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OA/ID Number: 21932

FolderID:

Folder Title:

ADA [Americans with Disabilities Act]

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Deliverables for the ADA Events July 25 & 26

~~Robert Mitchell~~

~~Wellstone~~
~~Demerut~~

President

Theme: Employment Opportunities and Equality

SUBJECT	DESCRIPTION	FORMAT	STATUS	ANNOUNCE
Increase the number of individuals with disabilities employed in the federal government.	The Federal Government shall hire 100,000 qualified individuals with disabilities over 5 years into all levels and occupations of the Government, to the maximum extent feasible.	Executive Order	DPC	July 26, 2000
Requiring Federal agencies to establish effective written procedures for processing requests for reasonable accommodation.	Federal agencies shall establish effective written procedures for processing requests for reasonable accommodations for people with disabilities.	Executive Order	DPC	July 26, 2000
Section 504 Enforcement	Federal agencies will work with the Department of Justice and EEOC to develop plans to evaluate agency programs, activities and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in federal programs and activities.	Executive Memo	DPC	July 26, 2000
Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99)	Agencies operating customer service centers shall examine the feasibility and appropriateness of using home-based employees as customer service representatives. If it is appropriate to establish home-based positions, agencies shall implement procedures that encourage the recruitment and employment of people with significant disabilities for such positions.	Executive Memo	DPC	July 26, 2000

Eric Gould

Adjust the Substantial Gainful Activity Levels to Encourage Work Efforts (Note: These proposals do not address the "SSI Earned Income Exclusion." One of the proposals on the First Lady's list deals with the student version. We are not addressing the adult recipients at this time.)	SSA is proposing significant changes to the amounts that disabled adults can earn and be eligible for DI or SSI benefits. Under these proposals, the amounts would be adjusted annually based on the national average wage index. • <u>Indexing the Substantial Gainful Activity Level.</u> Annually adjust per the average wage index, the earnings level used to determine whether work done by persons with impairments other than blindness is substantial gainful activity. Currently, the SGA level is changed on an ad hoc basis through regulation. (SSI and DI) • <u>Increase (from \$200 to \$530) the Monthly Trial Work Period (TWP) Service Level.</u> During the TWP DI beneficiaries can test their ability to work without fear of losing benefits. Any month's earnings that exceed the TWP service amount counts as a TWP month. In addition, the TWP service amount would be annually adjusted based on the national average wage. (DI Only)	Regulatory Change 27 rd 27-30,000 10/yr Kear 410 965-3988	OMB	July 26, 2000
Create "Access America for People with Disabilities" Web Site – SSA/DOL (TF'99)	Provide information and services offered by virtually every major federal government agency, by linking to an abundance of helpful Federal agency sites, programs and services.	Announcement of Website	Done	July 26, 2000
Strong, Enforceable Patient's Bill of Rights (TF '99)		Legislation	In Congress	Pending
Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99)	Provide flexible ways to assist people with disabilities in defraying the costs of personal attendant services, technologies and other services required for employment.	Budget Proposal	In Congress	Pending

Rebb to
Mikolski
Sarbanes
Jeffords
Kenned
Harkin

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: **7/25/00** ACTION / CONCURRENCE / COMMENT DUE BY: **ASAP**
 Subject: **10th Anniversary of ADA**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	LOCKHART	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☒	☐	NOLAN	☐	☐
BAILY	☐	☐	REED	☒	☐
BERGER	☐	☐	SPERLING	☒	☐
BLUMENTHAL	☐	☐	STREETT	☐	☐
BRAIN 	☒	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☒	☐
CAHILL	☒	☐	VERVEER	☐	☐
EDMONDS	☒	☐		☐	☐
FRAMPTON	☐	☐		☐	☐
IBARRA	☐	☐		☐	☐
JOHNSON, E.	☐	☐		☐	☐
JOHNSON, J.	☒	☐		☐	☐
LANE	☐	☐		☐	☐

cc:
staff

REMARKS:

Comments to Sam Aridi

RESPONSE:

 Office of the Staff Secretary
 Ext. 62702

Draft 7/25/00 4:45 pm
Sam Afridi

00 JUL 25 PM 159

PRESIDENT WILLIAM J. CLINTON
10th ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT
WASHINGTON, DC
July 26, 2000

Acknowledge: First Lady; Justin Dart, conscience of the movement—tireless efforts to rally support for the ADA; Members of Congress from both sides of the aisle; others TBD; all of the appointees—I'm proud we have the most diverse Administration in history, including more Americans with disabilities. They were selected not because of their disability—but because of their ability to serve the American people.

I'll never forget the first ADA anniversary that I celebrated as President in 1993. I made the first-ever call from the White House through the nationwide relay service, which allows people who are deaf to use the phone. Senator Harkin and I called his brother, Frank. [*note: Frank Harkin passed away last month*] History will surely record that momentous event. Because when we tried...the line was busy. Frank was calling all his friends to say 'hello' on the phone for the first time in his life.

We got through to Frank eventually and had a wonderful conversation. But he taught us the lesson of the ADA before we even spoke. People with disabilities don't want anything special. They want to talk on the phone--get on the bus--go to the movies--enjoy dinner at a restaurant with their loved ones.

Americans with disabilities don't want pity—they want opportunity. They don't want sympathy--they want self-determination. They don't want excuses--they want jobs and careers and economic independence.

I've been here to the FDR Memorial a number of times, including last December for the last bill signing of the 20th century when we made the Work Incentives Improvement Act the law of the land. We're here again today because this is more than a monument to one of our nation's greatest leaders. It is a symbol of what we stand for as a nation: In America, everyone deserves a chance, everyone has a role to play, and we all do better when we help each other. That's what this Memorial represents. And that's what the ADA is about.

Ten years ago, all of you moved our nation forward along a journey that stretches from Seneca Falls to Selma. Together, we declared disability is a natural part of the human experience. Disability rights are civil rights.

The ADA changed our landscape in ways we may no longer even notice. Curb cuts, low-incline ramps, close captioning, this is part of everyday life. But perhaps more than changing the way America looks, the ADA is helping to change the way we see one another. Every day, it is lowering more of the invisible barriers—the barriers in attitudes—the barriers that for too long perpetuated the false belief that “disabled” meant “unable”.

I'm proud of the progress we've made to advance the goals of inclusion, empowerment and independence—of which Justin and Hillary spoke. I'm proud that we're in the midst of the longest economic expansion in our history. I'm proud that more Americans with disabilities are working than ever before. But I don't have to tell any of you: We still have work to do. If we want to help all Americans realize their full potential, we must work even harder to realize the full promise of the ADA. Keeping our economy strong requires drawing from the talent, the energy, the promise of all our people.

So on this anniversary, we're looking forward. Yesterday, the Vice President announced a number of new steps we're taking to promote home and community-based health care options for people with disabilities. No one should have to live in an institution or nursing home if they can live in their community with the proper supports. Today, I want to add to what Hillary said by announcing additional steps we are taking to advance the goals of the ADA and help more Americans lead productive self-sufficient lives.

First, we're doing more to remove the barriers to work for people with disabilities. Last year, we raised the limit people can earn while still keeping Social Security disability benefits. Today, I am announcing that this earnings limit will be automatically adjusted every year based on the cost-of-living index. We also will more than double the amount a person can earn and still receive benefits during a trial work period. Taken together, these actions will reward work, expand opportunity and benefit as many as 400,000 Americans with disabilities.

Second, when it comes to the employment of people with disabilities, the federal government must lead by example. Our federal workforce is the smallest in more than 40 years. But as we make new hires, we need to ensure we are tapping into the deepest pool of talent. Today, I am signing an executive order calling on the federal government to set a goal of hiring 100,000 people with disabilities by the fifteenth anniversary of the ADA.

Third, members of the House and Senate have introduced the bipartisan Family Opportunity Act. It builds on the success of the Work Incentives Improvement Act by ensuring that children of people with disabilities can keep their Medicaid coverage even if their parents have returned to work. I pledge to work with Congress to enact legislation that achieves those goals this year.

Fourth, I am announcing a new website that will serve as a one-stop electronic resource link for people with disabilities. You can log on and get the latest information on tax credits and deductions, find out what supports may be available and how to apply for them, locate the nearest employment and training center, or learn more about the civil rights and protections guaranteed by the ADA. It's called Access America---www.disability.gov.

Fifth, and finally, I am renewing my call to Congress to act on pending legislation that will improve the lives of people with disabilities. My budget includes a 35% increase in ADA enforcement for the Department of Justice. I urge Congress to pass it. I ask Congress to pass our \$3,000 tax credit for long-term care and our \$1,000 tax credit to help cover transportation or assistive technology costs on the job.

It's also time for a strong hate crimes bill that protects people with disabilities—a real Patients' Bill of Rights that covers all Americans in all health plans—and affordable, accessible prescription drug coverage for all Medicare beneficiaries, including those with disabilities.

More than 60 years ago, Franklin Roosevelt marked another birthday--the anniversary of the Emancipation Proclamation. He said it was an occasion for "recalling great progress", but also a time for "remembering that in the truest sense freedom cannot be bestowed; it must be achieved."

Because of all you achieved, America is a far better place than it was ten years ago. But the ADA has always been about the future. It's about the kids here on this stage. You've given them a better today. Let's keep working to give them an even better tomorrow.

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Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-24-00 ACTION / CONCURRENCE / COMMENT DUE BY: 7-25-00 3pm
 Subject: ADA 10TH ANN. - 2 Exec. Orders; 2 PDs

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	LOCKHART	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☐	☐	NOLAN	☒	☐
BAILY	☐	☐	REED	☒	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☐	☐	STREETT	☐	☐
BRAIN 	☒	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☒	☐
CAHILL	☒	☐	VERVEER	☒	☐
EDMONDS	☐	☐		☐	☐
FRAMPTON	☐	☐		☐	☐
IBARRA	☐	☐		☐	☐
JOHNSON, B.	☐	☐		☐	☐
JOHNSON, J.	☒	☐		☐	☐
LANE	☐	☐		☐	☐

cc:
 Broderick
 Lisa
 Karen
 Joanna
 murtis

REMARKS:

Comments to staff secy

RESPONSE:

DRAFT

7-24-2000

1:15 p.m.

Executive Order

INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH
DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote an increase in the opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and to support the goals articulated in § 501 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), it is hereby ordered as follows:

Section 1. Increasing the Federal Employment Opportunities for Individuals with Disabilities. (a) Recent evidence demonstrates that, throughout the United States, qualified persons with disabilities have been refused employment despite their availability and qualifications, and many qualified persons with disabilities are never made aware of available employment opportunities. Evidence also suggests that increased efforts at outreach, and increased understanding of the reasonable accommodations available for persons with disabilities, will permit persons with disabilities to compete for employment on a more level playing field.

(b) Based on current hiring patterns and anticipated increases from expanded outreach efforts and appropriate accommodations, the Federal Government, over the next five years, will be able to hire 100,000 qualified individuals with disabilities. In furtherance of such efforts, Federal agencies shall:

(1) Use available hiring authorities, consistent with statutes, regulations, and prior Executive orders and Presidential Memoranda;

(2) Expand their outreach efforts, using both traditional and non-traditional methods; and

(3) Increase their efforts to accommodate individuals with disabilities.

(c) As a model employer, the Federal Government will take the lead in educating the public about employment opportunities available for individuals with disabilities.

(d) This order does not require agencies to create new positions or to change existing qualification standards for any position.

Sec. 2. Implementation. Each Federal agency shall prepare a plan to increase the opportunities for individuals with disabilities to be employed in the agency. Each agency shall submit that plan to the Office of Personnel Management within 60 days from the date of this order.

Sec. 3. Authority to Develop Guidance. The Office of Personnel Management shall be authorized to develop guidance on the provisions of this order to increase the opportunities for individuals with disabilities employed in the Federal Government.

Sec. 4. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

THE WHITE HOUSE.

DRAFT

7-24-2000

1:15 p.m.

Executive Order

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REQUIRING FEDERAL AGENCIES TO ESTABLISH PROCEDURES
TO FACILITATE THE PROVISION OF REASONABLE ACCOMMODATION

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote a model Federal workplace that provides reasonable accommodation for (1) individuals with disabilities in the application process for Federal employment; (2) Federal employees with disabilities to perform the essential functions of a position; and (3) Federal employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities, as required by the Rehabilitation Act of 1973 (29 U.S.C. 701 *et seq.*), as amended, it is hereby ordered as follows.

Section 1. Establishment of Effective Written Procedures to Facilitate the Provision of Reasonable Accommodation. (a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation by employees and applicants with disabilities. Different components of an agency may tailor their procedures as necessary to ensure the expeditious processing of requests.

(b) As set forth in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities* (1998), effective written procedures for processing requests for reasonable accommodation should include the following:

- (1) Explain that an employee or job applicant may initiate a request for reasonable accommodation, orally or in writing. If the agency requires an applicant or employee to complete a reasonable accommodation request form for record keeping purposes, the form must be provided as an attachment to the agency's written procedures;
- (2) Explain how the agency will process a request for reasonable accommodation, and from whom the individual will receive a final decision;
- (3) Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. Time limits for decisionmaking should be as short as reasonably possible;
- (4) Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the

requested accommodation where the disability and/or need for accommodation is not obvious:

(5) Explain the agency's right to request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace;

(6) Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense;

(7) Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position;

(8) Provide that reasonable accommodation denials be in writing and specify the reasons for denial;

(9) Ensure that agencies' systems of record keeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulation; and

(10) Encourage the use of informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation. Agencies must also inform individuals with disabilities that they have the right to file complaints in the EEO Equal Employment Opportunity and other statutory processes if their requests for reasonable accommodation are denied.

Sec. 2. Submission of Agency Reasonable Accommodation Procedures to the Equal Employment Opportunity Commission (EEOC). Within one year from the date of this order, each agency shall submit its procedures to the EEOC. Each agency shall also submit to the

EEOC any modifications to its reasonable accommodation procedures at the time that those modifications are adopted.

Sec. 3. Collective Bargaining Obligations. In adopting their reasonable accommodation procedures, agencies must honor their obligations to notify their collective bargaining representative and bargain over such procedures to the extent required by law.

Sec. 4. Implementation. The EEOC shall issue guidance for the implementation of this order within 90 days from the date of this order.

Sec. 5. Construction and Judicial Review. (a) Nothing in this order limits the rights that individuals with disabilities may have under the Rehabilitation Act of 1973.

(b) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

THE WHITE HOUSE,

DRAFT

7-24-2000

1:15 p.m.

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Employing People with Significant Disabilities to Fill Federal Agency Jobs That Can Be Performed at Alternate Work Sites, Including the Home

Cutting edge telecommunications technology has recently made it possible for customer service "call/contact" centers to transmit voice and data to employees who are located at work sites other than the call/contact centers, employers' headquarters, or other centralized locations. Individuals employed as customer service representatives can work from their homes or any other accessible off-site location just as if they were working in the call /contact centers themselves. Technology also enables other types of work activities, such as the processing of insurance claims and financial transactions, to be carried out from such alternate work stations.

The unemployment rate of individuals with significant disabilities is among the highest of disadvantaged groups in the nation. These individuals are an important untapped resource of talent and skills, and a key element in the capacity to sustain our historic economic growth. The increasing use of off-site work stations to carry out significant and competitive work activities provides a critical new source of employment opportunities for individuals with significant disabilities.

It is in the interest of the Federal Government to utilize the skills of people with significant disabilities by recruiting them for appropriate off-site, home-based employment opportunities with Federal agencies, including employment as home-based customer service representatives linked to Federal customer service call /contact centers.

To harness the power of new technologies to promote Federal sector employment of people with significant disabilities, as defined in the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and to improve Federal customer service representation. I direct executive departments and agencies as follows:

- (a) Each head of an executive department or agency operating customer service call /contact centers shall identify positions that can be relocated to home-based or other off-site facilities, and can be filled by individuals with significant disabilities.
- (b) Each head of an executive department or agency shall identify the appropriateness of using home-based and other off-site positions to carry out other specific work activities, such as the processing of insurance claims and financial transactions, that could be accomplished by individuals with significant disabilities.

(c) If the head of a department or agency determines it is feasible and appropriate to establish home-based positions pursuant to its actions under paragraphs (a) and (b) of this memorandum, such head shall develop a Plan of Action that encourages ~~of~~ the recruitment and employment of individuals with significant disabilities for such positions ✓

(d) The Plan of Action established pursuant to paragraph (c) of this memorandum shall be submitted to the President's National Task Force on Employment of Adults with Disabilities ("Task Force") (created by Executive Order 13078) within 120 days from the date of this memorandum.

(e) The Task Force, in consultation with the Office of Personnel Management, shall be authorized to review and approve agency Plans of Action and shall be responsible for implementing the plans and the provisions of this memorandum.

(f) In implementing this memorandum, agencies must honor their obligations to notify their collective bargaining representatives and bargain over such procedures to the extent permitted by law.

(g) This memorandum shall be implemented consistent with merit system principles under law.

(h) This memorandum does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, its employees, or any other person.

THE WHITE HOUSE,

DRAFT

7-24-2000

1:15 p.m.

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Renewing the Commitment to Ensure that Federal Programs are Free from Disability-Based Discrimination.

As we draw near the tenth anniversary of the Americans with Disabilities Act (ADA), we have much to celebrate. This landmark civil rights law has increased opportunities for employment, education, and leisure for millions of Americans. Our country is stronger as a result.

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of the Rehabilitation Act of 1973 ("Act"), (29 U.S.C. § 701 et seq.), as amended, which prohibits discrimination on the basis of disability in Federal programs and activities. One important goal of the Act for the Federal Government is to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of the Act. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

The time has come to reaffirm the Federal Government's commitment to ensuring that agencies' programs are free from discrimination. The means we use to accomplish our goals should be tailored to the changing nature of government.

I call upon the Department of Justice, the Equal Employment Opportunity Commission ("EEOC"), the Interagency Disability Coordinating Council (IDCC), and the President's National Task Force on Employment of Adults with Disabilities to provide leadership to Federal agencies in meeting their common goal: to ensure that today's Federal programs — including programs of employment — continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct the Department of Justice and the EEOC, in close consultation with the IDCC and the President's National Task Force on Employment of Adults with Disabilities, to develop priorities under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities in accordance with the requirements of sections 501, 504, and 508 of the Act. As the initial steps, agencies are directed to do the following:

- (a) Make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001, consistent with the requirements of the Act and subject to the availability of appropriations and technology; and

- (b) Publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Act.

I direct the IDCC to coordinate executive agencies' efforts to make the Federal Government's electronic and information technology accessible to persons with disabilities.

I designate the Administrator of the General Services Administration and the Secretary of Defense to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. § 794c).

These steps will enable Federal agencies to work together as they renew their ongoing commitment to ensure that Federal programs do not discriminate against people on the basis of disability.

Nothing in this memorandum is intended in any way to limit the effect or mandate of Executive Order 12250 of November 2, 1980, which conveys certain authorities upon the Attorney General, or Executive Order 12067 of June 30, 1978, which conveys certain authorities upon the Chair of the Equal Employment Opportunity Commission.

This memorandum is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

THE WHITE HOUSE,