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## **Summary of draft Executive Order on Employment of People with Disabilities**

Note: This version is DPC's effort to reach a compromise between the appointees with disabilities and the Department of Labor, but it is much closer to the appointees' preferences.

### **Preamble**

- Establishes national agenda for the employment of people with disabilities and directs agencies to set in place requisite policies to improve the employment rate of people with disabilities.
- Effort is consistent with Administration efforts to strengthen economy.
- High unemployment rate of people with disabilities and cost to society; and high cost of government programs (SSDI, SSI, workers' comp, welfare) to support those with disabilities who are not working; few on the rolls return to work.
- Many people with disabilities want to work, but face discrimination and a host of other barriers -- lack of health insurance, transportation, housing, long-term supports, etc.
- The ADA has begun to improve employment picture, but we must ensure our policies conform to ADA vision that people with disabilities be part of the economic mainstream.
- President's 1998 budget included proposals that move in the right direction.

### **Establishment of National Employment Agenda for Individuals with Disabilities**

- Establishes goal of moving toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.
- Establishes National Task Force to oversee and implement agenda, chaired by DOL, with relevant federal agencies as members. Agencies shall give this a high priority, consistent with balanced budget. Task Force shall continue through 2002.

### **Activities of the Task Force on the National Employment Agenda**

- To increase employment rate of people with disabilities and ameliorate employment barriers for persons with disabilities, the Task Force shall ensure the coordination of Federal efforts and identify changes to agency programs and policies; may recommend changes to the President.
- Task Force/OPM shall make the federal government a model employer: review federal personnel policy and recommend change where necessary, within a year. Vague role for EEOC.
- Expands Defense Department's Computer/Electronics Accommodations Program to serve all government agencies, saying "appropriations shall be sought within the Department of Defense's budget to adequately fund the program." (Cost of \$2-5 million.)
- Directs Task Force/SSA/Treasury to design and implement programs that "provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether" (the appointees are hoping for a tax credit).
- Directs Task Force/Justice/HHS to work with states to ensure that welfare reform is carried out in compliance with civil rights law (i.e., people with disabilities who are expected to work get reasonable accommodations if they need them).
- Directs Task Force/DOL/Commerce/HHS/SBA to increase small business opportunities for people with disabilities; and to help people leaving welfare to start micro-enterprises that provide personal assistance services to people with disabilities.
- Requires the Bureau of Labor Statistics to start reporting monthly unemployment rate of people with disabilities within one year after the executive order. (This may have a cost.)

### **Reporting Requirement**

- Task Force shall report to the President on government-wide plan and steps taken by each department and agency to advance this agenda in July 1998 and every two years after that.

**Executive Order**  
[number]  
[month / day], 1997

**Agenda 2002 for the Employment of People with Disabilities: A Renewed and  
Reinvigorated Executive Branch Commitment**

This Order establishes a National agenda for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions to improve the employment rate of people with disabilities. This order is consistent with this Administration's efforts to further strengthen our economy by including and preparing all segments of working age Americans for the emerging workforce of the 21st century. The continued strength and expansion of our economy depend on our ability to make the most of the productive potential of all groups.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities is estimated to cost society in excess of \$200 billion annually. This is a long standing problem in this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990.

In addition, the cost of many government subsidies to those judged unable to work because of disabilities is growing dramatically, including Social Security disability benefit programs and workers' compensation insurance programs. The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. When Medicare and Medicaid costs are included, total Federal and state expenditures more than double. Yet less than 1 percent of the over 8 million beneficiaries return to work to become income earning, tax paying citizens, and an alarming percentage of children on disability benefits never make the transition off the rolls into work as they become adults.

High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. Thousands of working adults with disabilities and their families are affected by welfare reform and should have an equal opportunity to realize its full promise, including the opportunity to work and keep their families healthy, safe, and intact. However, to enable them to work, it is essential that government and industry work together to remove discrimination and the remaining significant barriers to employment for people with disabilities: lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. In addition, people with disabilities must have access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages.

The Americans with Disabilities Act of 1990, along with other Federal, State and local civil rights laws which prohibit discrimination and mandate equal opportunity in the workforce, have set the framework for people with disabilities to compete effectively and fairly in our labor market. Recent statistics of the Census Bureau suggest that the ADA has begun to have a positive effect on the employment rate of people with disabilities. Now we must eliminate policies and practices that do not encourage or actually deter employment, and that conflict with the purposes of the ADA and other civil rights laws, and replace them with those which equip more of our people to work.

For example, research by the Departments of Education and Health and Human Services show that individuals with disabilities who were previously thought incapable of substantial, gainful employment, including individuals with mental retardation and other serious cognitive, sensory, psychiatric and physical disabilities, can in fact work full-time with the availability of supports, medical breakthroughs, school to work programs, better vocational rehabilitation and training, and technological innovations. The approach of the 21st century is ushering in powerful changes in technology and telecommunications systems, which are opening up more entrepreneurial and telecommuting opportunities for individuals with disabilities. These programs must be further explored and expanded. However, all of this will only work if the severe economic disincentives, health care barriers, and other barriers to work are replaced with access to jobs and careers.

The Administration's 1998 budget submission included proposals that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. Enacting this program will be an important first step in ensuring that our programs consistently support employment of people with disabilities. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies encourage their employment [and private sector...?]

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to address the enumerated facts above and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is ordered as follows:

**Section 1. Establishment of National Employment Agenda for Individuals with Disabilities.**

There is hereby established a national agenda for the employment of individuals with disabilities. It shall be the goal of this effort to move the Nation toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.

(a) To oversee and implement this national agenda, there is established a National Task Force on the Employment of People with Disabilities. The membership of this Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services,

Commissioner of the Social Security Administration, Secretary of the Treasury, Attorney General, Secretary of Defense, Secretary of Veterans' Affairs, Secretary of Commerce, Administrator of the Small Business Administration, Secretary of Transportation, Secretary of Housing and Urban Development, Director of the Office of Personnel Management, Chair of the Federal Communications Commission, Chair of the Equal Employment Opportunity Commission, Chair of the National Council on Disability, Chair of the Committee for Purchase from People who are Blind or Severely Disabled, Chair of the President's Committee on Mental Retardation, Chair of the Architectural and Transportation Barriers Compliance Board, and Chair of the President's Committee on Employment of People with Disabilities.

(b) The Chair of the Task Force shall be the Secretary of Labor. [Education suggests it be cochaired by Labor, Education, and SSA.]

(c) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and the balanced budget agreement to balance the budget by Fiscal Year 2002. The Task Force shall maintain this initiative during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

(d) As defined herein, a person with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the first prong of the definition of "individual with a disability" that appears in the Americans with Disabilities Act of 1990.

## Section 2. Activities of the Task Force on the National Employment Agenda.

The Task Force shall ensure the coordination of Federal government efforts and resources within and among agencies in order to increase the employment rate of working age people with disabilities, and to ameliorate employment barriers for persons with disabilities. These include discrimination; inadequate access to health care; and lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education [drop?], vocational rehabilitation, training services, and on-the-job supports. Task Force members shall analyze all of their existing programs and policies to determine what changes, modifications, and innovations may be necessary to encourage and provide incentives for the employment of people with disabilities. The Task Force shall undertake or if necessary recommend to the President additional steps that can be taken to advance the employment of people with disabilities. Specific activities shall include the following:

(a) In order to make the federal government a model employer of people with disabilities, by July 26, 1998, members of the Task Force, including the Office of Personnel Management shall review

all federal government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance[?] its coordinating function with respect to the elimination of discrimination in federal hiring and personnel practices. In addition, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

(b) Members of the Task Force, including the Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of People with Disabilities, shall design and implement innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether.

© Members of the Task Force, including the Department of Justice and the Department of Health and Human Services, shall work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, so that individuals with disabilities and their families can have equal opportunity to realize the full promise of welfare reform.

(d) Members of the Task Force, including the Departments of Labor, Commerce, Health and Human Services, and the Small Business Administration, shall work together to develop and potentially implement small business and entrepreneurial opportunities for individuals with disabilities; as well as strategies for assisting low income individuals, including those with disabilities, to create small businesses and micro-enterprises to provide consumer-driven personal assistance and other work supports, with the goal of achieving the twin vital aims of putting people on welfare and individuals with disabilities to work.

(e) Members of the Task Force, including the Departments of Transportation and Housing and Urban Development shall examine their programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.

(f) No more than one year after the effective date of this Executive Order, the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly basis.

### **Section 3. Cooperation with Federal Partners.**

All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, state and local governments, disability advocacy groups, organized labor, and veteran service organizations whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should consider the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

### **Section 4. Reporting Requirement**

The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy.

VICKI RADD

FOR  
Vicki

PRESIDENT'S  
COMMITTEE  
ON EMPLOYMENT  
OF PEOPLE  
WITH DISABILITIES

## FACSIMILE TRANSMISSION

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DIANA FORNINA @ OFFICE OF DOMESTIC POLICY, BILL WINTER @ OFF. OF PUBLIC AFFAIRS, VICKI RADD @ OFF. OF CHIEF OF STAFF, ANN L. LEWIS @ NECU, SETH HARRIS & RAY UHALDIE @ DOL  
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ENCLOSED PLEASE FIND  
THE 9<sup>TH</sup> DRAFT OF THE PROPOSED EXECUTIVE ORDER  
ON THE EMPLOYMENT OF PEOPLE W/ DISABILITIES. IT  
HAS BEEN SUBSTANTIALLY REVISED BASED ON COMMENTS  
RECEIVED FROM THE DEPARTMENT OF LABOR. DOL'S  
COMMENTS THAT LED TO THIS REVISION ARE ALSO ATTACHED.  
PLEASE REVIEW IMMEDIATELY AND GET ANY COMMENTS  
BACK TO ME NO LATER THAN COB JULY 1<sup>ST</sup>. IF YOU HAVE  
NOT RUN THIS UP THE FLAG POLE AT YOUR RESPECTIVE AGENCIES,  
IT IS TIME TO DO SO, AND QUICKLY. DOL IS GIVING THIS GREAT  
ATTENTION & SUPPORT.

THANKS,

P.S. WHO ELSE DOES THIS NEED TO GO TO? WHO AT OMB?

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**DRAFT** #9 --- 6/24/97

**Memorandum**

**To:** (List agency heads for the departments and agencies listed in the Order)

**From:** President Clinton

**Subject:** Executive Order Establishing a National Initiative for the Employment of People with Disabilities

**Date:** (mm/dd/97)

The Order accompanying this Memorandum establishes a national initiative for the employment of people with disabilities and directs the key executive branch agencies charged therein to set in place the requisite policies and actions.

Please begin implementation of this Executive Order immediately.

DRAFT #9  
6/24/97  
[Signature]

**Executive Order**  
[number]  
[month / day], 1997

**Agenda 2006 for the Employment of People with Disabilities: A Renewed and  
Reinvigorated Executive Branch Commitment**

This Order establishes a National agenda for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions. This order is consistent with this Administration's efforts to further strengthen our economy by including and preparing all segments of working age Americans for the emerging workforce of the 21st century. The continued strength and expansion of our economy are dependent on our ability to include all groups that are presently excluded from work. It is important that this effort encompasses people on welfare and people with disabilities, many of whom are eager to work and whom federal entitlements and programs currently support.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities poses a cost to society in excess of \$200 billion annually. This has been a long standing problem throughout the history of this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990. Additionally, the cost of many government subsidies is growing dramatically with the recent rapid expansion in the disability rolls, such as the Social Security disability benefit programs and workers' compensation insurance programs. Thousands of working adults with disabilities and their families also will be affected by Welfare Reform and should have an equal opportunity to realize its full promise, including the opportunity to work and keep their families healthy, safe and intact. More importantly, many individuals trapped in these programs seek to survive on poverty level subsistence and have little opportunity to contribute to and participate in our economy. We must work to change Federal policies and programs.

The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and pays \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. These costs reflect only monetary benefits. When the Medicare and Medicaid costs associated with disability-based cash assistance are factored in, the Federal and State expenditures associated with our income support programs more than double. We know that less than 1 percent of the over 8 million SSI and Social Security Disability Insurance beneficiaries return to work to become income earning, tax paying citizens, and that an alarming percentage of children on disability benefits never transition off the rolls into work as they become adults. High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. However, to enable them to work, it is essential that government and industry work together to remove discrimination and the remaining significant barriers to employment for

people with disabilities; including lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. Additionally, sufficient incentives and access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages must be available.

The Americans with Disabilities Act of 1990, along with other Federal, State and local civil rights laws which prohibit discrimination and mandate equal opportunity in the workforce, have set the framework for people with disabilities to compete effectively and fairly in our labor market. Recent statistics of the Census Bureau suggest a positive impact of the ADA on the employment rate of people with disabilities. Now we must eliminate the current policies and practices that do not encourage employment or actually deter employment and that conflict with the purposes of the ADA and other civil rights laws, and replace them with those which equip more of our people to work.

For example, innovative research and demonstration programs of the Department of Education and the Department of Health and Human Services show that individuals with disabilities who were previously thought incapable of substantial, gainful employment, including individuals with mental retardation and other serious cognitive, sensory, psychiatric and physical disabilities, can in fact work full-time with the availability of natural supports, medical breakthroughs, school to work programs, better vocational rehabilitation and training, and technological innovations. The approach of the 21st century is ushering in powerful changes in technology and telecommunications systems, which are opening up more entrepreneurial and telecommuting opportunities for individuals with disabilities. These programs must be further explored and expanded. However, all of this will only work if the severe economic disincentives, health care barriers, and other barriers to work are replaced with real access to jobs and careers.

The budget recently submitted to Congress contains initiatives that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. This will be an important first step in the realigning of our Federal policies and programs to consistently support people with disabilities in working. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies are designed to encourage their employment.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to address the enumerated facts above and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is ordered as follows:

**Section 1. Establishment of National Employment Agenda for Individuals with Disabilities.**

There is hereby established as a national agenda for the employment of individuals with

disabilities. It shall be the goal of this effort to move the Nation toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.

(a) To oversee and implement this initiative, there is established a National Task Force on the Employment of People with Disabilities. The membership of this Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services, Commissioner of the Social Security Administration, Secretary of the Treasury, Attorney General, Secretary of Defense, Secretary of Veterans' Affairs, Secretary of Commerce, Administrator of the Small Business Administration, Secretary of Transportation, Secretary of Housing and Urban Development, Director of the Office of Personnel Management, Chair of the Federal Communications Commission, Chair of the Equal Employment Opportunity Commission, Chair of the National Council on Disability, Chair of the Architectural and Transportation Barriers Compliance Board, and Chair of the President's Committee on Employment of People with Disabilities.

(b) The Chair of the Task Force shall be the Secretary of Labor.

(c) The Task Force shall direct and coordinate programs within and between their agencies in a manner which enhances and increases the employment rate of working age individuals with disabilities. Additionally, the Task Force shall undertake or if necessary recommend to the President additional steps that can be taken to advance the employment of people with disabilities.

(d) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and government wide effort to balance the budget in Fiscal Year 2002. The Task Force shall maintain this initiative during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

(e) As defined herein, a person with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the first prong of the definition of "individual with a disability" that appears in the Americans with Disabilities Act of 1990.

## Section 2. Specific Activities of the National Employment Agenda.

(a) The departments and agencies of the Task Force members shall coordinate their efforts and resources to ameliorate employment barriers for persons with disabilities, such as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology,

community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. The Task Force members shall also analyze all of their existing programs and policies to determine what changes, modifications and innovations may be necessary to encourage and provide incentives for the employment of people with disabilities.

(b) In implementing this National employment agenda, the federal government shall be a model employer of people with disabilities. By July 26, 1998, the Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance its coordinating function with respect to the elimination of barriers to employment resulting from discrimination within the federal government workforce. Additionally, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

(c) The Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of People with Disabilities, shall design and implement innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether.

(d) The Department of Justice and the Department of Health and Human Services shall work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act so that individuals with disabilities and their families can have equal opportunity to realize the full promise of Welfare Reform, i.e. the opportunity to work their way out of poverty while keeping their families healthy, safe and intact.

(e) The Departments of Education, Labor, and Health and Human Services, as well as the Small Business Administration, shall develop and carry out strategies for assisting low income individuals, including people with disabilities, to create small businesses and micro enterprises to provide consumer driven personal assistance and other work related supports. This effort shall use the full buying power of the Federal Government to achieve the twin vital aims of putting people on welfare and individuals with disabilities to work. Additionally, the Department of Commerce and Small Business Administration shall develop and implement small business and entrepreneurial opportunities for individuals with disabilities that have a significant effect on the ability of such individuals to develop and sustain successful small business and entrepreneurial activities.

(f) The Departments of Transportation and Housing and Urban Development shall examine their various programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.

(g) All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

(h) No more than one year after the effective date of this Executive Order, the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly basis.

(i) The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy.

06/28/97 16:24 202 376 8868  
06/17/97 14:57 202 219 8523

PCEPD  
SKUNKWORKS

008  
001

U.S. Department of Labor

Office of the Assistant  
Secretary for Policy  
Washington, D.C. 20210



Referred at 3:00 per  
request

DATE: 6/17/97

TO: John Lancaster

FAX NO: 376-6219

COMPANY: PCEPD

PHONE NO: 376-6200

FROM: Gary B Road

PHONE NO: 219-6026 K134

FAX NO: (202) 219-6523

NUMBER OF PAGES INCLUDING COVER: 3

MESSAGE: 6/17/97

Attached is a brief description  
of the revisions to the F.O. that  
would suggest. Please  
let me know what you think.  
Gary Road

June 17, 1997

Note for: John Lancaster

From: Gary Reed  
Stephanie Powers

Subject: Proposed Changes to Draft Executive Order

Seth Harris has charged us with working through some minor revisions of your draft E.O. that will preserve the basic core of requiring Federal Agencies to promote employment opportunities for persons with disabilities, but place it in a broader context and make it less directive in terms of setting goals and mandating specific agency actions. Our overall goal with revisions of the E.O. is to ensure that it will establish a highly visible process that will focus attention on the need to expand access to employment opportunities for persons with disabilities and will lead to the implementation of programs and policies that will significantly advance this goal.

As indicated in our meeting last week, the White House is very keen to develop an overall initiative related to the theme that the future of the workforce, and therefore the economy, depends significantly on our ability to include groups (e.g. the disabled and those on welfare) that are presently excluded from work. The draft E.O. needs to be cast in this broader context.

Further, we would suggest "tweaking" the E.O. so it does not appear to place one Cabinet Secretary in charge of the programs of other Departments. There has to be one Cabinet Secretary in charge of the Task Force in order to make it work and the logical choice for this role is the Secretary of Labor given the basic objective of promoting employment opportunities. At the same time, the Secretary of Labor cannot assume the role of monitoring and being in charge of the actions undertaken by other Departments.

Finally, we need to ensure that the Task Force focuses on the process of building political consensus around the most effective ways of promoting employment opportunities for persons with disabilities. This implies that a primary mission of the Task Force should be to explore alternative ways of integrating disabled persons into the workforce, either through the integration and assessment of existing research or through the undertaking of new research (e.g. evaluation of the Ticket to Independence demonstration).

In order to achieve these goals, we would recommend some specific changes in the draft E.O., as follows:

- First, we would propose revising Section 1 in the current draft to transform it into a policy section. The revised Section 1 would incorporate parts of the discussion presently in the draft memorandum accompanying the draft E.O. relating to the need to integrate persons with disabilities into the workforce and placing that

2

discussion in the broader context discussed above.

- Second, we propose adding a section establishing the Task Force with the Secretary of Labor as the Chair and specifying the membership of the Commission, the length of the Task Force life (e.g. 4 years with possible extensions), and reporting requirements (taken from current Section 3).
- Third, we propose combining Sections 2 and 3 of the current draft into one section that lays out the primary functions of the Task Force, with a major focus on review of current programs and integration of research and development efforts testing new approaches. The functions would include all of the ones laid out in Sections 2 and 3 but would not identify specific agencies responsible for the different actions. The assignment of specific responsibilities would be worked out within the Task Force.

Please let us know what you think of these proposed changes. If you would like us to take a crack at making the revisions in the draft E.O., we would be happy to do so.

**Briefing Materials for Chief of Staff**  
***Erskine B. Bowles***

**EVENT:** Disabilities Meeting with Coehlo, *et al.*

**DATE:** Thursday 3/6/97

**TIME:** 4:00 - 5:00

**LOCATION:** Roosevelt Room

**STAFF CONTACT:** Victoria Radd

**ATTACHED:** Briefing memos from Angus King.

**BACKGROUND:** This meeting is with representatives of the President's Committee on Employment of People with Disabilities, the National Council on Disability, and a number of Administration appointees with disabilities.

The purpose is for you to listen to their concerns, and introduce them to the White House staff who will interact with them on a regular basis.

## **Disability Meeting briefing materials**

- Proposed agenda
- General talking points
- Protocol paper "Information about the appointees"
- Answer to executive order request
- Executive order request

### **Other Background:**

- Budget info "Removing barriers to work for people with disabilities"
- Answer to criticisms (Welfare reform, Children's SSI, Medicaid, Special education / Individuals with Disabilities Education Act", Immigration, employment, housing, transportation)
- Demographics and groups of disabled
- Clinton Administration accomplishments on disabilities
- FDR memorial background
- FDR memorial talking points
- List of attendees

Mar-04-97 04:27F Marie Strahan

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MEETING AGENDA  
WHITE HOUSE OFFICIALS

*I. Erskine opens*

I. Introductions (3 min)

Tony Coelho

II. Background (5 min)

Achieving Independence Report  
Advancing the President's Agenda  
Widespread Support (Tony)

Marca Bristo

III. Concerns (5 min)

Integrating Disability Policy into Broader Agenda  
State of the Union Address  
Budget/Implementation Issues  
-Special Education  
-Welfare Reform and SSI  
-Children's SSI Benefits  
-Immigrant's SSI Benefits  
-Health care - Medicaid and Medicare  
-Housing  
-Transportation

Judy Heumann

IV. Top Priorities

White House Policy Appointment  
Employment Initiatives/Executive Order  
Key Appointments in the Administration  
(SSA, ED, HHS, DOT, DOL, HUD, etc.)  
Follow-Up on Current Policy Concerns

Marca Bristo, John Lancaster, Tony Coelho

V. Discussion

*VI Erskine closes*

## DISABILITY ACCOMPLISHMENTS TALKING POINTS

- o Welcome to the White House. Before we begin, I want to introduce two members of my staff who will play key roles on disability issues. The first is Maria Echaveste, the new Assistant to the President for Public Liaison, and Elena Kagan, the new Deputy Assistant to the President for Domestic Policy.
- o The Clinton Administration is very proud of our record of accomplishment on disability issues during the last four years, and we look forward to working with you to develop and implement an agenda during the next four years.
- o We have worked hard to vigorously enforce the Americans with Disabilities Act, and we are particularly pleased that our FY 98 budget requests a 5% increase in ADA enforcement at the Department of Justice. We have also worked successfully to protect the ADA from Congressional efforts to weaken the law.
- o One of the accomplishments that the President is most proud is his stand to protect Medicare and Medicaid last year, which is so important to people with disabilities.
- o The President's efforts to enact the Family and Medical Leave Act is making the workplace more accommodating to families with adults or children with disabilities.
- o The Kennedy-Kassebaum legislation that the President signed last year now prohibits insurance companies from denying coverage because of pre-existing conditions, which greatly benefits people with disabilities.
- o We are proud that President Clinton has appointed more people with disabilities than any President in history. And we are not just talking numbers, but high-level policy making positions in which all of you in this room serve.
- o But although we recognize our past accomplishments, we both know that much remains to be done. We look forward to working together as we develop and implement disability policy.

### **Information about the Appointees:**

As the Chief of Staff knows, the appointees with disabilities have a number of sensitivities about language and behavior pertaining to people with disabilities. They are leaders in the emerging civil rights movement for this community, and see this movement as being perhaps 20 years behind African Americans or women in terms of the degree of understanding and sensitivity of the non-disabled community. They believe that denigrating language and behavior is still widely tolerated in our society. In their view, disability is a natural part of life and people with disabilities should be viewed positively, rather than as victims, courageous, or pitied.

The term "people with disabilities" is preferred to "handicapped" or even "the disabled." They often say that, in the spirit of "putting people first," you should look first at the person rather than the disability. People "use" a wheelchair rather than "are in" a wheelchair -- or worse yet, "are confined to" a wheelchair. In general, you should not offer assistance with a basic task such as opening a door or getting seated unless the person appears unable to do so on his or her own.

The Administration's most prominent appointee with a disability is probably Judy Heumann, who is Assistant Secretary at Education in charge of special education and vocational rehabilitation. She played a major role in the development of the independent living movement, which champions people with disabilities living in the community and with their families, and has helped many people leave nursing homes. (The community is very much opposed to nursing homes, viewing them as rarely or never appropriate for people with disabilities.) She is a very constructive internal advocate.

Bob Williams, who is Commissioner of the Administration on Developmental Disabilities (ADD), part of HHS, speaks with a voice machine. When he wishes to speak, he often makes a noise and begins punching into the machine. The etiquette is that other conversations should continue until the artificial voice begins to speak, and then wait until the thought is expressed. Bob is a very thoughtful individual who has also been a leader in the disability movement.

The Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA, which governs special education) are viewed as virtually sacred by the community. The Administration has been extremely strong in supporting these laws. In 1994, the community was very fearful that the Republican takeover of Congress would lead to attempts to weaken these laws. The threat never materialized into proposed legislation, but the community believes it must be ever-vigilant in defending these laws.

## Comments on Draft Executive Order on Employment of People with Disabilities

- Would establish a goal of parity in the employment rate between people with and without people with disabilities by the year 2006, including an interim goal of “a 3 percent annual increase in the employment rate” of people with disabilities.

It is not clear whether parity is an achievable goal. And the annual improvement expected appears quite ambitious. We should discuss with the NEC.

- Calls on federal agencies to “eliminate employment barriers to persons with disabilities, such as discrimination and inadequate access to health care....”

It is not clear that federal agencies are in a position to accomplish this without vastly increased resources.

- Sets a target that 11% of the federal workforce shall be persons with disabilities.

This must be considered in light of existing policies on targets for federal hiring.

- Would extend the Department of Defense’s Computer/Electronics Accommodations Program (“CAP”) to the civilian agencies, with funding for the expansion to be “sought within” DOD budget.

CAP is an excellent program that provides Defense employees with disabilities with the latest in computer equipment to allow them to do their jobs. The program has a showroom for equipment and serves as a central purchasing point so that federal purchasing power is maximized. Since funding for the program is centralized, individual departments do not have to bear the costs of a very expensive piece of computer equipment for an employee. Last year, the DPC recommended to OMB that we expand CAP to all federal agencies, but the change was not funded in the budget.

- In an otherwise innocuous section on encouraging small business and micro-enterprise among people with disabilities, the draft refers to using “the full buying power of the Federal government” to put people to work.

We would have to consider this in the context of current policy on federal purchases.

- Gives a one-year deadline for Labor and Commerce to develop a monthly measurement of the unemployment rate of people with disabilities.

We would have to investigate how achievable this suggestion is, and budget implications.

**Suggested Talking Point:** *Thank you for all the hard work you have put into this package. While the whole executive order may be difficult to complete all at once, there are a number of points in your recommendation to which we will give immediate and very serious consideration, such as the DoD CAP program and the monthly measurement of unemployment rates. Others will be more difficult to accomplish because of their potential budgetary impact, and will require careful examination of their viability.*

**DRAFT** #6 -- 2/28/97

**Memorandum**

**To:** (List agency heads for the departments and agencies listed in Section 2 of the Order)

**From:** President Clinton

**Subject:** Executive Order Establishing a Goal for the Employment of People with Disabilities

**Date:** (mm/dd/97)

The Order accompanying this Memorandum establishes a national goal for the employment of people with disabilities and directs the key executive branch agencies charged therein to set in place the requisite policies and actions to achieve this goal.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities poses a cost to society in excess of \$200 billion annually. This unacceptably low employment rate has been a long standing problem throughout the history of this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990. Additionally, the cost of many government subsidies is growing dramatically with the recent rapid expansion in the disability rolls, such as the Social Security disability benefit programs and workers' compensation insurance programs. More importantly, many individuals trapped in these programs seek to survive on poverty level subsistence and have little opportunity to contribute to and participate in our economy. We must work to change Federal policies and programs.

The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and pays \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. These costs reflect only monetary benefits. When the Medicare and Medicaid costs associated with disability-based cash assistance are factored in, the Federal and State expenditures associated with our income support programs more than double. We know that less than 1 percent of the over 8 million SSI and Social Security Disability Insurance beneficiaries return to work to become income earning, tax paying citizens, and that an alarming percentage of children on disability benefits never transition off the rolls into work as they become adults. High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. However, to enable them to work, it is essential that government and industry work together to remove the remaining significant barriers to employment for people with disabilities, including lack of appropriate health insurance, transportation, long-term services and

John,  
This is the  
latest draft  
Speed is the  
only other  
person who  
has a  
copy  
EL

supports, and child care. Additionally, sufficient incentives and access to education, rehabilitation and job training services, job placement services, and fair and adequate wages must be available.

The Americans with Disabilities Act of 1990, along with other Federal, State and local civil rights laws which prohibit discrimination and mandate equal opportunity in the workforce, have set the framework for people with disabilities to compete effectively and fairly in our labor market.

Recent statistics of the Census Bureau suggest a positive impact of the ADA on the employment rate of people with disabilities. Now we must eliminate the current policies and practices that do not encourage employment or actually deter employment and that conflict with the purposes of the ADA and other civil rights laws, and replace them with those which equip more of our people to work.

For example, innovative research and demonstration programs of the Department of Education and the Department of Health and Human Services show that individuals with disabilities who were previously thought incapable of substantial, gainful employment, including individuals with mental retardation and other serious cognitive, sensory, psychiatric and physical disabilities, can in fact work full-time with the availability of natural supports, medical breakthroughs, school to work programs, better vocational rehabilitation and training, and technological innovations. The approach of the 21st century is ushering in powerful changes in technology and telecommunications systems, which are opening up more entrepreneurial and telecommuting opportunities for individuals with disabilities. These programs must be further explored and expanded. However, all of this will only work if the severe economic disincentives, health care barriers, and other barriers to work are replaced with real access to jobs and careers.

The budget recently submitted to Congress contains initiatives that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. This will be an important first step in the realigning of our Federal policies and programs to consistently support people with disabilities in working. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies are designed to encourage their employment.

**Executive Order**

[number]

[month / day], 1997

**Goals 2006 for the Employment of People with Disabilities: A Renewed and Reinvigorated Executive Branch Commitment**

This Order establishes a National goal for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions to achieve this goal.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to address the enumerated facts in the accompanying Memorandum and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is ordered as follows:

**Section 1. Establishment of National Employment Goal for Individuals with Disabilities.**

There is hereby established as a national goal the reaching of parity in the employment rate for all adult individuals with disabilities as compared to the employment rate of the general adult population. Consistent with this goal, and in accordance with Section 3 of this Order, there is hereby established an interim goal of a 3 percent annual increase in the employment rate of people with disabilities ages 18 to 64, between the date of this Order and July 26, 2006, the 16th anniversary of the enactment of the Americans with Disabilities Act. As defined herein, a person with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the first prong of the definition of "individual with a disability" that appears in the Americans with Disabilities Act of 1990.

**Section 2. Achievement of National Employment Goal.**

(a) The U.S. Department of Labor, Department of Education, Department of Health and Human Services, Social Security Administration, Department of Veterans Affairs, Department of Commerce, Department of Treasury, Department of Justice, Equal Employment Opportunity Commission, Department of Transportation, Department of Housing and Urban Development, Department of Defense, Federal Communications Commission, Office of Personnel Management, National Council on Disability, and President's Committee on Employment of People with Disabilities shall put policies and programs into place which achieve the national employment goal described in Section 1 of this Executive Order. Furthermore, under the direction of the Secretary of Labor, with the assistance of the Secretaries of Education and Health and Human Services and the Commissioner of the Social Security Administration, the above named departments and agencies shall coordinate their efforts and resources to eliminate employment barriers for persons with disabilities, such as discrimination and inadequate access to health care, transportation,

housing, education, vocational rehabilitation and training services. The above named departments and agencies shall also analyze all of their existing programs and policies to determine if changes, modifications and innovations of said programs and policies would encourage and provide incentives for the employment of people with disabilities.

(b) In achieving this National employment goal, the federal government shall become a model employer of people with disabilities. By July 26, 2006, 11 percent of the civilian workforce of each federal agency shall be people with disabilities as defined in this Order. The Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to achieve this federal government goal. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. Additionally, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

(c) The Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of People with Disabilities, shall design and implement innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment in those rolls altogether.

(d) The Departments of Education, Labor, and Health and Human Services, as well as the Small Business Administration, shall develop and carry out strategies for assisting low income individuals, including people with disabilities, to create small businesses and micro enterprises to provide consumer driven personal assistance and other work related supports. This effort shall use the full buying power of the Federal Government to achieve the twin vital aims of putting people on welfare and individuals with disabilities to work.

(e) The Department of Commerce and Small Business Administration shall develop and implement small business and entrepreneurial opportunities for individuals with disabilities that have a significant effect on the ability of such individuals to develop and sustain successful small business and entrepreneurial activities.

(f) All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

### **Section 3. Measurement of Results.**

(a) No more than one year after the effective date of this Executive Order, the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly basis.

(b) By January 1 of each year this Executive Order is in effect, the Secretary of Labor shall report to the President the steps taken by each department and agency listed in Section 2 to achieve this national goal on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to achieve the goal and the statistical data necessary to measure progress towards the goal. Subsequent biannual reports shall detail progress towards the goal and indicate any adjustments that may be necessary in the overall plan and strategy to achieve the goal by July 26, 2006.

## REMOVING BARRIERS TO WORK FOR PEOPLE WITH DISABILITIES

The President's budget includes important steps to make it possible for more people with disabilities to work. A large and growing number of people with disabilities can work, and want to work. With the ADA, changes in societal attitudes, and advances in technology, it is clearer than ever that being disabled does not mean that you can't contribute to our nation's economy. However, people with disabilities face a variety of complex barriers to work.

Therefore, the President's budget addresses this critical problem with the following three initiatives designed to assist people with disabilities who are eligible for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI):

- **New State Option on Medicaid:** The budget proposes to help people with disabilities work without losing their health care coverage. Today, people on Supplemental Security Income (SSI) who go to work lose Medicaid if their earnings exceed caps that vary by state. Yet, it is often especially difficult for people with disabilities to get private insurance, especially coverage for any preexisting conditions. As a result, many people who are eligible for SSI "manage" their income to ensure that they keep Medicaid -- by stopping work when they hit the caps, or even turning down promotions. The President's proposal would create a new state option that would allow SSI beneficiaries with disabilities who earn more than these caps to keep Medicaid by contributing to the cost of their coverage as their income rises.
- **Medicare:** The President's budget authorizes a four-year demonstration to encourage Social Security Disability Insurance (SSDI) beneficiaries to return to work. Under the demonstration, certain SSDI beneficiaries who have exhausted their coverage would be eligible for up to four additional years of premium-free Part A coverage.
- **Pay for Results for Rehabilitation Services:** The Administration is proposing a new strategy to encourage more SSDI and SSI beneficiaries to return to work. Currently, the Social Security Administration refers some SSDI and SSI beneficiaries to state vocational rehabilitation agencies. Under this pilot proposal, SSDI and SSI beneficiaries could choose their own public or private rehabilitation providers. Providers who successfully assist beneficiaries in leaving the rolls and returning to work would be paid a percentage of the disability benefits saved. These payments would continue only as long as the person remained off the rolls, up to a maximum of five years. Because providers would be rewarded for results rather than for their costs, this should encourage more providers to have a continuing interest in their clients' long term success, which in turn may lead to more beneficiaries returning to work.

This plan creates new ways to help people find work and achieve their goals. The Administration looks forward to working with the Hill to enact these proposals. Since there are members of Congress from both sides of the aisle who are also working to solve this problem, we are hopeful that we will have a constructive dialogue that will lead to the enactment of legislation.

### Criticisms that Disability Appointees May Raise:

- Welfare Reform -- The group would have preferred that the President not sign the welfare bill. They are concerned that disabled recipients are not exempt from or given special assistance in meeting the work requirements. People with severe disabilities are not subject to welfare reform because they are eligible for SSI. Therefore, the group is more concerned about those with mild or moderate disabilities. Some estimate that a very high proportion of AFDC recipients have some form of disability. Also, the group is also concerned about parents of children with disabilities being forced to work even though they can't afford child care.

The Administration is working with states on these issues, and encouraging them to provide the more expensive child care disabled children often require. Also, the law prohibits states from cutting off assistance to parents of children under 6 who can't find appropriate child care.

- Children's SSI -- Because of tremendous growth in the children's SSI program and media reports that children were faking mental problems to get benefits, Congress proposed block granting and sweeping cuts to this program. The Administration successfully fought off these cuts, but eventually agreed to significant cuts. The Social Security Administration just issued regulations that will cut 135,000 children from the program. The appointees are disappointed in two things: that we did not fight these cuts harder, and that our regulations did not take a more liberal approach in issuing the regulations.

We can take credit for defeating Republican plans to block grant children's SSI. As to SSA's recent regulation, SSA did not believe that a more liberal interpretation was legally possible.

- Medicaid -- The appointees are concerned that our per capita cap proposal could disadvantage people with disabilities, especially people with severe developmental disabilities, because their costs are far higher than average. Our proposal does address this problem by including a separate cap for the disabled. However, it is possible that a per capita cap would lead states to be reluctant to add services for very expensive long term care needs.

In addition, the appointees are disappointed that we have not been able to move forward on a proposal for Medicaid "personal assistance" services. Many people with disabilities need assistance with activities of daily living, such as getting bathed and dressed, in order to work or live in the community, but health plans do not tend to pay for this service because it is not considered medical. (Many states have Medicaid "waiver" programs that provide these services, but the number of participants is capped.) The Administration's health care reform proposal (which was strongly supported by the disability community) would have partially addressed this issue by creating a new block grant. The appointees feel that it is time to move ahead on this issue again. However, OMB has major concerns about the cost implications. The President has made very sympathetic statements about

the need for this program in public forums.

A radical advocacy group called ADAPT is pushing this issue. The Administration has agreed to a meeting on this issue and others with the President and a range of external disability advocates, including ADAPT.

- Special Education/“Individuals with Disabilities Education Act” -- **Budget:** The appointees are disappointed that our FY1998 budget includes “only” a 4% increase for special education spending. However, IDEA funding increased by an astounding 25% in the FY1997 budget, so we felt that a 4% increase was appropriate for this year. (Members of Congress pushed through the 25% increase, not the Administration, but we can take credit for signing it.)

**Reauthorization:** IDEA is also up for reauthorization, and Senator Lott is leading an collaborative process that the Administration is participating in to come to an agreement on a bill. IDEA is extremely important to this community, especially to parents of children of disabilities. IDEA includes civil rights protections that ensure that children with disabilities have the right to attend school -- something they did not have before IDEA was passed 20 years ago. In fact, Judy Heumann, the Administration’s most prominent political appointee with a disability, was excluded from public schools for many years, prior to IDEA.

The Administration has been extremely supportive of the disability community’s position on IDEA. School boards and the unions view IDEA as an “unfunded mandate” that is a major drain on school budgets. They point out that federal funds support only 7-8% of the costs of special education, even though the original legislation foresaw federal payments covering 40% of costs. We have fought the “unfunded mandate” interpretation in a number of settings, instead stressing that IDEA is a civil rights law that shouldn’t be weakened or tampered with.

**Discipline:** The most contentious current IDEA issue is when and how schools can discipline students with disabilities. Critics charge that IDEA allows a double standard for students with disabilities by making it almost impossible for schools to remove them from the classroom or school, even if they are disruptive or violent. Parents respond that schools have long used the discipline issue as a smokescreen to try to remove these children just because they are different or harder to educate.

The Administration supports modest and sensible measures to ensure that schools can maintain order, but we have totally supported the disability community on this issue -- even to the point of allowing Secretary Riley to oppose a measure to expel disabled students who bring guns to school.

- Immigrants -- Disabled legal immigrants lose SSI benefits under welfare reform. We have proposed to ameliorate this, as part of our welfare “fix” package, by allowing legal

immigrants who become disabled after entering the country to continue to receive SSI. The appointees are concerned about whether we are committed to this proposal. They may also be concerned that we left out those who were disabled upon entry to the U.S.

Appointees may also be concerned about a regulation that the INS will issue shortly to waive the English and civics testing requirements of the naturalization process for legal immigrants with certain severe disabilities. They are concerned both that it has taken the INS over two years to issue these regulations, and that the final regs will not waive the oath of citizenship. An advocacy group is suing us over this regulation.

We can point out that our proposed welfare fix package would address much of this problem by exempting legal immigrants disabled after entering the U.S. from the SSI cuts. However, the INS says the law does not allow them to waive the oath of citizenship. (We have not commented on whether we would waive it if we could.)

- Employment -- Estimates are that half to two-thirds of people with disabilities are unemployed. The community argues that many unemployed people with disabilities want to work, but they face many barriers. The ADA is starting to improve this picture marginally, but there is a long way to go.

The appointees have two concerns. First, as reflected in their draft executive order, they believe this problem is not viewed as a national priority by the Administration. They point to the fact that the Bureau of Labor Statistics collects this unemployment statistic on a very occasional basis. Second, they believe that the current federal Social Security system often acts as a disincentive to work. People on SSI or SSDI benefits who want to work face the loss of Medicaid or Medicare, as well as cash benefits.

We should point to our new initiative in the President's 1998 budget that addresses the second issue (see attached description). We can also agree to consider the draft executive order. However, potential solutions to the "disincentives" of the current Social Security system could be very expensive. (Note this week's GAO report and House hearing alleging that the SSI program is out of control because, among other concerns, SSA fails to drop people from the program quickly enough when they go back to work.)

- Housing -- The appointees may be concerned that the Administration has not been more proactive in enforcing housing civil rights laws. Also, they oppose past HUD efforts to segregate people with disabilities or require them to accept services as a condition for housing assistance (i.e., residential programs for the mentally ill or drug addicted). An advocacy group is suing HUD on all these issues.

Secretary Cisneros reached out to groups very extensively on these issues and recently established an Office of Disability Policy in the Secretary's office that is staffed by a trusted appointee with a disability. He gets a lot of credit for this, but Secretary Cuomo is more of an unknown quantity to them.

- Transportation -- The concern here is probably that we should not weaken or delay the requirements of the ADA for accessible transit systems, and that we should make funds available to assist transit systems with compliance. We have been pretty strong on this issue. State and local governments tend to view these requirements as unfunded mandates, but we have argued that as a civil rights law the ADA can't be defined as an unfunded mandate. The appointees give us credit for eliminating problematic "unfunded mandate" language in a report by the Advisory Commission on Intergovernmental Relations last year.

## THE DISABILITY CONSTITUENCY

### DESCRIPTION

The 1994 Census estimates that there are 49 million Americans with disabilities. The community is even larger when including families, friends, and providers that are affected by disability policies. According to Lou Harris polls, during the last two Presidential elections, the disability vote was as follows:

1996 Clinton - 69%, Dole - 23%, Perot - 8%  
1992 Clinton - 50%, Bush - 26%, Perot - 18%.

### KEY GROUPS

Consortium of Citizens with Disabilities  
Justice For All  
The Arc (Mental Retardation)  
National Council on Independent Living  
United Cerebral Palsy  
National Easter Seals Society  
Disability Rights Education Defense Fund  
Family Voices (Parents of children with disabilities)  
National Federation of the Blind  
National Association of the Deaf  
National Mental Health Association  
Bazelon Center (Mental Health)

### MAJOR ISSUES

The Americans with Disabilities Act (ADA), the landmark civil rights law for people with disabilities, is the 3rd rail of disability politics; and is as central to the disability community as Social Security is to seniors. The other key issues for the community include: Medicare, Medicaid, Special Education (IDEA), home and community based services; and employment, housing, and transportation issues for people with disabilities.

## AMERICANS WITH DISABILITIES

*"Opportunity is critical to what we have to do as a nation to meet the great challenges we face and to move forward into the next century... We will not allow Americans with disabilities to be kept from realizing their dreams by closed doors or narrow minds."*

President Bill Clinton

July 26, 1995

President Clinton came to Washington with a plan to put people first by making the government more accountable and accessible to all Americans, including those with disabilities. From the White House to every federal agency, this Administration has demonstrated an unprecedented commitment to address the concerns of Americans with disabilities. The President is committed to supporting the 49 million Americans with disabilities in their efforts to exercise their full rights and responsibilities, to live as independently as possible and to be productive throughout their lives.

### A RECORD OF ACCOMPLISHMENTS:

- **Fighting Discrimination:** Under President Clinton, federal agencies have vigorously enforced the Americans with Disabilities Act, the Individuals with Disabilities Education Act and other critical civil rights laws that prohibit discrimination against people with disabilities in schools, workplaces and public areas across the nation. President Clinton strongly opposes attempts to weaken these laws.
- **Protecting Health Care:** The Clinton Administration refuses to go backwards on health care coverage for Americans with disabilities and has rejected proposals to end the Medicaid guarantee to meaningful health benefits for people with disabilities. President Clinton has preserved Medicaid coverage for 6 million persons with disabilities, including 1 million children. Without Medicaid, many families would have to impoverish themselves to pay for a child's medical care, give up their jobs to stay home to care for a child or seek placement in an institution. Medicaid is often the only form of health care available to people with disabilities and allows many children and adults to receive services at home rather than in institutions.

The President also pushed for and signed the Kennedy-Kassebaum legislation, to prohibit insurance companies from denying coverage because of pre-existing conditions, as well as legislation giving parity to mental health services.

- **Improving Education for Children with Disabilities:** President Clinton opposes weakening the guarantee of a right to education for children with disabilities. The Administration is increasing the Individuals with Disabilities Education Act's focus on educational results for children and cutting unnecessary paperwork so that more time can be spent on teaching and learning. The President signed legislation increasing funding for IDEA by 25% in the FY1997 budget.

- **Employment of People with Disabilities:** The President's 1998 budget proposes to remove barriers to employment for people with disabilities by making it possible for people to retain health care coverage when they go to work, and creating incentives for rehabilitation services.
- **Increasing Home and Community-Based Programs:** The Clinton Administration's flexibility in granting state waivers has spurred an increase in home and community-based services. As a result, the number of people with developmental or cognitive disabilities served in home and community waiver programs more than doubled to 149,000 in 1995.
- **Support for Families:** President Clinton fought for and enacted the Family and Medical Leave Act making workplaces more accommodating for many families that include a child or adult with a disability.
- **Increasing Access:** By enacting the National Voter Registration Act and the Telecommunications Reform Act, President Clinton has made voting easier and communications technology more accessible for Americans with disabilities.
- **Transportation and Housing:** The Clinton Administration is helping to connect people with disabilities to employment, educational opportunities and a full range of public activities by implementing requirements for accessible bus and rail transit systems, paratransit services and housing.
- **Appointees with Disabilities:** The President has appointed an impressive group of people with disabilities to high-level policy-making positions, including many people prominent in the disability community. Many of these appointments are to key positions that are not directly related to disability issues.

#### **THE CHALLENGES AHEAD:**

- Under President Clinton, federal agencies will continue to vigorously enforce the Americans with Disabilities Act with a balanced approach that emphasizes voluntary compliance wherever possible.
- The President has proposed a balanced budget that maintains meaningful health benefits for people with disabilities.
- President Clinton is committed to expanding employment options for people with disabilities and challenging all Americans to understand that people with disabilities can contribute to this country when given access to the workplace, health care, community services and technology.
- The Clinton Administration will work to maintain a strong Individuals with Disabilities Education Act for children with disabilities and to improve educational results for students with disabilities.

## THE FDR MEMORIAL CONTROVERSY BACKGROUND INFORMATION

A decision memo is pending on whether the President should speak out on the FDR Memorial controversy and recommend to the FDR Commission that another statute be commissioned depicting FDR in his wheelchair.

The President serves as Honorary Chair of the FDR Memorial Commission, which was authorized by Congress in 1955 to oversee the design of the FDR Memorial. During the past two years, the Commission has been criticized because the design does not depict FDR as a man with a disability. The Commission, chaired by Sen. Inouye (D-HI), has invited the President to speak at the FDR Memorial dedication on May 2, 1997. The disability community, which is dismayed that the statutes at the Memorial fail to depict FDR in his wheelchair, is planning a protest at the ceremony.

The Roosevelt grandchildren are split on the subject. Curtis Roosevelt, in a letter to the Commission said, "Let me say quite emphatically that FDR would have been very disturbed. He was a very private person..." But Anne Roosevelt, on behalf of herself and seven other grandchildren wrote, "Were he alive today we are convinced that he would wish to have the people of this country and the world understand his disability. He would be comfortable, possibly eager, in light of current increased understanding of disability issues, to share awareness ... While we wish no delay in the construction of the proposed memorial we urge adequate inclusion of all facets of the man as he was, not as some think he ought to have been."

Senator Inouye, a disabled veteran from WWII, member of the Commission for the past 25 years, and current Chair of the Commission, has strongly opposed including a sculpture of FDR in a wheelchair. He stated, "I for one would not want to redo history. FDR was Commander-in-Chief of the greatest fighting force in the world and he wanted to be viewed as a strong leader. I would hate to see the man exploited after he was dead." But national opinion leaders, including President Bush, President Ford, Doris Kearns Goodwin, Hugh Sidey, George Will, and Maureen Dowd have voiced strong support for including FDR's disability in the Memorial. A Harris poll indicates that 73% of Americans said the Memorial should include "visible recognition of FDR's disability."

In response to a weekly report from Interior on February 21 alerting him to the controversy, the President wrote, "They should have one in a wheelchair. Should I speak out on it." During the spring of 1996, in response to a memo from Carol Rasco on the subject, the President stated, "I agree...FDR was for continuous forward movement. In today's world, I think he would insist on being shown in his wheelchair." In May 1996, the President spoke out publicly on this issue in a speech to the President's Committee on Employment For People With Disabilities by stating, "I hope with Christopher Reeve, that as the Roosevelt Memorial becomes a reality, with your efforts to remove the stigma of disability, they'll find a way to make sure that the American people know that this great, great President was great with his disability."

The draft decision memo recommends that the President participates in the Memorial Dedication Ceremony on May 2, but calls upon the FDR Commission to design and incorporate into the Memorial a fourth statute of FDR in his wheelchair by a specific date.

## FDR TALKING POINTS

- o Last May, in a speech to the President's Committee on Employment for People with Disabilities (I know many of you were in attendance), the President spoke out on this subject, saying that he hoped the Memorial would show the American people, "that this great, great President was great with his disability."
- o The FDR Memorial Commission has taken some steps to highlight FDR's disability in the Memorial including; displaying a replica of FDR's wheelchair, displaying two photographs of FDR in his wheelchair in the entry building, and including discussion of FDR's disability in the National Park Service handout literature.
- o But the President is aware of the continued concern both within the disability community and beyond that the Memorial fails to depict FDR in his wheelchair. We look forward to working with you to find a solution to this issue.



PRESIDENT'S  
COMMITTEE  
ON EMPLOYMENT  
OF PEOPLE  
WITH DISABILITIES

To: Vicki Radd *Schedule:*  
From: Tony Coelho, Chairman, PCEPD *Ben - 434-1050*  
Subject: Meeting with Erskine Bowles  
Date: February 25, 1997

Pursuant to our earlier conversation, this memorandum contains a list of individuals who Marca Bristo and I would like included in the meeting you are helping to organize with the Chief of Staff. Marca Bristo, and the other key appointees with disabilities who have been meeting on disability issues, feel very strongly that all of the individuals on the list should be invited to the meeting with the Chief of Staff. The individuals on this list would greatly contribute to the success and productivity of the meeting though, of course, not everyone needs to speak at the meeting and not everyone will be available to attend because of scheduling conflicts. Obviously, it is particularly important that Marca Bristo, Susan Daniels, Judy Heumann, Paul Steven Miller, Bob Williams and I are in attendance.

I have consulted with Marca, and we are both available to meet with you and the Chief of Staff on Thursday, March 6, 1997. We would like the meeting to begin at 4:00 p.m. but are available at 3:00 p.m. if that would be more convenient for you. Please let me know if either of those times are possible, or if we need to select alternative dates and times.

Thank you for all of your assistance in this matter. I look forward to our meeting.

List of Suggested Meeting Participants

Marca Bristo, Chair, National Council on Disability

Speed Davis, Special Assistant to the Chairperson, National Council on Disability

Tony Coelho, Chairman, President's Committee on Employment of People with Disabilities

John Lancaster, Executive Director, President's Committee on Employment of People with Disabilities

Susan Daniels, Associate Commissioner, Office of Disability, Social Security Administration

*Drew Joe Davis* *Dep. Asst. Sec. of State*  
*for EEO & Civil Rights*

1331 F Street, N.W.  
Washington, DC 20004-1107

202-376-6200 (Voice)  
202-376-6219 (FAX)  
202-376-6205 (TDD)

Marie Strahan, Office of Disability, Social Security Administration

Judith Heumann, Assistant Secretary, Office of Special Education and Rehabilitative Services,  
U.S. Department of Education

Howard Moses, Deputy Assistant Secretary, Office of Special Education and Rehabilitative  
Services, U.S. Department of Education

Thomas Hehir, Director, Office of Special Education Programs, U.S. Department of Education

Fred Schroeder, Commissioner, Rehabilitation Services Administration, U.S. Department of  
Education

Kate Seelman, Director, National Institute on Disability & Rehabilitation Research,  
U.S. Department of Education

Paul Steven Miller, Commissioner, U.S. Equal Employment Opportunity Commission

Andy Imparato, Special Assistant to Commissioner Paul Steven Miller, U.S. Equal Employment  
Opportunity Commission

Bob Williams, Commissioner, Administration on Developmental Disabilities

Liz Savage, Counsel to the Assistant Attorney General, Civil Rights Division, U.S. Department of  
Justice

Thea Spires, Office of Disability Policy, Office of the Secretary, Department of Housing and  
Urban Development

Michael Winter, Special Assistant to the Deputy Secretary of Transportation, U.S. Department of  
Transportation

Jack Catlin, Access Board

Small vs. big meeting

Big meeting, but doesn't include  
people in administration