

Disability Rights Education & Defense Fund

November 20, 2024
via electronic mail

The Honorable James Comer
Chairman, House Committee on Oversight
and Accountability
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jamie Raskin
Ranking Member, House Committee on
Oversight and Accountability
2157 Rayburn House Office Building
Washington, D.C. 20515

RE: Concerns Regarding HR 8706, Dismantle DEI Act of 2024

Dear Chair Comer and Ranking Member Raskin:

The Disability Rights Education & Defense Fund (DREDF) writes to share concerns regarding H.R. 8706, the Dismantle DEI Act of 2024 (the Act). The Disability Rights Education and Defense Fund (DREDF) is a national cross-disability law and policy center that protects and advances the civil and human rights of people with disabilities through legal advocacy, training, education, and development of legislation and public policy. In the more than 40 years that have passed since our founding, we have persistently fought for the right of people with disabilities to be fully integrated within all aspects of community life. DREDF's work is based on the knowledge that people with disabilities of varying ages, racial and ethnic backgrounds, genders, and sexual orientations are fully capable of achieving self-sufficiency and contributing to their communities with access to needed services and supports, protection from discrimination, and the reasonable accommodations and modifications enshrined in U.S. law.

DREDF has serious concerns regarding the intent and potential impact of the Act as a whole. The disability community is broad and diverse. The majority of people with disabilities live at the intersection of multiple identities and may also be women, Black, Brown or Indigenous, or members of the LGBTQI+ community. People with disabilities are represented across religious communities and national origins. The proposed act would decimate inclusion efforts aimed at removing barriers to federal programs and services that are based on race, ethnicity, "biological sex," religion, or national origin. The Act would likely harm millions of disabled people.

The Act references the Americans with Disabilities Act (ADA) in an attempt to exclude the requirements of reasonable accommodation and policy modification from prohibition of diversity, equity or inclusion practices. However, we are deeply uncomfortable with prioritizing the benefits and rights afforded by the ADA only for disabled people who are not actively facing barriers other than disability-related barriers.

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While referencing the ADA is well-intentioned we have concerns regarding how the exception would be enacted. Section 104 and other sections that prohibit diversity, equity or inclusion (DEI) practices seek to preserve funding for offices that "enforce the ADA". We believe this is a very narrow exception. Many entities that enforce the ADA often do work focused on implementation as well, e.g. providing accessibility-related trainings and guidance. The reference to "accessibility" in section 303 could be understood as prohibiting funding related to courses that will, for example, instruct on how to distribute and use accessible medical equipment in VA hospitals or provide training on how to ensure that student loan applications are accessible to blind student applicants. At the very least, we recommend the language recognizes the breadth of work of many disability-focused offices.

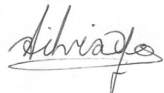
In addition, we note that many "offices" that do ADA work, whether enforcement or implementation or both, are likely doing work across a number of civil rights laws. If the exception is read to only preserve programs or offices that are only historically organized and operated as ADA offices, the exception could apply to very few programs.

Finally, only including offices enforcing the ADA as an exclusion misses the great majority of federal agencies that are the subject of the Act. The ADA applies primarily to states and local governments, and to "public accommodations" which are private businesses. Section 504 of the Rehabilitation Act of 1973 (Section 504) is the disability anti-discrimination law that applies to the federal government. If Section 504 is not preserved here, disability civil rights, accommodations, and policy modifications will very likely be categorized as falling under federal DEI work and be dismissed along with the other programs referenced in the Act.

Federal agency staff are not always aware of their agencies' obligations to ensure barrier removal and access to people with disabilities under Section 504. The failure to reference Section 504 explicitly in the bill will virtually guarantee federal agencies continue to disregard obligations to include disabled people in federal agency programs and activities.

Thank you for your consideration and for all you do on behalf of people with disabilities. Please Contact Silvia Yee at syee@dredf.org with questions.

Sincerely,



Silvia Yee, Policy Director