge all Senators to support the ABLE to Work Act (S. 818), sponsored by Senators Richard Burr and Bob Casey. This legislation promotes employment for people with disabilities by allowing ABLE beneficiaries who work and earn income, but do not participate in an employer's retirement plan, to save additional amounts in their ABLE accounts up to the federal poverty level (currently \$12,060) in addition to the \$14,000 annual maximum contribution. Beneficiaries would also be eligible for the Saver's Credit, an existing federal tax credit that low and middle-income individuals can currently claim when they make contributions to a retirement account. The legislation is needed because the ABLE Act's current \$14,000 annual contribution cap does not sufficiently incentivize employment since it is the aggregate of all contributions to the ABLE account (including earned income), and employed beneficiaries are still unable to contribute to employer-provided retirement accounts, such as 401(k) plans.

Thank you for the Committee's leadership in studying this important issue. NDSS welcomes the opportunity to work with you to advance meaningful employment policies for people with disabilities.

² See <https://www.gop.gov/working-group-employing-people-with-disabilities/>.