

118TH CONGRESS
1ST SESSION

S. 2475

To amend the Rehabilitation Act of 1973 to clarify the definition of competitive integrated employment.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2023

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Rehabilitation Act of 1973 to clarify the definition of competitive integrated employment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Choice and
5 Flexibility for Individuals with Disabilities Act”.

6 **SEC. 2. CLARIFICATION OF DEFINITION OF COMPETITIVE**
7 **INTEGRATED EMPLOYMENT.**

8 Section 7(5) of the Rehabilitation Act of 1973 (29
9 U.S.C. 705(5)) is amended—

10 (1) in subparagraph (B)—

1 (A) by striking “not including” and insert-
2 ing “including social and interpersonal inter-
3 actions with colleagues, vendors, customers, su-
4 periors, or such other persons as the employee
5 may come into contact with during the work
6 day and across workplace settings, other than”;

7 (B) by inserting before the semicolon at
8 the end the following: “, except that such inter-
9 actions shall not be considered solely at the
10 work unit level”; and

11 (C) by striking “and” at the end;

12 (2) by striking the period at the end of sub-
13 paragraph (C) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(D) for which an individual may have
16 been paid—

17 “(i) by a contractor—

18 “(I) of the Federal Government
19 under a contract with the Federal
20 Government for which priority was
21 given to the contractor on the basis of
22 the bid of the contractor involving
23 supporting employment for individuals
24 with disabilities; or

1 “(II) of a State government
2 under a contract with the State gov-
3 ernment for which priority was given
4 to the contractor on the basis of the
5 bid of the contractor involving sup-
6 porting employment for individuals
7 with disabilities;

8 “(ii) by a subcontractor at any tier of
9 a contractor—

10 “(I) of the Federal Government
11 under a subcontract for which priority
12 was given to the subcontractor on the
13 basis of the bid of the subcontractor
14 involving supporting employment for
15 individuals with disabilities; or

16 “(II) of a State government
17 under a subcontract for which priority
18 was given to the subcontractor on the
19 basis of the bid of the subcontractor
20 involving supporting employment for
21 individuals with disabilities; or

22 “(iii) under a contract mandating a
23 direct labor-hour ratio of individuals with
24 disabilities.”.

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 Nothing in the amendments made by this Act shall
3 be construed to reduce the number of jobs available for
4 referral by a State agency or other entity.

5 **SEC. 4. SENSE OF CONGRESS.**

6 It is the sense of Congress that jobs at a location
7 described in paragraph (5)(B) of section 7 of the Rehabili-
8 tation Act of 1973 (29 U.S.C. 705), and which derive from
9 Federal or State contracts managed by community reha-
10 bilitation programs for the purposes of supporting employ-
11 ment for people with disabilities, shall be eligible—

12 (1) for purposes of defining competitive inte-
13 grated employment under paragraph (5) of that sec-
14 tion, to be considered part of the competitive labor
15 market; and

16 (2) for purposes of defining an employment out-
17 come under that section, to be considered to be such
18 an employment outcome.

○