

## DISABILITIES

## HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to bring to the House's attention a valuable report on the state of the union for Americans with Disabilities.

As a quadriplegic since the age of 16, I believe that the Americans with Disabilities Act has not only helped me and others with disabilities, but has also enabled society to benefit from the skills and talents of the 54 million individuals with disabilities. The landmark legislation has also provided people with disabilities the chance to lead more productive and satisfying lives that include integration into America's social infrastructure.

However, there is still much to be done so I am pleased to highlight the efforts of the National Organization on Disability, which celebrates the progress of the nation and works to increase access, opportunity, and inclusion for people with disabilities. I would like to submit for the RECORD a copy of the National Organization on Disability's State of the Union 2002 for Americans with Disabilities which provides benchmarks for the current state of disability life in America, and calls for action on improvements that have still to be made:

## THE STATE OF THE UNION 2002 FOR AMERICANS WITH DISABILITIES

The State of the Union Address that President George W. Bush delivered on January 29, 2002, focused on the terrible attacks on the country just over four months ago, and the overwhelming national and international response to them. The President also spoke to the country about the core issues of the nation and his presidency, especially the economy; employment; education; access to the goods and services people want and need; and strengthening the social fiber, commitment to service, and protection of civil rights that are core elements of our national pride.

One large segment of the population that is directly impacted by the issues raised in the President's speech, and the country's approach to those issues, is the disability community. As many as one in five Americans—54 million men, women and children—live with disabilities, as of course do their family members, friends, and service providers. Disabilities run a wide gamut, including mental and physical conditions; visible and non-visible ones; conditions that people are born with, or develop during their lifetimes as a result of illness, age, accident, or attack; and ones that have varying degrees of severity. But all fall within a common definition: They in some way limit people's ability to participate fully in one or more major life activities. Nobody should dismiss disability issues as unimportant to them, for any person can join the disability community in an instant.

As detailed below, Americans with disabilities remain pervasively disadvantaged in all aspects of American life. In his second week in office, President Bush sent a strong message of concern about this situation when he announced the New Freedom Initiative. Coming a decade after his father signed the Americans with Disabilities Act (ADA), the New Freedom Initiative lays out an ambitious agenda for assuring the full participation of people with disabilities in all aspects of American life. The New Freedom Initiative holds much promise. We look forward to

working with the government and the American people to bring it to fruition.

*The Disability Community in a Changed World*

September 11 and its aftermath stunned, shook and saddened the nation. The terrorist attacks made all Americans, especially those touched by disabilities, reevaluate our lifestyles, and consider what we could change to better protect ourselves and our loved ones.

The nation was moved to learn of wheelchair users who perished while awaiting rescue when the World Trade Center towers fell. We also were inspired by the stories of several people who had severe disabilities and survived. One man escaped after walking down dozens of flights of stairs on his artificial leg, and another with the aid of his guide dog. Two wheelchair users were carried to safety by their colleagues.

These survivors, like many of the others who escaped before the towers collapsed, benefited from intensive emergency drills that had been conducted since the World Trade Center bombing in 1993. Their survival is testament to how critical emergency planning and preparedness is—whether the emergency is natural, man-made or terrorist-driven. This has inspired a new focus in the disability community on disaster preparedness.

According to a late 2001 Harris Poll survey released by the National Organization on Disability (N.O.D.), 58 percent of people with disabilities say they do not know whom to contact about emergency plans for their community in the event of a terrorist attack or other crisis. Sixty-one percent say that they have not made plans to quickly and safely evacuate their home. Among those who are employed full or part time, 50 percent say no plans have been made to safely evacuate their workplace.

All these percentages are higher than for those without disabilities. The country as a whole has much catching up to do to be prepared, but people with disabilities lag behind everyone else. This is a critical discrepancy, because those of us with disabilities must in fact be better prepared to not be at a disadvantage in an emergency.

Intense national planning for emergencies is needed. This requires the enthusiastic cooperation of the government, business, and communities. People with disabilities should not be considered only as beneficiaries of emergency preparedness plans devised by others—they belong at the table, contributing their unique perspectives, insights and experiences, so the resultant plans will be the best for all Americans. People with disabilities must be included on community preparedness committees across the nation and at the highest levels of government planning. We are pleased that Office of Homeland Security Director Tom Ridge has pledged to appoint at least one person with a disability to a high-level position in his organization.

## Employment

The slowing economy was a significant issue before September 11, and this situation became more critical after the terrorist attacks. This is not an easy time for anyone to enter the workforce, but that is what many people with disabilities are desperately trying to do.

Only 32 percent of Americans with disabilities of working age are employed full or part time. That number is in contrast to 81 percent of other Americans, according to the comprehensive 2000 N.O.D./Harris Survey of Americans with Disabilities. It is a national tragedy that, nearly a dozen years after the passage of the Americans with Disabilities Act, the vast majority of Americans with disabilities remain unemployed. This is not by choice; two out of three who are not employed say they would prefer to be working. Any efforts that lead to their becoming em-

ployed are good investments that will benefit these individuals, the workforce, and the economy.

President Bush has demonstrated a commitment to greater employment for people with disabilities in the New Freedom Initiative. We now call on the President and the Congress to keep employment a priority and work together toward a national goal of 38 percent employment for people with disabilities by 2005, with continuing progress toward 50 percent in the decade to follow.

Indeed, employment numbers should be increasing, if for no other reason than there are new ways for people to be employed. Technology offers real hope. Computers and the Internet are opening doors. People who are deaf use "instant messaging" to have real-time conversations; people who are blind use voice-synthesis technology to write and read documents and website information, and people with limited ability to get to an office have new ways to work from home. Use of the Internet by people with disabilities is growing rapidly, in fact at twice the pace of other Americans.

Too often, even when people with disabilities find jobs, they are low-level, low-paying jobs. Yet it is well documented that employers find employees with disabilities excel at all levels. In the healthcare and education sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group's primary civil rights law, the Americans with Disabilities Act. Last February's *Barrett v. Alabama* decision threatened the implementation of the ADA. This month's decision in *Toyota v. Williams* continues a disturbing trend by the Court to narrow the ADA's protections, and caused one of the 1990 law's Congressional authors to suggest revisiting the statute so that it meets the goal of expansive, not restrictive, coverage for workers with disabilities. People with disabilities belong in the workforce, and Congress must indeed make it a priority to strengthen and defend the legislation that affirms employment as a natural expectation. The Supreme Court will hear other cases that test the ADA. The Court must recognize that when it interprets the will of Congress and the Constitution, it has the opportunity to strengthen rather than weaken the ADA—and strengthening it reflects the will of the vast majority of Americans.

## Income Levels

It is not surprising, given the lower rate of employment for people with disabilities, that a significant income gap exists between those with and without disabilities. People who have disabilities are roughly three times as likely to live in poverty, with annual household incomes below \$15,000 (29 percent versus 10 percent). Conversely, people with disabilities are less than half as likely to live in households that earn more than \$50,000 annually (16 percent versus 39 percent). This income gap contributes to and compounds the disadvantages that people with disabilities face.

## Access to Transportation

People who have disabilities often have insufficient access to transportation, with 30 percent citing this as a problem—three times the rate of the non-disabled. This creates a catch-22 situation: How can one have a job if one cannot get to it? How can one afford transportation if one does not have a job? There is an urgent need for more and better disability-friendly transportation in the cities and towns of Americans.

## Access to Health Care

Health care is also less accessible to Americans with disabilities, who often are the

citizens needing it most. Due in large part to their limited employment and reduced discretionary income, people with disabilities are more than twice as likely to delay needed health care because they cannot afford it (28 percent versus 12 percent of others).

There is a critical need for further legislation to protect people with disabilities who need medical treatment, and aid them in getting their needed medications. Congress and the Administration must pass the patients' bill of rights; expand health insurance coverage to cover all Americans, including those who are not employed; and ensure that peoples' opportunities to fully participate in life activities are not artificially restricted by their limited access to healthcare.

#### Education

Opportunity begins, in so many ways, with education. Currently, young people with disabilities are more than twice as likely to drop out of high school (22 percent versus 9 percent), and only half as likely to complete college (12 percent versus 23 percent). Education for students with disabilities is a critical priority. Students with special needs must be given the chance to develop their skills and their minds so they can be prepared for the workforce of the future. In the first decade of the new millennium, America should dramatically close these gaps in opportunities for students with disabilities.

It does well that Congress has increased funding for the Individuals with Disabilities Education Act (IDEA) 19 percent this year to \$7.5 billion. This investment will pay huge dividends for the students and families impacted by the IDEA, and for the country.

Tremendous progress has been made in "mainstreaming" students with disabilities since the IDEA was first introduced nearly three decades ago. Mainstreaming is a win/win situations that increases opportunities for those students, and also acclimates other students to peer interaction. Youngsters who have friends and acquaintances with disabilities learn to move beyond the disability and judge the real person. They grow up expecting to interact with diverse people in the workforce and in their communities, dissolving prejudices and stereotypes in the process.

#### Community Life

It is in the communities of this nation that its 54 million citizens with disabilities go about their daily lives, and this is where these citizens need to be involved. Great progress has been made; commitments from mayors and other leaders have transformed many communities. Disability advocates, no longer willing to be separated from the rest of society, have pushed their communities into becoming more accessible and welcoming places. There is much work still to be done.

Thirty-five percent of people with disabilities say they are not at all involved with their communities, compared to 21 percent of their non-disabled counterparts. Not surprisingly then, those with disabilities are one and a half times as likely to feel isolated from others or left out of their community than those without disabilities.

The current efforts for disaster mobilization are one example of an opportunity for the disability community to remind civic leaders of their responsibility to plan for all citizens. This work may open dialogue in many new and productive directions with regard to overall community efforts.

#### Religious Life

Faith and religious life are important for many Americans. Churches, synagogues and

mosques need to be accessible to all who wish to worship. With the theme "Access: It begins in the heart," thousands of houses of worship have enrolled in the Accessible Congregations Campaign. Hopefully many other congregations in the country also will commit to identifying and removing barriers of architecture, communications and attitudes that prevent people with disabilities from practicing their faith.

#### Political Involvement

Citizens with disabilities want to vote, and are doing so at increasing rates. What had been a 20 percentage point participation gap—31 percent versus more than 50 percent—in the 1996 Presidential election was halved when 41 percent of voting-aged citizens with disabilities cast ballots in 2000. This followed a national get-out-the-disability-vote effort. But many polling places remain inaccessible to wheelchair users and others with limited mobility. Once inside the building, others encounter voting machines they cannot use. Persons with limited vision or hand strength are particularly disadvantaged at the polls. People with disabilities want to vote on election day, at the polls, just like everyone else.

Technological improvements now available could make voting at the polls possible for nearly all people with disabilities. All that is needed is the will, or a legal requirement, to put such voting machines into use. The contested 2000 Presidential Election showed that every vote counts. The disability community is determined to have full enfranchisement.

Late in 2001, the House of Representatives passed a bill that did not adequately address the above issues. The Senate's version of the bill, currently under review, is far more promising. Millions of voters and potential voters will be tracking this legislation in the hope that it will improve the voting system for all Americans. None of the barriers that have kept citizens with disabilities from voting should be allowed to remain by the time of the 2004 Presidential election, and the disability community calls on the government at all levels to ensure these obstacles are removed.

#### The Overall Picture

A clear majority of people with disabilities, 63 percent, say that life has improved for the disability community in the past decade. But when asked about life satisfaction, only 33 percent say they are very satisfied with their life in general—half as many as among those without disabilities. There is much room for improvement, and the disability community looks to the President and his Administration, the Congress, and all those in a position of community leadership to work proactively and productively with us to ensure that no person with a disability is left behind.

Anyone with a disability perspective who travels abroad returns impressed by the way America is, in many ways, the world leader in access, opportunity, and inclusion for people with disabilities. Much progress has been made, and many walls of exclusion have been leveled. People with disabilities celebrate the progress of this nation, and also remain dedicated to the vision of a day when all people, no matter how they are born or what conditions they acquire, will be full and equal participants in American life. This is our dream for the State of the Union.

#### TRIBUTE TO MANHATTAN BEER DISTRIBUTORS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 4, 2002*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Manhattan Beer Distributors, the first private, non-utility company in the Bronx to use heavy duty Compressed Natural Gas (CNG) trucks to make deliveries. Manhattan Beer Distributors will roll out its first CNG delivery trucks at a ceremony on Monday, February 4, 2002.

Mr. Speaker, Manhattan Beer Distributors first established a facility in the Bronx in 1979. The Bronx site is located on Walnut Avenue, in the industrialized and heavily trafficked area of the Bronx known as Port Morris. Today, the company employs 468 people at its Bronx facility, operates 95 vehicles and has an estimated 30 percent share of the beer market in the New York metropolitan area.

Under the leadership of its President, Simon Bergson, and Vice President Mike McCarthy, Manhattan Beer Distributors will begin the transformation of its fleet with 15 heavy-duty vehicles that will operate exclusively on CNG. The dispatch of these first fifteen could be the ground-breaking catalyst for changing the infrastructure of the South Bronx, from one where pollutant emissions from multitudes of vehicles threaten the delicate health of our children to one where commercial operations can harmoniously co-exist with adjacent residential communities. Manhattan Beer Distributors deserves tribute for its initiative in this project and I hope that many other companies will do the same.

Mr. Speaker, Manhattan Beer Distributors' use of alternative fuel contributes toward several local, regional and national interests. By reducing pollutant emissions through the use of CNG to power delivery trucks, Manhattan Beer Distributors helps improve our air quality. In addition, using CNG helps reduce our nation's dependence on foreign oil, which strengthens our nation's energy security and reduces our nation's trade deficit. Because it has installed a permanent CNG station, it is likely that the Manhattan Beer fleet will evolve into a total clean fuel fleet. The success of this project will demonstrate that other truck-based businesses in the Bronx can make similar improvements. These are the kinds of contributions to environmental quality and economic development that inspired me to introduce legislation providing tax incentives for businesses that use alternative fuels in federal empowerment zones.

Mr. Speaker, our nation must do all that it can to support businesses like Manhattan Beer Distributors, who willingly exercise good corporate citizenship. I heartily urge all of my esteemed colleagues to join me in honoring this bold, conscientious and innovative enterprise.