

NATIONAL DISABILITY INSTITUTE'S

Washington Insider



[National Disability Institute's](#) Washington Insider is a monthly newsletter highlighting key federal policy news that impacts the financial futures and economic empowerment of all people with disabilities. The Washington Insider tracks legislative and policy initiatives gaining momentum on Capitol Hill, specifically in the areas of taxation, asset building and economic development.

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NDI Submits Comments on Reforming the Community Reinvestment Act

The Office of the Comptroller of the Currency (OCC) invited public comment to advance an updated framework to modernize the regulations that implement the [Community Reinvestment Act of 1977](#) (CRA). CRA was approved by Congress to encourage and monitor bank performance to meet the credit needs of their local communities, including low- and moderate-income (LMI) neighborhoods and individuals. Earlier this year, Comptroller Joseph Otting testified before the House and Senate Banking Committees that banks should be “expected and encouraged to provide more lending, investment and financial services where they are needed most and to who needs them most.”

Each year, banks spend more than a billion dollars on community development in LMI neighborhoods and under CRA must be held accountable for credit and financial services for LMI borrowers. Since the first publication of CRA regulations in 1978, there has been no mention of people with disabilities as part of LMI populations, despite their disproportionately high poverty rate in all geographic areas nationwide.

[National Disability Institute](#) (NDI) submitted public comments to OCC on November 10th in response to an Advanced Notice of Proposed Rulemaking (ANPR) to update the regulations in light of the changes in the way banks provide financial services (online in addition to physical locations) and the responsibility under CRA to meet the needs of LMI populations and neighborhoods.

NDI comments provided empirical data that people with disabilities make up a significant share of LMI neighborhoods and have the highest rate among economically vulnerable populations of being unbanked and underbanked. Without bank performance evaluation of coverage of people with disabilities as part of LMI populations, there is no investigation of possible discriminatory lending practices, review of availability and effectiveness of retail banking services to meet the needs of people with disabilities or scrutiny of targeted community development investments that impact the disability audience.

NDI offered a nine-part disability framework to CRA modernization that would create an “inclusive community development” imperative that would accelerate CRA bank activities that would result in dedicated disability-related lending, investment and financial service access and use.

Some 20 disability nonprofits, banks and trade associations, including the American Bankers Association, the Disability CDFI Coalition and the American Association of People with Disabilities, offered public comments to OCC that support the NDI recommendation to specifically include people with disabilities as a target for CRA activities.

To learn more, [read NDI’s full comments](#).

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IRS Issues New Guidance on ABLE Accounts

On December 4th, the IRS issued new guidance to further explain changes to the Achieving a Better Life Experience (ABLE) Act that resulted from amendments included last year in the major tax reform package: [Tax Cuts and Jobs Act of 2017](#). In addition to increasing

the amount of contributions annually to an ABLÉ account from \$14,000 to \$15,000, an approved amendment to the ABLÉ Act allows an ABLÉ account owner to contribute part or all of his or her income to their account above the \$15,000 contribution limit.

The additional contribution is limited to the poverty line amount for a one-person household. For 2018, the amount is \$12,140 in the continental US, \$13,960 in Hawaii and \$15,1800 in Alaska. The designated ABLÉ account beneficiary is not eligible for the additional contribution if their employer contributes to a workplace retirement plan on their behalf.

The IRS news release reminds individuals with disabilities of new ABLÉ account benefits that, in addition to the opportunity to put more funds into their account from earned income, there is an opportunity to roll over funds from a 529 college savings plan; some individuals may be eligible to qualify for a Saver's Credit. [Read the full IRS release.](#)

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ABLE Act Celebrates Fourth Anniversary

On December 19th, the Achieving a Better Life Experience (ABLE) Act celebrated its fourth anniversary since being signed into law after overwhelming bipartisan support.

An ABLÉ account does not replace benefits provided through private insurance, Medicaid, the Supplemental Security Income (SSI) program and other federal means-tested assistance. Funds contributed to an ABLÉ account grow tax-free and can be used to cover qualified disability expenses such as, but not limited to, education, housing, transportation, employment support, healthcare and technology.

On December 18th, California (calable.ca.gov) became the 41st state to establish an ABLÉ program. Since the first state, Ohio, opened an ABLÉ program (stableaccount.com) mid-year 2016, over 30,000 accounts have been opened by ABLÉ-eligible working-age adults with disabilities and over \$150 million are assets now being managed as part of varied savings and investment choices.

To learn more about ABLÉ-eligibility and compare state ABLÉ programs, visit www.ablenrc.org

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nTIDE Jobs Report on November Employment Increase

On December 7th, the monthly [update](#) on National Trends in Disability Employment, issued by the Kessler Foundation and the University of New Hampshire, indicated a continuing increase in the number of Americans with disabilities entering the workforce. In November 2018, workers with disabilities ages 16-64 represented 3.2 percent of the total nearly 147 million workers in the United States; there were 4.7 million workers with disabilities. Participation in the labor force was at 33.5 percent, as compared to 76.9 percent of people without disabilities.

“These November data continue the upward trend in economic indicators for people with disabilities,” said [John O’Neill, PhD, director of employment and disability research at Kessler Foundation](#). “The continued strength in the labor market is producing higher demand for workers, including jobseekers with disabilities.”

[Read the full report.](#)

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New SSA Report on Programs and Projects That Assist Beneficiaries in Returning to Work

The Office of the Inspector General of the Social Security Administration (SSA) released a final report on November 5th that evaluated the Ticket to Work program, Plan to Achieve Self-Support (PASS) program and the Benefit Offset National Demonstration Project (BOND).

SSA estimated that, as of FY 2016, the Ticket to Work program, which began in 2000, had saved the agency approximately \$5.9 billion and achieved a 2.6 percent participation rate. For PASS, SSA could not determine costs incurred, savings or return-to-work outcomes. A draft report is still under internal review. For the BOND project, 4,700 (5.5 percent) of the 85,140 project participants voluntarily returned to work. The BOND project tested a one dollar reduction in benefits for every two dollars participants earned over the substantial gainful activity (SGA) level for a five-year period, with further assistance of work incentives counseling. SSA was unable to provide an estimate of savings for the successful return-to-work participants. [Read the full report.](#)

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New Report on Labor Force Characteristics of People with Disabilities

The U.S. Bureau of Labor Statistics (BLS) published a new report on comparing labor force characteristics of people with and without disabilities. The data analyzed is from the Current Population Survey (CPS), which is a monthly survey of households conducted by the Bureau of Labor Statistics. CPS began collecting disability data in June 2008. Among the report findings are: 1) regardless of race or ethnicity, workers with a disability are less likely to be employed; 2) regardless of disability status, those with a bachelor’s degree are more likely to be employed; 3) workers with disabilities are more concentrated in service occupations than those with no disability; 4) people with disabilities are more likely to work part-time; and 5) people with disabilities are more likely to be self-employed.

[Read the full report.](#)

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Disability Employment: Outdated Laws Leave People with Disabilities Behind in Today's Economy

The Minority Staff of the U.S. Senate Committee on Health, Education, Labor and Pensions issued a new report describing programs that are out of step with modern disability employment policy in the United States and offered a series of recommendations for future actions.

The report notes that there is a new generation of young adults with disabilities, the “ADA generation, who have high expectations for themselves and who are ready, willing and able to pursue a good career in high-growth sectors of our nation’s economy that will allow them to become part of the middle class.”

The Senate Help Committee Democratic Staff investigation determined that the AbilityOne program and the Javits-Wagner-O’Day Act are not aligned with the goals of competitive integrated employment in modern disability employment policy. The report recommends the elimination of subminimum wages. The report also urges that all state vocational rehabilitation (VR) agencies respect the informed choices of clients with disabilities, conduct a case-by-case analysis of an employment setting and focus on approaches to satisfy the requirements of the Workforce Innovation Opportunity Act (WIOA) to support competitive integrated employment with individuals with disabilities working alongside their nondisabled peers. The report indicates the need for technical assistance to help VR agencies meet the requirements of WIOA, rather than exploration of changes to the current regulations.

[Read the full report.](#)

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115th Congress Draws to a Close

At the time of release of the *Washington Insider’s* final issue for the 2018 calendar year, Congress and the Trump Administration are deadlocked over the President’s demand for billions of dollars to build a wall as a key component of his immigration policy. A threat of a government shutdown is possible this Friday, December 21st. Attempts to amend the ABLE Act to expand age of eligibility from age of onset of disability prior to age 26 to age 46 have not proven successful. Efforts are already being planned for the new 116th Congress by Senator Casey (PA) and Senator Burr (NC). A new bill is expected to be introduced early in the next Congressional session.

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November Employment Numbers

[Disability employment statistics for November 2018](#) show that the unemployment rate among people with disabilities was 7.7 percent. This shows a 0.8 percent decrease from November 2017. The latest employment statistics also find that only 19.4 percent of people with disabilities are actively in the labor force, as compared to 66.2 percent of people with no disability. Data on people with disabilities covers those between the ages of 16 to 64 who do not live in institutions.

U.S. Disability Employment Profile				
Statistic	With Disability		Without Disability	
	Nov. 2017	Nov. 2018	Nov. 2017	Nov. 2018
Percent of Population in the Labor Force	20.8	21.1	68.3	68.4
Employment-Population Ratio	19.0	19.4	65.7	66.2
Unemployment Rate	8.5	7.7	3.7	3.3

As reported by the U.S. Department of Labor's Bureau of Labor Statistics, Table A-6

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