118TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
118–538

THINKDIFFERENTLY ABOUT DISABILITY EMPLOYMENT ACT

JUNE 4, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WILLIAMS of Texas, from the Committee on Small Business, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7989]

[Including cost estimate of the Congressional Budget Office]

The Committee on Small Business, to whom was referred the bill (H.R. 7989) to provide for a memorandum of understanding between the Small Business Administration and the National Council on Disability to increase employment opportunities for individuals with disabilities, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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49–006

I. PURPOSE AND BILL SUMMARY

On April 15, 2024, Rep. Molinaro and Rep. Pappas introduced H.R. 7989. The purpose of H.R. 7989, the "ThinkDIFFERENTLY About Disability Employment Act," is to provide for a memorandum of understanding between the Small Business Administration (SBA) and the National Council on Disability (NCD) to increase employment opportunities for people with disabilities.

II. NEED FOR LEGISLATION

Individuals with disabilities often face additional obstacles to traditional employment and are more likely to be self-employed than the average American. The Department of Labor has found that the lack of education or training, the need for accommodations at a job, and the lack of transportation present unique challenges when it comes to individuals with disabilities finding employment. The bill requires the SBA and NCD to enter into a Memorandum of Understanding (MOU) or other agreement to collaborate on employment and entrepreneurship opportunities for people with disabilities.

The NCD is an independent federal agency whose mission is to provide recommendations to federal policy makers on policies and issues that impact individuals with disabilities. As a small, underutilized agency, the NCD is uniquely suited to use its existing resources to help inform the SBA as to how the SBA can support individuals with disabilities. While the SBA has a history of providing support to service-disabled veterans, the same type of advice for entrepreneurs with disabilities who are not veterans is lacking.

III. HEARINGS

In the 118th Congress, the Committee held one hearing examining the issues covered in H.R. 7989. On January 30, 2024, the Committee held a hearing titled "Pathways to Success: Supporting Entrepreneurs and Employees with Disabilities" which examined the role entrepreneurs and employees with disabilities play in the workforce and discussed ways to empower them in the workplace.

IV. COMMITTEE CONSIDERATION

The Committee on Small Business met in open session, with a quorum being present, on April 17, 2024 and ordered H.R. 7989 reported to the House of Representatives. During the markup no amendments were offered.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. The Committee voted to favorably report H.R. 7989 to the House of Representatives at 11:54 AM.

118th Congress House Committee on Small Business Vote Record

Date: Wednesday, April 17th, 2024
Bill: **H.R. 7989** – The ThinkDIFFERENTLY About Disability Employment Act
Time of Vote: 11:54 am

Republicans	Aye	Nay	Present
Mr. Luetkemeyer (MO-03)			
Mr. Stauber (MN-08)	X		
Mr. Meuser (PA-09)	X		
Ms. Van Duyne (TX-24)	X		
Ms. Salazar (FL-27)	X		
Mr. Mann (KS-01)	X		
Mr. Ellzey (TX-06)	X		
Mr. Molinaro (NY-19)	X		
Mr. Alford (MO-04)	X		
Mr. Crane (AZ-02)	X		
Mr. Bean (FL-04)	X		
Mr. Hunt (TX-38)			
Mr. Lalota (NY-01)	X		
Ms. Maloy (UT-02)	X		
Chairman Williams (TX-25)	X		
TOTALS:			

Mr. Chairman on that vote: **23 Ayes 0** Nays and **0** Present

118th Congress House Committee on Small Business Vote Record

Date: Wednesday, April 17th, 2024
Bill: **H.R.** 7989 – The ThinkDIFFERENTLY About Disability Employment Act

Democrats	Aye	Nay	Present
Mr. Golden (ME-02)	X		
Mr. Mfume (MD-07)			
Mr. Phillips (MN-03)			
Mr. Landsman (OH-01)	X		
Mr. McGarvey (KY-03)	X		
Ms. Gluesenkamp Perez (WA-03)	X		
Ms. Scholten (MI-03)	X		
Mr. Thanedar (MI-13)	X		
Ms. Chu (CA-28)	X		
Ms. Davids (KS-03)	X		
Mr. Pappas (NH-01)	X		
Ranking Member Velazquez (NY-07)	X		
TOTALS:			

VI. SECTION-BY-SECTION OF H.R. 7989

Section 1—Short title

This bill may be cited as the "ThinkDIFFERENTLY About Disability Employment Act."

Section 2—Report on entrepreneurship challenges of entrepreneurs with disabilities

This section requires the Chair of the NCD and the Administrator of the SBA to enter into an MOU to provide employment and entrepreneurship assistance to individuals with disabilities. Additionally, these individuals must help small businesses with hiring people with disabilities and assist with related accessibility issues.

This section also requires the NCD and SBA to issue a report to Congress within two years of the bill's enactment detailing the MOU, its successes, and opportunities for additional partnership.

Section 3—Compliance with CUTGO

This section does not authorize any additional appropriations for this bill.

VII. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

At a Glance

Small Business Legislation

As ordered reported by the House Committee on Small Business on April 17, 2024

On April 17, 2024, the House Committee on Small Business ordered reported seven bills. This comprehensive document provides estimates for three of those bills.

- Each of the three bills would increase spending subject to appropriation by less than $500,000.
- None of the bills would affect direct spending or revenues; thus, pay-as-you-go procedures do not apply.
- None of the bills would impose intergovernmental or private-sector mandates.

Details of the estimated costs of each bill are discussed in the text.

Bill	Net Increase or Decrease (-) in the Deficit Over the 2024-2034 Period (Millions of Dollars)	Changes in Spending Subject to Appropriation Over the 2024-2029 Period (Outlays, Millions of Dollars)	Mandate Effects?
H.R. 7988	0	*	No
H.R. 7989	0	*	No
H.R. 8014	0	*	No

* = between zero and $500,000.

Summary of legislation: On April 17, 2024, the House Committee on Small Business ordered reported seven pieces of legislation. This document provides estimates for three of those bills. The bills would require the Small Business Administration (SBA) to update regulations for small business contracts awarded in certain areas and prepare reports.

Estimated Federal cost: The bills' costs fall within budget function 370 (commerce and housing credit).

Basis of estimate: For these estimates, CBO assumes that the bills will be enacted late in fiscal year 2024. The estimated costs do not include any interaction effects among the bills. If all three bills were combined and enacted as a single piece of legislation, the estimated costs could be different than the sum of the separate estimates, although CBO expects that any difference would be small.

H.R. 7988 SPUR Act: H.R. 7988 would require the SBA to consider the number of small businesses that secure a first-time federal prime contract when evaluating an agency on its contracting scorecard. A contracting scorecard is a ranking system that evaluates each agency's efforts in meeting goals for awarding contracts to small businesses.

Because the SBA already conducts scorecard evaluations and collects the required information, CBO estimates that implementing the bill would cost less than $500,000 over the 2024–2029 period. Any spending would be subject to the availability of appropriated funds.

H.R. 7989 ThinkDIFFERENTLY About Disability Employment Act: H.R. 7989 would require the National Council on Disability and the SBA to collaborate on employment and entrepreneurship opportunities for people with disabilities through a Memorandum of Understanding. The bill would require those entities to submit a report to the Congress on the activities carried out under the agreement and recommended opportunities for expansion. CBO estimates that implementing the bill would cost less than $500,000 over the 2024–2029 period. Any spending would be subject to the availability of appropriated funds.

H.R. 8014 Transparency and Predictability in Small Business Opportunities Act: H.R. 8014 would direct the SBA to disclose and publish on a single website new rules for cancelling certain solicitations, including a justification for the cancellation, the timeframe for reissuing cancelled solicitations, and the availability of similar contracting opportunities. The rules would apply to solicitations for which two or more businesses are eligible.

The SBA already has a website where it posts similar information on solicitations; on that basis, CBO estimates that implementing H.R. 8014 would cost less than $500,000 over the 2024–2029 period. Any spending would be subject to the availability of appropriated funds.

Pay-As-You-Go considerations: None of the bills would affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Increase in long-term net direct spending and deficits: None of the bills would increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2035.

Mandates: None of the bills contain intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Estimate prepared by: Federal Costs: Kelly Durand; Mandates: Grace Watson.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; Christina Hawley Anthony, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

VIII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(I) of the Congressional Budget Act of 1974, the Committee provides the following opinion and estimate with respect to new budget authority, entitlement authority, and tax expenditures. The Committee does not believe that there will be any additional costs attributable to this legislation. H.R. 7989 does not direct new spending, but instead reallocates funding independently authorized and appropriated.

IX. OVERSIGHT FINDINGS & RECOMMENDATIONS

In accordance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee on Small Business with respect to the subject matter contained in the H.R. 7989 are incorporated into the descriptive portions of this report.

X. PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of H.R. 7989 are to require a memorandum of understanding between the SBA and NCD on ways to improve entrepreneurship and employment opportunities for individuals with disabilities and a report to evaluate the memorandum of understanding within two years of enactment.

XI. STATEMENT OF DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, no provision of H.R. 7989 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XII. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee finds that the bill does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House of Representatives.

XIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

XV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XVI. STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to clause 7 of rule XII of the Rules of the House, the Committee finds that the authority for this legislation in Art. I, § 8, cl.1 of the Constitution of the United States.

XVII. MINORITY VIEWS

According to the U.S. Census Bureau, approximately 44.1 million Americans are people with disabilities.[1] Individuals born with disabilities have different experiences than individuals who acquire disabilities later in life. Even with this diversity, it is important to ensure that all Americans are duly included and accommodated in the workplace and business community.

However, only 26 percent of people with disabilities participate in America's labor force. Still, they have a higher rate of self-employment (17 percent) than non-disabled Americans (11 percent). People with disabilities often choose entrepreneurship over joining the labor force for several reasons, including greater flexibility and inclusion with respect to work scheduling and environment.[2] There are about 1.8 million small businesses owned by people with disabilities in the U.S.[3] Owning a small business is a major pathway for all Americans, especially people with disabilities, to achieve self-sufficiency.

Under the legislation, SBA to would enter into a Memorandum of Understanding with the National Council on Disability (NCD) to promote entrepreneurship and employment opportunities for people with disabilities. The role of the (NCD) is to make recommendations to the President, Congress, Federal agencies, State, tribal communities, and local governments on policies affecting Americans with Disabilities. The Council is an independent federal agency comprised of nine members—four appointed by the leadership in Congress and five appointed by the President. In Fiscal Year 2024, the Council received $3.8 million in federal funding. Since the enactment of the Americans with Disabilities Act in 1990, the NCD has played a key role in analyzing the needs of people with disabilities.

On January 30, 2024, the Committee's Innovation, Entrepreneurship, and Workforce Development Subcommittee held a hearing entitled "Pathways to Success: Supporting Entrepreneurs and Employees with Disabilities." The hearing focused on the role entrepreneurs and employees with disabilities play in the workforce and examined ways to empower them. In testimony, Mr. Keith Wargo, President and CEO of Autism Speaks reported, "many individuals with disabilities have the skills and desire to work, and hiring neurodiverse people benefits the companies they work for, and the overall economy." He further cited a study that showed "companies that actively seek to hire people with disabilities outperform busi-

[1] *Table S1810: Disability Characteristics*, U.S. CENSUS BUREAU (2022), https://data.census.gov/table/ACSST1Y2022.S1810.

[2] NAT'L DISABILITY INST., SMALL BUSINESS OWNERSHIP BY PEOPLE WITH DISABILITIES: CHALLENGES AND OPPORTUNITIES 1–2, 13–14 (Apr. 2022).

[3] Danielle Fallon-O'Leary, *6 Funding Opportunities for Disabled Entrepreneurs*, U.S. CHAMBER OF COM. (Nov. 1, 2023), https://www.uschamber.com/co/run/business-financing/funding-options-for-disabled-entrepreneurs.

nesses that do not. Their revenues, net income, profit margins were all higher. Further analysis revealed that the U.S. GDP could get a boost of up to $25 billion if more people with disabilities joined the workforce."

In conclusion, the legislation would require the Small Business Administration (SBA) and National Council on Disability (NCD) to collaborate to help people with disabilities pursue small business ownership and employment opportunities and submit a report to Congress about related activities and accomplishments.

NYDIA M. VELÁZQUEZ,
Ranking Member.

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